

SENATE JOURNAL
SIXTY-SIXTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2020 Regular Session
Convened January 13, 2020
Adjourned Sine Die March 12, 2020

Volume 1



Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of Washington

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Karen Keiser, *President Pro Tempore*
Senator Steve Conway, *Vice President Pro Tempore*
Brad Hendrickson, *Secretary of the Senate*

SENATE CAUCUS OFFICERS

2020

DEMOCRATIC CAUCUS

Majority Leader Andy Billig
Majority Caucus Chair John McCoy
Majority Floor Leader Marko Liias
Majority Whip Mark Mullet
Majority Deputy Leader Manka Dhingra
Majority Deputy Leader Rebecca Saldaña
Majority Caucus Vice Chair Bob Hasegawa
Majority Assistant Floor Leader Patty Kuderer
Majority Assistant Whip Claire Wilson

REPUBLICAN CAUCUS

Republican Leader Mark Schoesler
Republican Caucus Chair Randi Becker
Republican Floor Leader Shelly Short
Republican Whip Ann Rivers
Republican Caucus Deputy Leader Sharon Brown
Republican Caucus Vice Chair Judy Warnick
Republican Assistant Floor Leader Brad Hawkins
Republican Assistant Whip Ron Muzzall

=====

Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

TABLE OF CONTENTS

VOLUME 1

Regular Session, First Day, January 13, 2020 through, Fifty-Second Day, March 4, 2020.....	1-851
---	-------

VOLUME 2

Regular Session, (continued) Fifty-Third Day, March 5, 2020 through Sixtieth Day, March 12, 2020.....	852-1808
--	----------

VOLUME 3

Roster of Members and Committee Assignments	1809-1816
Roster of Staff and Other Employees	1817-1827
Governor's Messages	
Senate Bills Signed After Adjournment	1828-1838
Veto and Partial Vetoes on Senate Bills.....	1839-1848
Gubernatorial Appointments.....	1849-1851
Proclamations by the Governor in response to the COVID-19 pandemic (through October 31, 2020).....	1852-2425
Bills, Memorials and Resolutions	
Passed by Both Houses	2426-2433
History of Bills and Other Measures	2434-2464
Other Senate Actions	2465-2470
Reports to the Legislature	2471-2483
General Index.....	2484-2652

FIRST DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 13, 2020

The Senate was called to order at 12:04 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present. The Washington State Patrol Honor Guard, composed of Trooper Eifert, Trooper Gallanger, Trooper Maguire, and Trooper Tobol presented the Colors. The National Anthem was performed both in song and sign by high school students in the American Sign Language Program at River Ridge High School in Lacey, led by Ms. Cathy Boos. Father Michael Holland of St. Leo's Parish, Tacoma offered the prayer.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Ms. Claudia Castro, Washington State Poet Laureate, who was seated at the rostrum. With the permission of the Senate, business was suspended to allow Washington State Poet Laureate Claudia Castro to address the Senate.

Poet Laureate Ms. Claudia Castro: "Thank you Honorable Lieutenant Governor. Good morning members of the Senate. It is an honor to be here this morning as the Poet Laureate of Washington State to contribute with poetry to this important occasion, which underscores the working of our democracy"

Morning Star

*Along the way
you do things
you don't want to do,
things, you know
you should not do,
things you don't know
how to stop doing.
No one can see beyond
the wave's crest.
Then you find yourself
sitting there, wherever you are
blemished and imperfect.
That is life. This carrying on
of our dented selves
alongside the spoonful of sugar
we also carry within.
A sweet grain
for each good, right thing
we too have done
along the way.*

REMARKS BY THE PRESIDENT

President Habib: "Now, the moment you've all been waiting for, the President's welcome remarks. That's what it says here on the script. I want to begin by wishing everyone a very Happy New Year. I hope that however you celebrated the holidays and the new year that every member of this chamber and those who work with us here in the Washington State Senate had the opportunity to enjoy time with loved ones and a time to celebrate all that was good in 2019 and look forward to 2020.

I want to just say a couple things real briefly. First of all, we can't do this enough. We can't say this enough. How much we,

who are in elected office, rely on and appreciate the hard work of those who work here, not in elected office, but who are parts of our staffs whether as working for individual members or in the partisan or nonpartisan staffs working in as part of our security under the Sergeant at Arms. All those who make the Senate and indeed the entire Legislature function so well. We say it all the time and yet I'm continually convinced that the public does not fully recognize the degree to which we are all successful because of them and while I know that members did in many cases work straight through the interim, all of these folks work year-round and for them the distinction between session and interim is not nearly what it is for the members of the Senate. So, would you please join me in thanking all the work that the staff did during the interim months before we got back here?"

The senate rose and recognized the staff of the senate.

"I also want to say a word of welcome to all those who are visiting us as guests in the gallery, in the galleries this afternoon. You may be here to witness the swearing in of friend or loved one. Or you may just be here to observe your government in action but please know how welcome members of the public are here in the Washington State Senate. We're so proud of our tradition of open government here and that these galleries are not only open and available but indeed welcoming to members of the public of all ages and we particularly love it when young people come to learn about how the Senate works. And so, please know that during these sixty days members of the public are warmly invited and of course we love it when members of the families of our senators have an opportunity to come and visit us because we know the kinds of sacrifices that families make in order to allow all of you here to do your jobs.

I want to say one more thing before we begin the ceremony of swearing in three members of the Senate. I want to recognize that there are two senators who left this chamber and but did so after we had adjourned sine die last year and so we are going to be swearing in and celebrating their replacements in just a moment but I do want to take a moment to recognize the work that they both put in. Senator Guy Palumbo of the 1st Legislative District and Senator Barbara Bailey of the 10th District both of whom I was very fortunate to get a chance to work with and get to know over the years. And I want to make a special note of Senator Barbara Bailey, just simply because of the years of service that she put into this institution to the House, to the Senate at the state of Washington. Her care for those who are marginalized. Near and dear to my heart is her care for those with disabilities which came through in so many different ways in legislation and budget items, but we wish both Senator Palumbo and Senator Bailey all the best and I know they'll be opportunities to celebrate their legacies.

Finally, on a personal note, I want to say that please know, I say this to all the senators, you know I hope you know that if there's something I do with which you disagree while we're in the floor session here please feel free to come to me speak to me about it. If there's anything that is making your time here your ability to represent your district challenging or causing any anxiety for you or obstacle to you in getting what you need done, I know I speak for the Secretary of the Senate Brad Hendrickson, the Sergeant at Arms Andy Staubitz, the other folks up here at the rostrum, when I say, please come to us directly we're here to support you. I'm here to support you and so too are all the rest of these fine folks who work so hard. So, once again, congratulations on all of you for being here on the first day and for what I know will be a very productive session ahead."

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

LETTER OF RESIGNATION

Office of the Governor
Legislative Building
416 Sid Snyder Avenue, SW
Suite 200
Olympia, WA 98504

RE: Resignation from the Washington State Senate as of May 24th, 2019

Dear Governor Inslee,

I am writing to notify you that I am resigning as Senator for the 1st Legislative District effective May 24th, 2019 at 9 AM.

Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate accordingly.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Sincerely,

/s/

Guy F. Palumbo

LETTER OF RESIGNATION

August 16, 2019

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Governor Inslee:

After much prayer and discussion with my family, I have made the decision to step down from my Senate seat effective September 30th, 2019. This decision was not taken lightly; however, I believe now is the best time to make this move. I have been giving this decision a lot of thought for the past 3-4 months. Spending quality time with my family and church has been difficult at best, and unworkable at other times. There are significant projects and ventures in which my husband and I want to be involved while we are still reasonably healthy and mobile.

I leave with a great sense of accomplishment of some significant issues which were passed into law, and which have made life for our citizens more efficient and meaningful. Specifically, making higher education more affordable in our public institutions, better support for our veterans and their dependents, improved health care for our aging population, and as Chair of the Select Committee for Pension Policy, ensuring long-term sustainability at a time when other pension systems around the country were in crisis. Our pension system now ranks among the most stable in the nation.

I plan to stay engaged with those programs affecting the well-being of our senior citizens to ensure they have improved access and resources for their care and dignity. It has been my honor to have served the state of Washington, and specifically the citizens of the 10th District. I will always be available for consultation and continued service when and where needed.

Respectfully,

/s/

Barbara Bailey
Washington State Senator
District 10

MESSAGE FROM THE SECRETARY OF STATE

July 11, 2019

To Mr. Brad Hendrickson
Secretary of the Senate
Legislative Building
Olympia, WA 98501

I, Kim Wyman, Secretary of the State of Washington and custodian of the State Seal, do hereby certify that the attached is a true and correct copy of the County Resolutions now on file with the Secretary of State relating to the resignation of Guy Palumbo from the office of State Senator for the 1st Legislative District of the State of Washington, and the appointment of Derek Stanford to fill the vacancy created thereby.

I further certify that Derek Stanford has been duly appointed by a joint motion of the Snohomish County Council and Metropolitan King County Council making an appointment to fill the vacancy in the position of State Senator for the 1st Legislative District.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 11th Day of July 2019, at Olympia, the State Capital.

/s/

Kim Wyman
Secretary of State

SNOHOMISH COUNTY AND KING COUNTY

Signature Report

Amended Joint Motion 154 38

Snohomish County Motion No.: 19-195	Snohomish County Sponsors: Not Required
King County Motion No.: 2019-0285	King County Sponsors: Rod Dembowski

A JOINT MOTION of the Snohomish County Council and Metropolitan King County Council making an appointment to fill the vacancy in the position of state senator for the 1st legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 1st legislative district due to the resignation of Senator Guy Palumbo, and

WHEREAS, the 1st legislative district is a multicounty legislative district, including parts of Snohomish County and King County, and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated, and

WHEREAS, the candidates must reside in the 1st legislative district and be of the same political party as the legislator whose office is vacated, and

WHEREAS, the Washington State Democrats Central Committee has submitted the names of three constitutionally

2020 REGULAR SESSION

ISLAND COUNTY, SKAGIT COUNTY, AND SNOHOMISH
COUNTY

AMENDED JOINT RESOLUTION AND MOTION

AMENDED JOINT RESOLUTION AND
MOTION RE: APPOINTMENT TO
FILL VACANCY IN THE POSITION
OF STATE SENATOR FOR THE 10TH
LEGISLATIVE DISTRICT

ISLAND COUNTY NO. C-94-19
SKAGIT COUNTY NO. R20190178
SNOHOMISH COUNTY MOTION
NO. 19-338

WHEREAS, a vacancy exists in the position of state senator for the 10th legislative district due to the resignation of Senator Barbara Bailey; and

WHEREAS, the 10th legislative district is a multicounty legislative district, including Island County and parts of Skagit County and Snohomish County; and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides that in the event of a vacancy occurring in a multicounty legislative district, the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated; and

WHEREAS, the candidates must reside in the 10th legislative district and be of the same political party as the legislator whose office is vacated; and

WHEREAS, the Washington State Republican Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by Senator Bailey's resignation; and

WHEREAS, to obtain information from the candidates about their qualifications and views, each county legislative authority has either interviewed them or provided them with a written questionnaire.

NOW, THEREFORE, BE IT MOVED AND RESOLVED by the Board of Island County Commissioners, the Board of Skagit County Commissioners and the Snohomish County Council:

October 29, 2019

I, Kim Wyman, Secretary of the State of Washington and custodian of the State Seal, do hereby certify that the attached is a true and correct copy of the County Resolutions now on file with the Secretary of State relating to the resignation of Barbara Bailey from the office of State Senator for the 10th Legislative District of the State of Washington, and the appointment of Ron Muzzall to fill the vacancy created thereby.

A. Ron Muzzall, one of the three nominees submitted by the Washington State Republican Central Committee, is hereby appointed to the position of state senator for the 10th legislative district in the Washington State Senate and continuing until a successor is elected at the next general election, and has qualified.

B. The clerks of the council and boards shall provide a copy of this joint resolution and motion to the Clerk of the Washington State Senate, the Governor of the State of Washington and the Chair of the Washington State Republican Central Committee.

Amended Resolution and Motion re Appointment to Fill Vacancy
in the Position of State Senator for the 10th Legislative District

Island County No. C-94-19
Skagit County No. R20190178
Snohomish County Motion No. 19-338

Joint Resolution and Motion, Island County No. C-94-19, Skagit County No. R20190178, and Snohomish County Motion No. 19-338 was passed by the Island County Board of Commissioners, the Skagit County Board of Commissioners and the Snohomish County Council by the following weighted vote approved 9 to 0.

APPROVED this 18th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Jill Johnson, Chair

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 29th Day of October 2019, at Olympia, the State Capital.

/s/
Kim Wyman
Secretary of State



Attest: /s/
 /s/ Janet St. Clair, Member
 Debbie Thompson RECUSED
 Clerk of the Board Helen Price Johnson, Member

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

Attest: /s/
 /s/ Terry Ryan, Council Chair
 Debbie Eco, Clerk of the Council

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Attest: /s/
 /s/ Lisa Janicki, Chair
 Linda Hammons Clerk of the Board
 Approved as to form: /s/ Ron Wesen, Commissioner
 /s/ Kenneth A. Dahlstedt,
 Skagit County Deputy Prosecuting Attorney Commissioner

MESSAGES FROM THE SECRETARY OF STATE

Canvass of the Returns of the General Election
Held on November 5, 2019

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 2,035,401 votes cast in the November 5, 2019 General Election by the registered voters of the state for all statewide measures and those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

Referendum Measure No. 88

The legislature passed Initiative Measure No. 1000 concerning affirmative action and remedying discrimination, and voters have filed a sufficient referendum petition on this act. Initiative 1000 would allow the state to remedy discrimination for certain groups and to implement affirmative action, without the use of quotas or preferential treatment (as defined), in public education, employment, and contracting.

Approved	952,053
Rejected	973,610

Initiative Measure No. 976

Initiative Measure No. 976 concerns motor vehicle taxes and fees. This measure would repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue Book value.

Yes	1,055,749
No	936,751

Advisory Vote No. 20

Second Substitute House Bill 1087

The legislature imposed, without a vote of the people, an additional wage premium for long-term care services, costing an indeterminate amount in its first ten years, for government spending.

Repealed	1,160,463
Maintained	683,870

Advisory Vote No. 21

Engrossed Third Substitute House Bill 1324

The legislature extended, without a vote of the people, the business and occupation tax for extracting, manufacturing, and selling timber and timber-related products, costing \$21,000,000 in its first ten years, for government spending.

Repealed	1,094,028
Maintained	763,429

Advisory Vote No. 22

Substitute House Bill 1652

The legislature increased, without a vote of the people, retail sales tax on architectural paint by adding an assessment to the purchase price, costing \$6,000,000 in its first ten years, for government spending.

Repealed	1,144,394
Maintained	700,391

Advisory Vote No. 23

Engrossed Second Substitute House Bill 1873

The legislature imposed, without a vote of the people, a tax on the sale, use, consumption, handling, possession, and distribution of vapor products costing \$178,000,000 in its first ten years, for government spending.

Repealed	621,440
Maintained	1,256,542

Advisory Vote No. 24

Engrossed Second Substitute House Bill 2158

The legislature imposed, without a vote of the people, an additional service and other business and occupation tax for certain specified business activities, costing \$2,253,000,000 in its first ten years, for government spending.

Repealed	1,140,727
Maintained	680,183

Advisory Vote No. 25

Substitute House Bill 2167

The legislature imposed, without a vote of the people, an additional business and occupation tax for certain specified financial institutions, costing \$1,036,000,000 in its first ten years, for government spending.

Repealed	1,013,783
Maintained	816,936

Advisory Vote No. 26

Substitute Senate Bill 5581

The legislature expanded, without a vote of the people, application of the state tax code to certain remote sellers, marketplace facilitators, and others, costing \$1,051,000,000 in its first ten years, for government spending.

Repealed	1,0098,275
Maintained	818,192

Advisory Vote No. 27

Engrossed Substitute Senate Bill 5993

The legislature increased, without a vote of the people, taxes on petroleum products, costing \$2,760,000,000 in its first ten years, for government spending.

Repealed	1,129,203
Maintained	728,566

Advisory Vote No. 28

Engrossed Substitute Senate Bill 5997

The legislature increased, without a vote of the people, sales and use taxes on certain nonresidents by limiting the exemption applicable to them, costing \$313,000,000 in its first ten years, for government spending.

Repealed	819,232
Maintained	1,012,991

Advisory Vote No. 29

Engrossed Substitute Senate Bill 5998

The legislature increased, without a vote of the people, the real estate excise tax on certain sales of real property, costing \$1,747,000,000 in its first ten years, for government spending.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Repealed 1,188,272
Maintained 645,358

in the Office of the Secretary of State. This list contains newly elected as well as returning Senators.

Advisory Vote No. 30**Engrossed Substitute Senate Bill 6004**

The legislature increased, without a vote of the people, the business and occupation tax on certain travel agents and tour operators, costing \$28,000,000 in its first ten years, for government spending.

Repealed 1,021,792
Maintained 809,164

Advisory Vote No. 31**Engrossed Senate Bill 6016**

The legislature increased, without a vote of the people, the business and occupation tax on certain international investment management services, costing \$367,000,000 in its first ten years, for government spending.

Repealed 792,401
Maintained 1,039,887

Senate Joint Resolution No. 8200

The legislature has proposed a constitutional amendment concerning legislative powers in times of emergency. This measure would add "catastrophic incidents" to the specified times of emergency that the legislature may take certain immediate actions to ensure continuity of state and local governmental operations.

Approved 1,247,265
Rejected 670,086

Legislative District 13 State Representative Position 2

Ballot Name	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	24,211
Steve Verhey	(Prefers Democratic Party)	8,271

Legislative District 40 State Senator

Ballot Name	Party Preference	Votes
Elizabeth (Liz) Lovelett	(Prefers Democratic Party)	35,061
Daniel Miller	(Prefers Republican Party)	14,908

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

Ballot Name	Party Preference	Votes
Anne Crusier	Nonpartisan	109,551

Pacific, Wahkiakum Superior Court -Judge Position 1

Ballot Name	Party Preference	Votes
Michael S. Turner	Nonpartisan	3,927
Donald J. Richter	Nonpartisan	4,359



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 2nd Day of December 2019, at Olympia, the State Capital.

/s/
Kim Wyman
Secretary of State

**The Honorable President of the Senate
The Legislature of the State of Washington Olympia,
Washington**

Mr. President:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Senator, as shown by the official returns of the November 5, 2019 General Election on file

Senators Elected November 5, 2019

Dist.	Name	Party Preference	Counties Represented
40	Elizabeth (Liz) Lovelett	Prefers Democratic Party	San Juan, Skagit, Whatcom

Returning Senators

Dist.	Name	Party Preference	Counties Represented
1	Derek Stanford	Prefers Democratic Party	King, Snohomish
2	Randi Becker	Prefers Republican Party	Pierce, Thurston
3	Andy Billig	Prefers Democratic Party	Spokane
4	Mike Padden	Prefers Republican Party	Spokane
5	Mark Mullet	Prefers Democratic Party	King
6	Jeff Holy	Prefers Republican Party	Spokane
7	Shelly Short	Prefers Republican Party	Ferry, Okanogan, Pend Oreille, Spokane, Stevens, Benton
8	Sharon Raye Brown	Prefers Republican Party	
9	Mark G. Schoesler	Prefers G.O.P Party	Adams, Asotin, Franklin, Garfield, Spokane, Whitman
10	Ron Muzzall	Prefers Republican Party	Island, Skagit, Snohomish
11	Bob Hasegawa	Prefers Democratic Party	King
12	Brad Hawkins	Prefers Republican Party	Chelan, Douglas, Grant, Okanogan
13	Judy Warnick	Prefers Republican Party	Grant, Kittitas, Lincoln, Yakima
14	Curtis King	Prefers Republican Party	Clark, Klickitat, Skamania, Yakima
15	Jim Honeyford	Prefers GOP Party	Yakima
16	Maureen Walsh	Prefers Republican Party	Benton, Columbia, Franklin, Walla Walla, Clark
17	Lynda Wilson	Prefers Republican Party	Clark
18	Ann Rivers	Prefers Republican Party	Clark
19	Dean Takko	Prefers Democratic Party	Cowlitz, Grays Harbor, Lewis, Pacific, Wahkiakum
20	John Braun	Prefers Republican Party	Clark, Cowlitz, Lewis, Thurston, Snohomish
21	Marko Liias	Prefers Democratic Party	Thurston
22	Sam Hunt	Prefers Democratic Party	Kitsap
23	Christine Rolfes	Prefers Democratic Party	Kitsap
24	Kevin Van De Wege	Prefers Democratic Party	Clallam, Grays Harbor, Jefferson, Pierce
25	Hans Zeiger	Prefers Republican Party	Pierce
26	Emily Randall	Prefers Democratic Party	Kitsap, Pierce
27	Jeannie Darneille	Prefers Democratic Party	
28	Steve O'Ban	Prefers Republican Party	Pierce
29	Steve Conway	Prefers Democratic Party	Pierce
30	Claire Wilson	Prefers Democratic Party	King, Pierce
31	Phil Fortunato	Prefers Republican Party	King, Pierce
32	Jesse Salomon	Prefers Democratic Party	King, Snohomish
33	Karen Keiser	Prefers Democratic Party	King
34	Joe Nguyen	Prefers Democratic Party	King
35	Tim Sheldon	Prefers Democratic Party	Kitsap, Mason, Thurston, King
36	Reuven M. Carlyle	Prefers Democratic Party	King
37	Rebecca Saldana	Prefers Democratic Party	King
38	John McCoy	Prefers Democratic Party	Snohomish
39	Keith L. Wagoner	Prefers Republican Party	King, Skagit, Snohomish
41	Lisa Wellman	Prefers Democratic Party	King
42	Doug Ericksen	Prefers Republican Party	Whatcom
43	Jamie Pedersen	Prefers Democratic Party	King
44	Steve Hobbs	Prefers Democratic Party	Snohomish
45	Manka Dhingra	Prefers Democratic Party	King

<i>Dist.</i>	<i>Name</i>	<i>Party Preference</i>	<i>Counties Represented</i>
46	David Frockt	Prefers Democratic Party	King
47	Mona Das	Prefers Democratic Party	King
48	Patty Kuderer	Prefers Democratic Party	King
49	Annette Cleveland	Prefers Democratic Party	Clark



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 2nd Day of December 2019, at Olympia, the State Capital.

/s/
Kim Wyman
Secretary of State

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Dhingra and Padden to escort Washington State Supreme Court Chief Justice Debra Stephens to the rostrum.

The President welcomed and introduced the Honorable Debra Stephens, Chief Justice of the Supreme Court of the state of Washington, who was present to administer the oath of office to the newly elected and appointed senators.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Kuderer and Zeiger to escort Washington Secretary of State Kim Wyman to the rostrum.

The President welcomed and introduced the Honorable Kim Wyman, Secretary of State of the state of Washington, who was in attendance to present certificates of election and appointment to the newly elected and appointed members.

The Secretary called the roll of the newly elected Senator.

The Sergeant at Arms escorted Senator Lovelett to the rostrum.

Chief Justice Stephens thereupon administered the oath of office to Senator Lovelett.

Secretary of State Wyman presented a certificate of election to Senator Lovelett.

The Sergeant at Arms escorted Senator Lovelett to her seat in the chamber.

The Secretary called the roll of the newly appointed Senators.

The Sergeant at Arms escorted each newly appointed Senator, in turn, to the rostrum.

Chief Justice Stephens thereupon administered the oath of office, in turn, to Senators Muzzall and Stanford.

Secretary of State Wyman presented, in turn, a certificate of election to each of the newly appointed Senators.

The Sergeant at Arms escorted, in turn, each of the newly appointed Senators to their seats in the chamber.

The President thanked Chief Justice Debra Stephens for her service and offered her congratulations on being named Chief Justice of the Supreme Court of the State of Washington. The President called upon the committee of honor to escort the Chief Justice from the rostrum.

The committee of honor escorted Chief Justice Debra Stephens from the chamber.

The President thanked Secretary Kim Wyman for her service and called upon the committee of honor to escort the Secretary from the rostrum.

The committee of honor escorted Secretary of State Kim Wyman from the chamber.

MOTION

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8657

By Senator Liias

WHEREAS, The Senate adopted permanent rules for the 2019-2021 biennium under Senate Resolution 8601; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Rules 41, 45, and 49 are amended as follows:

“**Rule 41.** The president shall appoint all conference, special, joint and standing committees and standing subcommittees on the part of the senate. The appointment of the conference, special, joint and standing committees and standing subcommittees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or standing subcommittee, such committee or standing subcommittee shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee	Total Membership
1. Agriculture, Water, Natural Resources & Parks	7
2. Early Learning & K-12 Education	11
3. Environment, Energy, & Technology	15
4. Financial Institutions, Economic Development & Trade	7
5. Health & Long-Term Care	11
6. Higher Education & Workforce Development	((7)) 5
7. Housing Stability & Affordability	7
8. Human Services, Reentry & Rehabilitation	7
9. Labor & Commerce	((7)) 9
10. Law & Justice	7
11. Local Government	5
12. Rules	16 (plus the Lieutenant Governor)
13. State Government, Tribal Relations & Elections	7
14. Transportation	15
15. Ways & Means	24

The following constitutes a standing subcommittee of the senate:

1. Behavioral Health Subcommittee to Health & Long-Term Care 5”

“**Rule 45.** 1. At least five days’ notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, subject to the limitation of subsection 12 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation

of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. Unless the signatory of a minority report expressly indicates a "do not pass" recommendation, the member's vote shall be deemed to be "without recommendation." In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature or within three days of sine die, this rule may be suspended by a majority vote of those present.

12. When a standing committee is operated by cochair, the committee may not vote upon any measure or appointment without the consent of each cochair.

13. When a standing committee has a standing subcommittee established under Senate Rule 41, the chair of the committee may rerefer any measures referred to the committee to the standing subcommittee with the consent of the ranking member of the committee or, in the event of a dispute between the chair and ranking member, referral may occur with a majority vote of the committee."

"Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Senate Rules 63 and 64.) A bill may not be referred to the committee on rules for second reading unless a standing committee has held a public hearing on the bill."

Senators Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8656

By Senators Liias and Short

BE IT RESOLVED, That a committee consisting of two members of the Senate be appointed by the President of the Senate to notify the Governor that the Senate is organized and ready to conduct business.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8656, the President appointed Senators Muzzall and Stanford to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

STANDING COMMITTEE ASSIGNMENTS

Pursuant to the document entitled “*Senate Standing Committees & Subcommittee – 2020*,” the President appointed the several senators to the standing committees of the senate as follows:

SENATE STANDING COMMITTEES & SUBCOMMITTEE - 2020

Agriculture, Water, Natural Resources & Parks

Van De Wege, <i>Chair</i>	Warnick, <i>Ranking</i>
Salomon, <i>Vice Chair</i>	Honeyford
McCoy	Short
Rolfes	

Early Learning & K12 Education

Wellman, <i>Chair</i>	Hawkins, <i>Ranking</i>
Wilson, C., <i>Vice Chair</i>	Holy
Hunt	Padden
McCoy	Wagoner
Mullet	
Pedersen	
Salomon	

Environment, Energy & Technology

Carlyle, <i>Chair</i>	Ericksen, <i>Ranking</i>
Lovelett, <i>Vice Chair</i>	Fortunato, <i>Asst. Ranking</i>
Das	Sheldon, <i>Asst. Ranking</i>
Hobbs	Brown
Liias	Rivers
McCoy	Short
Nguyen	
Stanford	
Wellman	

Financial Institutions, Economic Development & Trade

Mullet, <i>Chair</i>	Wilson, <i>Ranking</i>
Hasegawa, <i>Vice Chair</i>	Braun
Das	Ericksen
Hobbs	

Health & Long Term Care

Cleveland, <i>Chair</i>	O’Ban, <i>Ranking</i>
Randall, <i>Vice Chair</i>	Becker
Conway	Muzzall
Dhingra	Rivers
Frockt	
Keiser	
Van De Wege	

Behavioral Health Subcommittee

Dhingra, <i>Chair</i>	Wagoner, <i>Ranking</i>
Darneille	O’Ban
Frockt	

Higher Education & Workforce Development

Randall, <i>Chair</i>	Holy, <i>Ranking</i>
Stanford, <i>Vice Chair</i>	Brown
Liias	

Housing Stability & Affordability

Kuderer, <i>Chair</i>	Zeiger, <i>Ranking</i>
Das, <i>Vice Chair</i>	Fortunato, <i>Asst. Ranking</i>
Darneille	Warnick
Saldaña	

Human Services, Reentry & Rehabilitation

Darneille, <i>Chair</i>	Walsh, <i>Ranking</i>
Nguyen, <i>Vice Chair</i>	O’Ban
Cleveland	Zeiger
Wilson	

Labor & Commerce

Keiser, <i>Chair</i>	King, <i>Ranking</i>
Conway, <i>Vice Chair</i>	Braun
Saldaña	Schoesler
Stanford	Walsh
Wellman	

Law & Justice

Pedersen, <i>Chair</i>	Padden, <i>Ranking</i>
Dhingra, <i>Vice Chair</i>	Holy
Kuderer	Wilson, L.
Salomon	

Local Government

Takko, <i>Chair</i>	Short, <i>Ranking</i>
Salomon, <i>Vice Chair</i>	Honeyford
Lovelett	

State Government, Tribal Relations & Elections

Hunt, <i>Chair</i>	Zeiger, <i>Ranking</i>
Kuderer, <i>Vice Chair</i>	Muzzall, <i>Asst. Ranking</i>
Hasegawa	Hawkins
Takko	

Transportation

Hobbs, <i>Chair</i>	King, <i>Ranking</i>
Saldaña, <i>Vice Chair</i>	Sheldon, <i>Asst. Ranking</i>
Cleveland	Fortunato
Das	O’Ban
Lovelett	Padden
Nguyen	Zeiger
Randall	
Takko	
Wilson, C.	

Ways & Means

Rolfes, <i>Chair</i>	Braun, <i>Ranking</i>
Frockt, <i>Vice Chair Operating and Capital Lead</i>	Brown, <i>Asst. Ranking Operating</i>
Mullet, <i>Capital Budget Cabinet</i>	Honeyford, <i>Asst. Ranking Capitol</i>
Billig	Becker
Carlyle	Muzzall
Conway	Rivers
Darneille	Schoesler
Dhingra	Wagoner
Hasegawa	Warnick
Hunt	Wilson, L.
Keiser	
Liias	
Pedersen	
Van De Wege	

Rules

Lt. Governor, <i>Chair</i>	Schoesler, <i>Ranking</i>
Keiser, <i>Vice Chair</i>	Becker
Billig	King

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Carlyle	Rivers
Cleveland	Sheldon
Hasegawa	Short
Kuderer	
Liias	
McCoy	
Nguyen	
Pedersen	

MOTIONS

On motion of Senator Liias, the appointments to the Standing Committees were confirmed by voice vote.

On motion of Senator Liias, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6026 by Senators Hunt, Kuderer, Zeiger and Hasegawa

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.230, and 43.09.420; repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2012 c 164 s 709, 2012 c 1 s 201, and 2005 c 385 s 1 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6027 by Senators Pedersen, Carlyle, Warnick, Van De Wege, Hunt, Rolfes, Short and Honeyford

AN ACT Relating to floating residences; amending RCW 90.58.270 and 79.105.060; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6028 by Senators Pedersen, Padden, Dhingra and Holy

AN ACT Relating to adoption of the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents; amending RCW 4.92.100, 5.50.010, 5.50.030, 9.38.060, 9A.72.085, 10.79.080, 18.27.114, 18.64.550, 23.95.105, 23.95.200, 23.95.265, 23.95.420, 23.95.450, 23B.01.400, 23B.09.040, 23B.09.060, 23B.15.090, 23B.16.010, 23B.16.200, 25.10.011, 25.15.006, 26.52.030, 41.05.014, 58.09.050, 58.09.110, 69.41.041, 69.41.055, and 74.08.055; reenacting and amending RCW 19.09.020, 23B.16.030, and 24.03.005; adding a new chapter to Title 1 RCW; repealing RCW 19.360.010, 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, 19.400.010, 19.400.020, and 19.400.030; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6029 by Senators Pedersen and Padden

AN ACT Relating to the uniform directed trust act; adding a new chapter to Title 11 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6030 by Senator Fortunato

AN ACT Relating to federal immigration enforcement; adding a new chapter to Title 43 RCW; and repealing RCW 43.17.420, 43.330.510, 43.10.310, 43.17.425, 10.93.160, and 43.10.315.

Referred to Committee on Law & Justice.

SB 6031 by Senator Fortunato

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355, 46.17.323, 82.08.020, 82.44.065, 81.104.140, and 81.104.160; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 6032 by Senators Hawkins, Hobbs, King, Takko, Kuderer, Fortunato, Becker, Short, Sheldon, Warnick, Saldaña, Mullet, Zeiger, Wilson, C., Holy, Hunt, Wilson, L., Wellman, Padden and Hasegawa

AN ACT Relating to creating a Washington apples special license plate; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6033 by Senators Keiser and King

AN ACT Relating to the safety and security of retail marijuana outlets; amending RCW 9.94A.832; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Labor & Commerce.

SB 6034 by Senators Keiser, Conway, Wellman, Dhingra, Stanford, Saldaña and Pedersen

AN ACT Relating to extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination; and amending RCW 49.60.230.

Referred to Committee on Labor & Commerce.

SB 6035 by Senators Keiser, King, Conway and Stanford

AN ACT Relating to instruction for liquor license employees; amending RCW 66.24.320, 66.24.330, 66.24.590, and 66.28.150; and reenacting and amending RCW 66.24.400.

Referred to Committee on Labor & Commerce.

SB 6036 by Senators Honeyford, Van De Wege, Warnick, Muzzall and Short

AN ACT Relating to providing opportunities for drought mitigation using trust water rights; amending RCW 90.38.020, 90.38.040, 90.42.005, 90.42.040, and 90.42.100; and adding a new section to chapter 43.83B RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6037 by Senators Pedersen, Wellman, Rivers, Keiser, Dhingra, Kuderer, Cleveland, Saldaña, Randall, Darneille, Rolfes, Das, Frockt, Carlyle, and Wilson, C.

AN ACT Relating to business corporations; amending RCW 23B.02.020, 23B.02.060, 23B.01.200, 23B.06.010, 23B.06.240, 23B.08.030, 23B.08.735, 23B.09.020, 23B.10.060, 23B.11.010, 23B.11.020, 23B.07.210, 23B.06.030, and 23B.07.040; adding a new section to chapter 23B.08 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6038 by Senators Rivers, Cleveland, Keiser, Short and Conway

AN ACT Relating to acupuncture and Eastern medicine; and amending RCW 18.06.010 and 18.06.230.

Referred to Committee on Health & Long Term Care.

SB 6039 by Senator Keiser

AN ACT Relating to enacting the living donor act; adding a new section to chapter 48.18 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6040 by Senator Braun

AN ACT Relating to the budgeting process for certain state waiver services for individuals with developmental disabilities; amending RCW 43.88C.010; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

SB 6041 by Senator Braun

AN ACT Relating to dedicating the state sales tax on motor vehicles to transportation improvements; amending RCW 82.08.020 and 82.12.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6042 by Senators Wilson, L., Muzzall, Zeiger, Sheldon, O'Ban, Fortunato and Short

AN ACT Relating to prohibiting the use of title-only bills; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6043 by Senators Wilson, L., Muzzall, Rivers, Fortunato, Sheldon, Schoesler, Short and Honeyford

AN ACT Relating to subscription service legal defense funds; amending RCW 48.01.050; adding a new section to chapter 48.01 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6044 by Senators Wilson, L., Muzzall, Zeiger, Rivers, Fortunato, Schoesler, Short and Honeyford

AN ACT Relating to the responsibilities of the three branches of government for administrative rules and procedure; amending RCW 34.05.570; adding new sections

to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; and creating new sections.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6045 by Senator Takko

AN ACT Relating to vulnerable users of a public way; amending RCW 46.61.526; and prescribing penalties.

Referred to Committee on Transportation.

SB 6046 by Senator Takko

AN ACT Relating to special purpose district commissioner compensation; and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460.

Referred to Committee on Local Government.

SB 6047 by Senator Hasegawa

AN ACT Relating to prohibiting retaliation against school district employees that report noncompliance with individualized education programs; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6048 by Senators Das, Lovelett, Nguyen, Saldaña and Kuderer

AN ACT Relating to the group-wide supervision of internationally active insurance groups; amending RCW 48.31B.005, 48.31B.038, and 42.56.400; and adding a new section to chapter 48.31B RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6049 by Senators Liias and Das

AN ACT Relating to funding the commissioner's criminal investigation unit by creating the insurance commissioner's fraud account; amending RCW 48.02.190 and 48.14.040; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6050 by Senator Cleveland

AN ACT Relating to insurance guaranty fund; and amending RCW 48.32A.015, 48.32A.025, 48.32A.045, 48.32A.055, 48.32A.065, 48.32A.075, 48.32A.085, 48.32A.095, 48.32A.115, 48.32A.135, 48.32A.175, and 48.32A.185.

Referred to Committee on Health & Long Term Care.

SB 6051 by Senators Cleveland and O'Ban

AN ACT Relating to health coverage that is supplemental to the coverage provided under an employer or union-sponsored prescription drug coverage that supplements medicare part D provided through an employer group waiver plan authorized under federal law; amending RCW 48.43.733; and reenacting and amending RCW 48.43.005.

Referred to Committee on Health & Long Term Care.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

SB 6052 by Senators Mullet, and Wilson, L.

AN ACT Relating to life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured; amending RCW 48.30.140, 48.30.150, 48.30.155, and 48.23.525; and providing an effective date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6053 by Senators Conway, Keiser and Stanford

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6054 by Senators Lovelett, Takko, Wellman and McCoy

AN ACT Relating to changing the effective date of workforce requirements related to high hazard facilities; amending RCW 49.80.050 and 49.80.900; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6055 by Senator O'Ban

AN ACT Relating to exempting health care and veterinary services from the business and occupation surcharge; amending RCW 82.04.299; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6056 by Senator Randall

AN ACT Relating to the budgeting process for services for individuals with developmental disabilities; amending RCW 43.88C.010; adding new sections to chapter 71A.12 RCW; creating a new section; and repealing RCW 71A.18.020.

Referred to Committee on Ways & Means.

SB 6057 by Senators Stanford, Rivers, Wilson, C., Conway and King

AN ACT Relating to price differentials in the sale of marijuana; amending RCW 69.50.380; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Labor & Commerce.

SB 6058 by Senators Randall, Saldaña, Wilson, C., Hunt and Kuderer

AN ACT Relating to fire district health clinic services; and amending RCW 52.02.020.

Referred to Committee on Local Government.

SB 6059 by Senator Becker

AN ACT Relating to exempting health care-related services from the business and occupation surcharge; amending RCW 82.04.299; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6060 by Senator Becker

AN ACT Relating to removing ambulatory surgical facilities from the certificate of need program; amending RCW 70.38.025; and reenacting and amending RCW 70.38.111.

Referred to Committee on Health & Long Term Care.

SB 6061 by Senator Becker

AN ACT Relating to requiring training standards in providing telemedicine services; and amending RCW 43.70.495.

Referred to Committee on Health & Long Term Care.

SB 6062 by Senator Becker

AN ACT Relating to direct primary care oversight; adding a new chapter to Title 18 RCW; recodifying RCW 48.150.005, 48.150.010, 48.150.020, 48.150.030, 48.150.040, 48.150.050, 48.150.060, 48.150.070, 48.150.080, 48.150.090, and 48.150.110; and repealing RCW 48.150.100.

Referred to Committee on Health & Long Term Care.

SB 6063 by Senator Wagoner

AN ACT Relating to improving department of corrections health care administration; amending RCW 72.10.020; and adding a new section to chapter 72.10 RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6064 by Senator Wagoner

AN ACT Relating to requiring full body scanners at each department of corrections institution; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6065 by Senator Brown

AN ACT Relating to establishing the Washington blockchain work group; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 6066 by Senator Hasegawa

AN ACT Relating to ethnic studies materials and resources for public school students in grades kindergarten through six; amending RCW 28A.655.300 and 28A.300.112; amending 2019 c 279 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6067 by Senator Hasegawa

AN ACT Relating to educator certification assessments; amending RCW 28A.410.220 and 28A.410.221; and repealing RCW 28A.410.280.

Referred to Committee on Early Learning & K-12 Education.

SB 6068 by Senators Warnick, Mullet, Wilson, L., Takko, Short and Liias

AN ACT Relating to sales and use tax exemptions for large private airplanes; amending RCW 82.08.215, 82.12.215, 47.68.250, and 82.48.100; amending 2013 2nd sp.s. c 13 ss 1101 and 1906 (uncodified); reenacting and amending RCW 82.48.100; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6069 by Senator Van De Wege

AN ACT Relating to the use of state funds for medical transportation for the purpose of receiving substance use disorder treatment services; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health & Long Term Care.

SB 6070 by Senator Van De Wege

AN ACT Relating to public disclosures by state-funded substance use disorder treatment programs and facilities; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health & Long Term Care.

SB 6071 by Senators Van De Wege and Warnick

AN ACT Relating to increased deterrence and meaningful enforcement of fish and wildlife violations; amending RCW 77.15.075, 77.15.100, and 7.84.070; reenacting and amending RCW 77.15.160; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6072 by Senators Rolfes and Braun

AN ACT Relating to dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account; amending RCW 46.68.435, 77.12.170, 77.12.177, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.12.690, 77.32.050, 77.32.430, 77.32.460, 77.32.470, 77.32.530, 77.32.560, 77.36.070, 77.36.170, 77.44.050, 79A.55.090, 79A.80.090, and 82.27.070; reenacting and amending RCW 9.41.070 and 43.84.092; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6073 by Senators Dhingra, Rivers, Lovelett, Saldaña, Wilson, C., Mullet, Keiser, Nguyen, Cleveland, Salomon, Randall, Rolfes, Darneille, Conway, Pedersen, Kuderer, Van De Wege, Das and Liias

AN ACT Relating to menstrual hygiene products in public school bathrooms; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6074 by Senators Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer and Das

AN ACT Relating to reauthorizing and expanding the financial fraud and identity theft crimes investigation and

prosecution program; amending RCW 43.330.300 and 62A.9A-525; repealing 2008 c 290 s 4, 2009 c 565 s 57, 2015 c 65 ss 3 and 4, and 2016 c 202 s 59 (uncodified); and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6075 by Senator Takko

AN ACT Relating to local effort assistance; amending RCW 28A.500.015; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6076 by Senators Kuderer and Darneille

AN ACT Relating to assault weapons and large capacity magazines; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6077 by Senators Kuderer, Pedersen, Lovelett, Nguyen, Wellman, Darneille, Dhingra and Frockt

AN ACT Relating to high capacity magazines; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6078 by Senator Mullet

AN ACT Relating to clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions; adding a new section to chapter 52.30 RCW; and adding a new section to chapter 35.103 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6079 by Senators Mullet and Zeiger

AN ACT Relating to clarifying the scope of taxation on land development or management services; amending RCW 82.04.051; and amending 1999 c 212 s 1 (uncodified).

Referred to Committee on Housing Stability & Affordability.

SB 6080 by Senators Hunt and Zeiger

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 84.36.010; amending 2017 c 323 s 301 (uncodified); repealing 2014 c 207 s 14, and 2015 3rd sp.s. c 6 s 2306 (uncodified); and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6081 by Senators Liias, King, Stanford, Becker, Keiser, Braun and Wellman

AN ACT Relating to the calculation of compensation of an employee of a medical school and an affiliated faculty group practice for purposes of a noncompetition agreement; and amending RCW 49.62.010.

Referred to Committee on Labor & Commerce.

SB 6082 by Senators Carlyle, Mullet and Braun

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

AN ACT Relating to manufacturers of electric vehicles; and amending RCW 46.96.185.

Referred to Committee on Labor & Commerce.

SB 6083 by Senators Zeiger, Saldaña, Hobbs, King and Warnick
AN ACT Relating to travel trailers; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SB 6084 by Senators Takko and Hobbs
AN ACT Relating to roundabouts; amending RCW 46.61.135 and 46.61.140; and reenacting and amending RCW 47.04.010.

Referred to Committee on Transportation.

SB 6085 by Senators Stanford, Rivers, Saldaña, Liias and Conway
AN ACT Relating to expanding opportunities for marijuana businesses by removing residency barriers and providing access to capital for minority and women-owned businesses through a fee on certain investments; amending RCW 69.50.331 and 69.50.540; adding new sections to chapter 43.31 RCW; adding a new section to chapter 69.50 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6086 by Senators Hasegawa and Keiser
AN ACT Relating to increasing access to medications for people with opioid use disorder; and amending RCW 18.64.450.

Referred to Committee on Health & Long Term Care.

SB 6087 by Senator Keiser
AN ACT Relating to cost-sharing requirements for coverage of insulin products; amending RCW 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 48.43 RCW; and providing a contingent expiration date.

Referred to Committee on Health & Long Term Care.

SB 6088 by Senator Keiser
AN ACT Relating to establishing a prescription drug affordability board; and adding new sections to chapter 70.14 RCW.

Referred to Committee on Health & Long Term Care.

SB 6089 by Senator Warnick
AN ACT Relating to creating a task force on marijuana odor; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6090 by Senator Warnick
AN ACT Relating to limiting fire protection service agency liability for the installation of detection devices; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Local Government.

SB 6091 by Senators Warnick and Saldaña
AN ACT Relating to continuing the work of the Washington food policy forum; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6092 by Senators Wilson, C., Wellman, Hawkins and Kuderer
AN ACT Relating to posthumous high school diplomas; and amending RCW 28A.230.120.

Referred to Committee on Early Learning & K-12 Education.

SB 6093 by Senators Schoesler, Becker, Braun, O'Ban, Holy, Zeiger, Fortunato, Ericksen, Warnick, Muzzall, Wilson, L., Sheldon, Rivers and Short
AN ACT Relating to free public access to state parks and lands; amending RCW 46.01.140, 46.01.370, 46.16A.090, 77.15.750, 79A.05.070, 79A.80.010, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, and 79A.80.110; creating a new section; and repealing RCW 79A.80.020.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6094 by Senators Nguyen and King
AN ACT Relating to correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding; and amending RCW 47.10.873.

Referred to Committee on Transportation.

SB 6095 by Senator Keiser
AN ACT Relating to excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system; and amending RCW 66.28.285.

Referred to Committee on Labor & Commerce.

SB 6096 by Senator Keiser
AN ACT Relating to preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6097 by Senators Rolfes, Kuderer, Pedersen and Frockt
AN ACT Relating to requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6098 by Senator Rolfes
AN ACT Relating to insurance coverage of prosthetics and orthotics; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6099 by Senator Hunt

AN ACT Relating to repealing the education accountability system oversight committee; amending RCW 28A.657.100; and repealing RCW 28A.657.130.

Referred to Committee on Early Learning & K-12 Education.

SB 6100 by Senator Wellman

AN ACT Relating to the office of the superintendent of public instruction's authority to conduct criminal background checks; and amending RCW 28A.400.303.

Referred to Committee on Early Learning & K-12 Education.

SB 6101 by Senator Wellman

AN ACT Relating to statewide implementation of early screening for dyslexia; and amending RCW 28A.320.270, 28A.300.710, and 28A.300.720.

Referred to Committee on Early Learning & K-12 Education.

SB 6102 by Senator Wellman

AN ACT Relating to stop signal warning devices on school buses; and amending RCW 46.37.190.

Referred to Committee on Transportation.

SB 6103 by Senator Wellman

AN ACT Relating to educational reporting requirements; and amending RCW 28A.175.010, 28A.300.540, 28A.300.507, and 28A.150.260.

Referred to Committee on Early Learning & K-12 Education.

SB 6104 by Senators King, Rivers, Rolfes, Mullet and Saldaña

AN ACT Relating to the creation of a limited spirits retail license; amending RCW 66.24.055; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6105 by Senator Hunt

AN ACT Relating to efficient administration of state education agencies; and amending RCW 28A.305.011, 28C.18.020, 43.30.205, 43.59.030, 28A.310.030, 28A.305.021, 28A.310.050, 28A.310.060, 28A.310.080, 28A.310.090, 28A.310.100, and 28A.525.025.

Referred to Committee on Early Learning & K-12 Education.

SB 6106 by Senator O'Ban

AN ACT Relating to improving postpartum medicaid coverage; amending RCW 74.09.510; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6107 by Senator O'Ban

AN ACT Relating to exempting services essential to affordable housing from the business and occupations surcharge; amending RCW 82.04.299; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6108 by Senator O'Ban

AN ACT Relating to nullifying certain taxes approved by regional transit authority voters; amending RCW 81.104.160, 81.104.170, and 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6109 by Senator O'Ban

AN ACT Relating to ensuring persons with serious mental illness and substance use disorders receive proper care and assistance; adding a new chapter to Title 11 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6110 by Senator Keiser

AN ACT Relating to the importation of prescription drugs from Canada; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health & Long Term Care.

SB 6111 by Senator Keiser

AN ACT Relating to the creation of a pharmacy tourism program; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6112 by Senators Wilson, C., Darneille, Nguyen and Cleveland

AN ACT Relating to youth solitary confinement; adding a new chapter to Title 13 RCW; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6113 by Senator Keiser

AN ACT Relating to creation of a central insulin purchasing program; amending RCW 70.14.060; adding a new section to chapter 70.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6114 by Senators Takko, O'Ban and Hobbs

AN ACT Relating to all-terrain vehicles; and amending RCW 46.09.360 and 46.09.455.

Referred to Committee on Transportation.

SB 6115 by Senators Takko, Warnick and Hobbs

AN ACT Relating to off-road vehicle registrations; amending RCW 46.09.420, 46.09.442, 46.93.210, and 46.09.495; and prescribing penalties.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Referred to Committee on Transportation.

SB 6116 by Senator O'Ban

AN ACT Relating to assisting spouses and dependents of active duty military by ensuring affordable access to higher education; and amending RCW 28B.15.012.

Referred to Committee on Higher Education & Workforce Development.

SB 6117 by Senator Wellman

AN ACT Relating to appropriations for special education programs; and amending RCW 28A.150.390.

Referred to Committee on Early Learning & K-12 Education.

SB 6118 by Senators Mullet, Cleveland, Wilson, L. and Rivers

AN ACT Relating to collection agency transaction fees for processing electronic payments; amending RCW 19.16.100; and reenacting and amending RCW 19.16.250.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6119 by Senators Conway, Holy and King

AN ACT Relating to authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities; and amending RCW 9A.83.030.

Referred to Committee on Law & Justice.

SB 6120 by Senators Conway and King

AN ACT Relating to amending types of nonprofit organizations qualified to engage in gambling activities; and amending RCW 9.46.0209.

Referred to Committee on Labor & Commerce.

SB 6121 by Senator Takko

AN ACT Relating to designating the Pacific razor clam as the state clam; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6122 by Senator Keiser

AN ACT Relating to protecting temporary workers; adding a new section to chapter 49.17 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6123 by Senator Hunt

AN ACT Relating to state employee leave for organ donation; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6124 by Senator Hunt

AN ACT Relating to establishing a statewide environmental sustainability education program; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6125 by Senator Hunt

AN ACT Relating to postretirement work in an elected city or county council position; and amending RCW 41.40.037 and 41.40.820.

Referred to Committee on Ways & Means.

SB 6126 by Senator Hunt

AN ACT Relating to allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority; and amending RCW 82.14.530.

Referred to Committee on Local Government.

SB 6127 by Senator Randall

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on Higher Education & Workforce Development.

SB 6128 by Senator Randall

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6129 by Senator Randall

AN ACT Relating to student health plan coverage for pregnancy services; and amending RCW 48.43.073.

Referred to Committee on Health & Long Term Care.

SB 6130 by Senator Takko

AN ACT Relating to motorcycle profiling; and amending RCW 43.101.419.

Referred to Committee on Law & Justice.

SB 6131 by Senator Mullet

AN ACT Relating to repealing the debenture company laws from the securities act of Washington; amending RCW 21.20.810; and repealing RCW 21.20.705, 21.20.710, 21.20.715, 21.20.717, 21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732, 21.20.734, 21.20.740, 21.20.745, 21.20.750, 21.20.805, 21.20.815, 21.20.820, 21.20.825, 21.20.830, 21.20.835, 21.20.840, 21.20.845, and 21.20.850.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6132 by Senator Wellman

AN ACT Relating to allowing the learning assistance program to support school-wide behavioral health system of supports and interventions; and amending RCW 28A.165.035 and 28A.165.005.

Referred to Committee on Early Learning & K-12 Education.

SB 6133 by Senators Lovelett and Zeiger

AN ACT Relating to authorizing the governor to enter into agreements with tribal jurisdictions for the issuance of tribal license plates and vehicle registration; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

SB 6134 by Senators Hunt and Zeiger

AN ACT Relating to state reimbursement of election costs; amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; making an appropriation; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6135 by Senators Sheldon and Carlyle

AN ACT Relating to system reliability under the clean energy transformation act; and amending RCW 19.405.080.

Referred to Committee on Environment, Energy & Technology.

SB 6136 by Senators Nguyen and O'Ban

AN ACT Relating to updating restrictions on electronic benefit cards; and amending RCW 74.08.580.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6137 by Senators Mullet, Becker, Conway, Warnick and King

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

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6138 by Senator Hasegawa

AN ACT Relating to supports for beginning educators and mentors; and amending RCW 28A.415.265.

Referred to Committee on Early Learning & K-12 Education.

SB 6139 by Senators Mullet, Wagoner, Takko, Wilson, L., Wilson, C. and Randall

AN ACT Relating to the joint center for aerospace technology innovation; and amending RCW 43.131.417 and 43.131.418.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6140 by Senator Randall

AN ACT Relating to prohibiting the practice of transcript withholding and limiting the practice of registration holds at

institutions of higher education as debt collection practices; and amending RCW 28B.10.293.

Referred to Committee on Higher Education & Workforce Development.

SB 6141 by Senator Randall

AN ACT Relating to expanding access to higher education; adding new sections to chapter 28B.77 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6142 by Senators Liias and Randall

AN ACT Relating to creating the Washington common application; adding a new section to chapter 28B.77 RCW; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6143 by Senators Cleveland and Rivers

AN ACT Relating to the podiatric medical board; and amending RCW 18.22.013 and 18.22.014.

Referred to Committee on Health & Long Term Care.

SB 6144 by Senators Hasegawa and Das

AN ACT Relating to implementation credits and performance standards; amending RCW 48.30.140 and 48.30.150; adding new sections to chapter 48.30 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6145 by Senator Warnick

AN ACT Relating to reducing the property tax; amending RCW 84.52.065; and creating a new section.

Referred to Committee on Ways & Means.

SB 6146 by Senators Mullet, Wilson, L., Hobbs and Ericksen

AN ACT Relating to the regulation of legal service contractors; amending RCW 48.17.170; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6147 by Senators Salomon, Lovelett, Wilson, C., Rolfes, Billig and Keiser

AN ACT Relating to the replacement of shoreline armoring; and amending RCW 77.55.231.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6148 by Senators Salomon, Van De Wege and Nguyen

AN ACT Relating to peace officer certification; and amending RCW 43.101.095.

Referred to Committee on Law & Justice.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

SB 6149 by Senators Salomon, Van De Wege, Pedersen, Carlyle, Keiser, Liias, Hunt and McCoy

AN ACT Relating to ensuring compliance with the federal clean water act by prohibiting certain discharges into waters of the state; amending RCW 77.55.021; reenacting and amending RCW 77.55.011; adding a new section to chapter 90.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 6150 by Senators Salomon, Liias, Van De Wege, Nguyen, Billig, Rolfes and McCoy

AN ACT Relating to the effective date of certain actions taken under the growth management act; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6151 by Senators Salomon, Mullet, Pedersen, Carlyle, Keiser and Hunt

AN ACT Relating to liability for entry into a motor vehicle to remove an animal; and amending RCW 16.52.340.

Referred to Committee on Law & Justice.

SB 6152 by Senators Salomon, Billig, Hunt, Nguyen, McCoy, Lovelett, Kuderer, Rolfes, Liias and Van De Wege

AN ACT Relating to certification of the level of foreign national ownership for corporations that participate in Washington state elections; amending RCW 42.17A.005, 42.17A.240, 42.17A.250, and 42.17A.255; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6153 by Senators Salomon, Saldaña, Nguyen, Wilson, C., Keiser and Das

AN ACT Relating to driver's license suspensions and revocations; amending RCW 46.16A.040, 46.16A.110, 46.20.245, 46.20.285, 46.20.289, 46.20.291, 46.20.341, 46.20.342, 10.37.015, 46.20.005, 46.20.391, 46.55.113, 46.63.020, and 46.64.025; reenacting and amending RCW 10.31.100 and 46.63.110; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.63 RCW; adding a new section to chapter 46.64 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6154 by Senators Rolfes, Kuderer, Wellman and Darneille
AN ACT Relating to abusive civil actions; and adding a new chapter to Title 2 RCW.

Referred to Committee on Law & Justice.

SB 6155 by Senators Cleveland and Dhingra
AN ACT Relating to the rape of a child; and amending RCW 9A.44.073.

Referred to Committee on Law & Justice.

SB 6156 by Senators Takko, Wagoner and Saldaña

AN ACT Relating to modifying the requirements for collector vehicle registrations; amending RCW 46.04.126, 46.04.1261, 46.04.199, 46.18.220, 46.18.255, and 46.16A.070; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6157 by Senators Dhingra, Wellman, Wilson, C. and Das
AN ACT Relating to bleeding control kits in schools; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6158 by Senators Dhingra, Cleveland, Wilson, C. and Das
AN ACT Relating to model sexual assault protocols for hospitals and clinics; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6159 by Senators Dhingra and Das
AN ACT Relating to tableting and encapsulating machines and controlled substance imitation materials; amending RCW 69.52.020, 69.52.030, 69.52.040, 69.52.045, and 9.94A.518; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6160 by Senators Dhingra and Das
AN ACT Relating to drug offender sentencing alternatives for offenders convicted of driving or control of a vehicle while under the influence; adding a new section to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6161 by Senators Dhingra, Kuderer and Das
AN ACT Relating to imposing an excise tax on ammunition; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6162 by Senators Dhingra, Wilson, C., Kuderer, Hasegawa, McCoy and Das
AN ACT Relating to victims of nonfatal strangulation; amending RCW 7.68.170; and creating new sections.

Referred to Committee on Law & Justice.

SB 6163 by Senators Dhingra, Kuderer, Wellman, Pedersen, Darneille and Frockt
AN ACT Relating to unlawful possession of firearms for persons free on bond or personal recognizance pending trial, appeal, or sentencing for felony charges under RCW 46.61.502(6) and 46.61.504(6); and reenacting and amending RCW 9.41.040.

Referred to Committee on Law & Justice.

SB 6164 by Senators Dhingra, Wilson, C., McCoy and Das

AN ACT Relating to prosecutorial discretion to seek resentencing; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6165 by Senator Rolfes

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

Referred to Committee on Ways & Means.

SB 6166 by Senator Rolfes

AN ACT Relating to recreational fishing and hunting licenses; amending RCW 77.08.010, 77.12.810, 77.32.070, 77.32.155, 77.32.350, 77.32.370, 77.32.430, 77.32.440, 77.32.450, 77.32.460, 77.32.470, 77.32.480, 77.32.520, 77.32.570, and 77.32.575; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.12 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6167 by Senator Rolfes

AN ACT Relating to making expenditures from the budget stabilization account to alleviate the issue of homelessness; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6168 by Senator Rolfes

AN ACT Relating to fiscal matters; amending RCW 28B.145.050, 41.06.280, 41.50.110, 43.185C.060, 71A.20.170, 90.56.510, and 70.105D.190; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 801, 802, 803, 805, 936, 937, 938, 939, 946, and 996, 2019 c 406 s 13, and 2019 c 324 s 12 (uncodified); adding new sections to 2019 c 415 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6169 by Senator Keiser

AN ACT Relating to training on the prevention of harassment, discrimination, and retaliation; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Labor & Commerce.

SB 6170 by Senators Keiser and Conway

AN ACT Relating to plumbing; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040,

18.106.050, 18.106.070, 18.106.100, 18.106.110, 18.106.125, 18.106.150, 18.106.180, 18.106.200, 18.106.220, 18.106.250, 18.106.270, 18.106.320, 18.27.060, 18.27.090, 19.28.041, 19.28.191, 19.28.191, and 19.28.051; reenacting and amending RCW 19.28.091; adding new sections to chapter 18.106 RCW; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6171 by Senators Keiser, Conway, Carlyle, Saldaña, Hasegawa, Pedersen and Frockt

AN ACT Relating to the disassembly of tower cranes; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor & Commerce.

SB 6172 by Senators Braun and Saldaña

AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a new section; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SB 6173 by Senator Sheldon

AN ACT Relating to the sale of beer for off-premises consumption; and reenacting and amending RCW 66.24.400.

Referred to Committee on Labor & Commerce.

SB 6174 by Senators Schoesler and Becker

AN ACT Relating to free public access to state parks and lands; amending RCW 4.24.210, 43.30.385, 46.01.140, 46.16A.090, 77.12.170, 77.15.750, 77.32.010, 79A.05.070, 79A.05.215, and 79A.80.010; creating new sections; and repealing RCW 46.01.370, 79A.80.020, 79A.80.030, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, and 79A.80.110.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6175 by Senators Wilson, C., Kuderer and Hasegawa

AN ACT Relating to sexual health education including information about affirmative consent; and amending RCW 28A.300.475.

Referred to Committee on Early Learning & K-12 Education.

SB 6176 by Senators Wilson, C., Hasegawa and Dhingra

AN ACT Relating to incorporating the costs of employee health benefits into school district contracts for pupil transportation; amending RCW 28A.160.140; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6177 by Senators Takko, Hasegawa, Van De Wege, Hobbs and Keiser

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

AN ACT Relating to prohibiting unjustified employer searches of employee personal vehicles; adding new sections to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6178 by Senators Short and Dhingra

AN ACT Relating to superior court judges; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Law & Justice.

SB 6179 by Senators Takko, Schoesler and Hunt

AN ACT Relating to the Washington search and rescue grant program; reenacting and amending RCW 38.52.010; and adding a new section to chapter 38.52 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6180 by Senator Darneille

AN ACT Relating to juvenile sex offense registration waivers under the special sexual offender disposition alternative; and amending RCW 13.40.162 and 9A.44.140.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6181 by Senator Padden

AN ACT Relating to compensation for parents of minor victims of crime; and amending RCW 7.68.061 and 7.68.070.

Referred to Committee on Law & Justice.

SB 6182 by Senator Padden

AN ACT Relating to closed captioning on televisions in places of public accommodation; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6183 by Senator Hunt

AN ACT Relating to allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials; amending RCW 29A.04.611, 29A.08.123, and 29A.40.091; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6184 by Senators Randall, Dhingra, Hunt, Saldaña, Pedersen, Rolfes and Das

AN ACT Relating to marriage licensing and solemnization by county auditors; and amending RCW 26.04.050, 26.04.070, and 26.04.180.

Referred to Committee on Law & Justice.

SB 6185 by Senator Zeiger

AN ACT Relating to improving access to homeownership by expanding opportunities for down payment assistance programs; and amending RCW 43.180.050.

Referred to Committee on Housing Stability & Affordability.

SB 6186 by Senator Zeiger

AN ACT Relating to prioritizing homelessness diversion services; and amending RCW 36.22.179.

Referred to Committee on Housing Stability & Affordability.

SB 6187 by Senator Zeiger

AN ACT Relating to modifying the definition of personal information for notifying the public about data breaches of a state or local agency system; and amending RCW 42.56.590.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6188 by Senator Zeiger

AN ACT Relating to the consumption of alcohol for certain special events held on agricultural fairgrounds; and amending RCW 66.24.380.

Referred to Committee on Labor & Commerce.

SB 6189 by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer and Das

AN ACT Relating to clarifying eligibility for school employees' benefits board coverage; adding new sections to chapter 41.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6190 by Senators Braun and Keiser

AN ACT Relating to preserving the developmental disabilities community trust; amending RCW 71A.20.170; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6191 by Senator Braun

AN ACT Relating to assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6192 by Senator Braun

AN ACT Relating to addressing inadequate, deficient, or dangerous conditions at facilities and institutions operated or overseen by state agencies; amending RCW 41.06.142; adding a new section to chapter 43.09 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 43.216 RCW; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6193 by Senator Braun

AN ACT Relating to encouraging cost-efficiency and environmental protection by state employees using motor vehicles on official business; amending RCW 43.03.060; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6194 by Senator Braun

AN ACT Relating to prohibiting cities and towns from citing the same statutory authority to impose multiple business taxes; amending RCW 35.22.280, 35.23.440, 35.27.370, and 35A.82.020; and creating a new section.

Referred to Committee on Local Government.

SB 6195 by Senator Braun

AN ACT Relating to funding forest health activities for the protection of people, homes, and the environment through issuance of state bonds; and adding a new chapter to Title 76 RCW.

Referred to Committee on Ways & Means.

SB 6196 by Senator Braun

AN ACT Relating to creating a homelessness impact grant program to address security and sanitation impacts of homeless populations; amending RCW 36.22.179, 43.185C.060, and 43.185C.061; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing Stability & Affordability.

SB 6197 by Senator Braun

AN ACT Relating to the election of members of the house of representatives from house districts within each legislative district; amending RCW 44.05.080 and 44.05.090; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6198 by Senator Braun

AN ACT Relating to adding the workforce education investment account to the definition of related funds in the state four-year balanced budget requirement; and amending RCW 43.88.055.

Referred to Committee on Ways & Means.

SB 6199 by Senator Braun

AN ACT Relating to adjusting by inflation the qualifying income thresholds for purposes of the senior citizen and service-connected disabled veterans property tax exemption program; amending RCW 84.36.383; and creating new sections.

Referred to Committee on Ways & Means.

SB 6200 by Senator Braun

AN ACT Relating to crime victims' compensation; and amending RCW 7.68.060 and 7.68.070.

Referred to Committee on Law & Justice.

SB 6201 by Senator Braun

AN ACT Relating to reducing the real estate excise tax rate for multiple-unit housing; amending RCW 82.45.060; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

SB 6202 by Senator Darneille

AN ACT Relating to resentencing persistent offenders; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6203 by Senator Darneille

AN ACT Relating to corrections; and amending RCW 72.09.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6204 by Senator Darneille

AN ACT Relating to prisoner fatality and near fatality reviews for persons in the custody of the department of corrections; adding a new section to chapter 72.09 RCW; and adding a new section to chapter 43.06C RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6205 by Senators Cleveland, Conway, Randall, Keiser, Mullet, Frockt, Billig, Saldaña, Dhingra and Van De Wege

AN ACT Relating to preventing harassment, abuse, and discrimination experienced by long-term care workers; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

SB 6206 by Senator Rivers

AN ACT Relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application; and amending RCW 69.50.331.

Referred to Committee on Labor & Commerce.

SB 6207 by Senator Saldaña

AN ACT Relating to the scope of collective bargaining for language access providers; and amending RCW 41.56.030 and 41.56.510.

Referred to Committee on Labor & Commerce.

SB 6208 by Senators Billig, Rivers, Liias and Randall

AN ACT Relating to increasing mobility through the modification of stop sign requirements for bicyclists; amending RCW 46.61.050, 46.61.190, 46.61.200, 46.61.755, and 47.36.110; and providing an effective date.

Referred to Committee on Transportation.

SB 6209 by Senators Randall, O'Ban, Keiser, Dhingra, Billig, Cleveland, Liias and Hasegawa

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.030; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.79 RCW; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health & Long Term Care.

SB 6210 by Senator Lovelett

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.020; and adding new sections to chapter 70.300 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 6211 by Senators Dhingra, Padden, Nguyen and Das

AN ACT Relating to drug offender sentencing; amending RCW 9.94A.662; reenacting and amending RCW 9.94A.660 and 9.94A.664; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6212 by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille and Van De Wege

AN ACT Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households; amending RCW 84.52.105 and 84.52.043; amending 1993 c 337 s 1 (uncodified); and providing an effective date.

Referred to Committee on Housing Stability & Affordability.

SB 6213 by Senators Das, Carlyle, Van De Wege, Dhingra, Kuderer, Lovelett, Nguyen, Billig, Rolfes, Saldaña, Darneille, Hasegawa and Liias

AN ACT Relating to certain expanded polystyrene products; reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 6214 by Senator Keiser

AN ACT Relating to repairing and replacing mitigation equipment installed as part of a remedial program within an impacted area; and amending RCW 53.54.030.

Referred to Committee on Local Government.

SB 6215 by Senator Braun

AN ACT Relating to establishing a collaborative process to alleviate the burden on local courts to determine indigency through proof of receipt of public assistance; amending RCW 10.101.020 and 74.04.060; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6216 by Senators Keiser, Conway, Hunt, Van De Wege and Saldaña

AN ACT Relating to the application of the family and medical leave program in Title 50A RCW to specific classes of individuals; amending RCW 50A.05.010; and repealing RCW 50A.05.090.

Referred to Committee on Labor & Commerce.

SB 6217 by Senators Keiser, Saldaña, Nguyen and Hasegawa

AN ACT Relating to minimum labor standards for certain employees working at an airport or air navigation facility; and amending RCW 14.08.330 and 14.08.120.

Referred to Committee on Labor & Commerce.

SB 6218 by Senators Schoesler and Conway

AN ACT Relating to the definition of salary for the Washington state patrol retirement system; amending RCW 43.43.120; and creating a new section.

Referred to Committee on Ways & Means.

SB 6219 by Senators Conway and Schoesler

AN ACT Relating to the definition of index for the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Ways & Means.

SB 6220 by Senators Dhingra and Das

AN ACT Relating to restitution; amending RCW 9.94A.750; and creating a new section.

Referred to Committee on Law & Justice.

SB 6221 by Senator Stanford

AN ACT Relating to consumer protection with respect to the sale and adoption of dogs and cats; adding a new section to chapter 16.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6222 by Senators Lovelett and Das

AN ACT Relating to commercial property assessed clean energy and resilience; and adding a new chapter to Title 35 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 6223 by Senators Lovelett, McCoy and Das

AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects; amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 80.60.005, and 80.60.030; reenacting and amending RCW 80.60.010; creating new sections; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 6224 by Senator Lovelett

AN ACT Relating to collective bargaining for administrative law judges; amending RCW 34.12.030 and 34.12.100; reenacting and amending RCW 41.80.005 and 41.80.010;

adding a new section to chapter 41.80 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SB 6225 by Senators Wagoner and Dhingra

AN ACT Relating to creating Washington law enforcement officer health and wellness special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6226 by Senator Wagoner

AN ACT Relating to regionalization factors used for Granite Falls school district compensation; and amending 2019 c 415 s 505 (uncodified).

Referred to Committee on Early Learning & K-12 Education.

SB 6227 by Senator Wagoner

AN ACT Relating to the burden of proof in disputes involving enforcement actions by certain regulatory agencies; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.300 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6228 by Senators Kuderer, Darneille, Saldaña, Pedersen, Nguyen, Hasegawa, Carlyle, Lovelett, Cleveland, Billig, Keiser, McCoy, Lias, Hunt, Wilson, C., Randall, Mullet, Takko and Das

AN ACT Relating to restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections; amending RCW 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and 72.09.275; adding a new section to chapter 29A.04 RCW; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6229 by Senator Kuderer

AN ACT Relating to streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements; and amending RCW 43.185C.210.

Referred to Committee on Housing Stability & Affordability.

SB 6230 by Senator Kuderer

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

Referred to Committee on Housing Stability & Affordability.

SB 6231 by Senator Kuderer

AN ACT Relating to providing a limited property tax exemption for the construction of accessory dwelling units; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Housing Stability & Affordability.

SB 6232 by Senator Kuderer

AN ACT Relating to the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households; amending RCW 84.36.560 and 84.36.815; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

SB 6233 by Senators Kuderer, Hasegawa, Wellman, Rolfes, Saldaña, Hunt, Keiser and Das

AN ACT Relating to employee's rights concerning personnel files and disciplinary actions; and amending RCW 49.12.250.

Referred to Committee on Labor & Commerce.

SB 6234 by Senators Kuderer, Nguyen, Lovelett, Hasegawa, Das and McCoy

AN ACT Relating to the use of third parties by employers to dispute unemployment claims; amending RCW 50.32.020; adding a new section to chapter 50.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

SB 6235 by Senators Kuderer, Lovelett, Wellman, Dhingra, Nguyen, Hasegawa, Das, McCoy and Pedersen

AN ACT Relating to exceptions to disqualification for unemployment insurance benefits when voluntarily leaving employment due to increases in job duties or changes in working conditions; reenacting and amending RCW 50.20.050; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6236 by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa

AN ACT Relating to certain noneconomic damage waivers; and amending RCW 49.60.510.

Referred to Committee on Law & Justice.

SB 6237 by Senator Kuderer

AN ACT Relating to authorizing and encouraging cities to notify the department of children, youth, and families of conditions at family day-care provider facilities that could cause harm to a child's health, welfare, or safety; and amending RCW 35A.63.215.

Referred to Committee on Local Government.

SB 6238 by Senator Hunt

AN ACT Relating to requiring local ballot measure statement committee members to be registered voters in the

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

area voting on the measure; and amending RCW 29A.32.280.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6239 by Senators Conway, Keiser, Hasegawa, Saldaña and Van De Wege

AN ACT Relating to compliance with apprenticeship utilization requirements and bidding on public works projects; and amending RCW 39.04.310 and 39.04.350.

Referred to Committee on Labor & Commerce.

SB 6240 by Senator Kuderer

AN ACT Relating to physician assistants; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.090, 7.68.030, 18.06.140, 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270, 18.100.050, 18.120.020, 18.130.410, 18.250.010, 28A.210.090, 43.70.220, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.42.100, 48.43.094, 48.43.115, 51.04.030, 51.28.100, 69.41.030, 69.45.010, 70.41.210, 70.54.400, 70.128.120, 70.185.090, 70.225.040, 71.32.020, 74.09.010, 74.42.230, and 82.04.050; reenacting and amending RCW 18.71A.010, 18.79.260, 18.89.020, 18.130.040, 18.360.010, 43.70.110, 43.70.442, 69.41.010, 69.50.101, 69.51A.010, 70.180.030, 71.05.020, 71.24.025, 71.34.020, and 74.42.010; adding new sections to chapter 18.71A RCW; creating a new section; repealing RCW 18.57A.010, 18.57A.020, 18.57A.023, 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090, 18.57A.100, 18.57A.800, 18.57A.810, 18.71A.035, and 18.71A.040; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SJM 8016 by Senator Hasegawa

Concerning the federal harbor maintenance tax.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SJR 8213 by Senators Fortunato and Sheldon

Amending the Constitution to create a term limit for the office of governor.

Referred to Committee on State Government, Tribal Relations & Elections.

SJR 8214 by Senators Wilson, L. and Zeiger

Amending the Constitution to prohibit title-only bills.

Referred to Committee on State Government, Tribal Relations & Elections.

SCR 8411 by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2020 regular session of the sixty-sixth legislature.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the

committees as designated with the exceptions of Senate Bill No. 6117 which had been designated to the Committee on Ways & Means and was referred to the Committee on Early Learning & K-12 Education; Senate Bill No. 6162 and Senate Bill No. 6220 which had been designated to the Committee on Human Services and were referred to the Committee on Law & Justice; and Senate Concurrent Resolution No. 8411 which had been held on the first reading calendar and was placed on the second reading calendar.

On motion of Senator Liias, and without objection, the rules were suspended and the following measures listed on the document entitled "Bill Dispositions 1/13/2020" were placed in the Committee on Rules "X file":

Engrossed Senate Bill No. 5008; Substitute Senate Bill No. 5030; Senate Bill No. 5036; Engrossed Substitute Senate Bill No. 5051; Senate Bill No. 5053; Engrossed Substitute Senate Bill No. 5067; Second Substitute Senate Bill No. 5093; Senate Bill No. 5113; Senate Bill No. 5120; Senate Bill No. 5125; Senate Bill No. 5128; Senate Bill No. 5133; Senate Bill No. 5134; Engrossed Substitute Senate Bill No. 5139; Second Substitute Senate Bill No. 5141; Substitute Senate Bill No. 5211; Senate Bill No. 5214; Senate Bill No. 5221; Substitute Senate Bill No. 5267; Senate Bill No. 5285; Second Substitute Senate Bill No. 5292; Engrossed Substitute Senate Bill No. 5295; Substitute Senate Bill No. 5303; Engrossed Substitute Senate Bill No. 5322; Engrossed Second Substitute Senate Bill No. 5327; Substitute Senate Bill No. 5363; Senate Bill No. 5367; Senate Bill No. 5375; Second Substitute Senate Bill No. 5376; Engrossed Second Substitute Senate Bill No. 5393; Senate Bill No. 5407; Senate Bill No. 5419; Substitute Senate Bill No. 5428; Senate Bill No. 5435; Substitute Senate Bill No. 5443; Senate Bill No. 5447; Senate Bill No. 5467; Engrossed Substitute Senate Bill No. 5478; Senate Bill No. 5501; Senate Bill No. 5518; Senate Bill No. 5584; Senate Bill No. 5585; Substitute Senate Bill No. 5593; Substitute Senate Bill No. 5603; Engrossed Senate Bill No. 5616; Senate Bill No. 5653; Engrossed Second Substitute Senate Bill No. 5662; Substitute Senate Bill No. 5687; Senate Bill No. 5716; Substitute Senate Bill No. 5735; Engrossed Senate Bill No. 5755; Engrossed Substitute Senate Bill No. 5765; Second Substitute Senate Bill No. 5774; Engrossed Substitute Senate Bill No. 5812; Second Substitute Senate Bill No. 5822; Senate Bill No. 5826; Senate Bill No. 5848; Substitute Senate Bill No. 5876; Substitute Senate Bill No. 5919; Senate Bill No. 5930; Senate Bill No. 5992; Senate Bill No. 8008.

The following measures under consideration by the Committee on Rules were referred to the Committee's 2nd Reading Calendar (Rules 2):

Senate Bill No. 5011; Senate Bill No. 5016; Senate Bill No. 5076; Senate Bill No. 5097; Senate Bill No. 5168; Senate Bill No. 5219; Senate Bill No. 5249; Senate Bill No. 5275; Senate Bill No. 5282; Senate Bill No. 5315; Senate Bill No. 5402; Senate Bill No. 5450; Senate Bill No. 5457; Senate Bill No. 5486; Senate Bill No. 5522; Senate Bill No. 5592; Senate Bill No. 5614; Senate Bill No. 5749; Senate Bill No. 5830; Senate Bill No. 5920; Senate Bill No. 5939.

The following measure under consideration by the Committee on Rules Committee, Senate Bill No. 5059, was referred from the Committee's X-file to the Committee on Labor & Commerce.

The following measures under consideration by the Committee on Rules: Senate Bill No. 5270; Senate Bill No. 5762; Senate Bill No. 8002; Senate Bill No. 8006 were referred from the Committee's X-file to the Committee on State Government.

The following measures under consideration by the Committee on Rules, Substitute Senate Bill No. 5388, Engrossed Senate Bill No. 5779, and Senate Bill No. 8403 were referred from the Committee's 3rd Reading Calendar (Rules 3) to the Committee on State Government.

The following measure under consideration by the Committee on Rules, Senate Bill No. 5299, was referred from the Committee's X-file to the Committee on Law & Justice.

The following measures under consideration by the Committee on Rules, Substitute Senate Bill No. 5532 and Second Substitute Senate Bill No. 5820 were referred from the Committee's 3rd Reading Calendar (Rules 3) to the Committee on K12 Education.

The following measures under consideration by the Committee on Rules, Senate Bill No. 5676 and Senate Bill No. 5679 were referred from the Committee's X-file to the Committee on Local Government.

The following measures under consideration by the Committee on Rules, Senate Bill No. 5182; Senate Bill No. 5351; Senate Bill No. 5533 were referred from the Committee's X-file to the Committee on Human Services.

The following measures under consideration by the Committee on Rules, Substitute Senate Bill No. 5164; Engrossed Second Substitute Senate Bill No. 5291; Substitute Senate Bill No. 5488; Senate Bill No. 5640 were referred from the Committee's 3rd Reading Calendar (Rules 3) to the Committee on Human Services.

The following measure under consideration by the Committee on Rules, Senate Bill No. 5338, was referred from the Committee's 2nd Reading Calendar (Rules 2) to the Committee on Human Services.

The following measure under consideration by the Committee on Rules, Engrossed Substitute Senate Bill No. 5544 was referred from the Committee's 3rd Reading Calendar (Rules 3) to the Committee on Committee on Transportation.

The following measures under consideration by the Committee on Rules, Senate Bill No. 5970, Senate Bill No. 5972, and Senate Bill No. 8206 were referred from the Committee's 2nd Reading Calendar (Rules 2) to the Committee on Committee on Transportation.

The following measures under consideration by the Committee on Rules, Senate Bill No. 5636, Senate Bill No. 5862, Senate Bill No. 5872, and Senate Bill No. 5963, were referred from the Committee's X-file to the Committee on Ways & Means.

The following measures under consideration by the Committee on Rules, Senate Bill No. 5828 and Engrossed Substitute Senate Bill No. 5853, were referred from the Committee's 3rd Reading Calendar (Rules 3) to the Committee on Committee on Ways & Means.

The following measure under consideration by the Committee on Rules, Senate Bill No. 5537 was referred to the Committee on Ways & Means.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2020 regular session of the sixty-sixth legislature.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 having received a majority was adopted by voice vote.

MOTION

At 12:43 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:22 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

January 13, 2020

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402,

HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4402 by Representatives Sullivan, Kretz and Wylie
Specifying the status of bills, resolutions, and memorials.

HCR 4403 by Representatives Sullivan and Kretz
Calling a Joint Session of the Legislature for the State of the State Address.

MOTION

On motion of Senator Liias, under suspension of the rules House Concurrent Resolution No. 4402 and House Concurrent Resolution No. 4403 were placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

The measure was read the second time.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4402.

HOUSE CONCURRENT RESOLUTION NO. 4402 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Sullivan and Kretz

Calling a Joint Session of the Legislature for the State of the State Address.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Liias, the Senate reverted to the third order of business.

January 13, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

For your information, the following reports have been submitted by the various agencies, departments, and taskforces and received by the Office of the Secretary of the Senate since the close of the previous session:

Agriculture, Department of – “*Pesticide Management Division 2018 Annual Report*”, pursuant to 15.58.420 RCW; “*Electronic Cattle Transaction Reporting System, 2019 Report*”, pursuant to 16.57.450 RCW; “*Funding Gap Analysis and Sustainable Farms*” in accordance with Engrossed Substitute House Bill No. 1109; “*Gap Analysis and Sustainable Farms Budget Proviso*” in accordance with Engrossed Substitute House Bill No. 1109;

AT&T – “*Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019*”, in accordance with House Bill No. 1183;

Auditor’s Office, Washington State – “*Audits of State Agency Local Funds, July 1, 2017 - June 30, 2019*”, pursuant to 43.09.420 RCW;

Beef Commission, Washington State – “*Beef Commission 2019-20 Strategic Plan*”, pursuant to 16.67 RCW; “*Beef Commission 2018-19 Annual Report*”, pursuant to 16.67 RCW;

Career Connect Washington – “*2019 Progress Report to the Legislature*”, in accordance with Engrossed Second Substitute House Bill No. 2158;

Caseload Forecast Council – “*Adult General Disproportionality Report for Fiscal Year 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6032;

Children, Youth, and Families, Department of – “*Network Administrator Procurement Efforts, 2019 Update*”, pursuant to 43.216.015 RCW; “*Traumatic Brain Injury -- A Collaboration on TBI Screening for Children and Youth in Foster Care*”, in accordance with Substitute House Bill No. 1605; “*Child Fatality Report, January - March 2019*”, pursuant to 74.13.640 RCW; “*Newborn Safe Surrender -- Information Collection 2009-2018*”, pursuant to 13.34.360 RCW; “*Quality Assurance Report, July 1, 2017 - June 30, 2018*”, pursuant to 43.20A.870 RCW; “*Child Fatality Report, April - June 2019*”, pursuant to 74.13.640 RCW; “*Kinship Care Oversight Committee 2019 Report*”, pursuant to 74.13.621 RCW;

Commerce, Department of – “*Child Care Collaborative Task Force*”, pursuant to 43.01.036 RCW; “*Homeless Housing Crisis Response System Strategic Plan 2019-2024*”, pursuant to 43.185C.040 RCW; “*Stormwater Managers Guide: Is a Community-Based Public-Private Partnership Right for Your Community*”, in accordance with Engrossed Substitute Senate Bill No. 6095; “*Yakima Convention Center Expansion Financial Feasibility Review*”, pursuant to 35.57.025 RCW; “*El Nuevo Camino Legislative Report*”, in accordance with Substitute Senate Bill No. 5883; “*Independent Contractor Study, 2019 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Public Works Board, Fiscal Year 2019 Emergency and Pre-construction Loans*”, pursuant to 43.155.070 RCW; “*Green Economy Interim Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Snohomish Diversion Pilot: Treatment Services for Homeless Individuals with Substance Abuse Disorders as an Alternative to Jail*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Industrial Waster Coordination (Industrial Symbiosis) Program Recommendations*”, in accordance with Substitute Senate Bill No. 5936; “*Interbay Public Development Advisory Committee Recommendations and Implementation Plan*”, in accordance with Engrossed Substitute Senate Bill No. 6095; “*Sexual Assault Response: Increasing Sexual Assault Nurse Examiner Availability and Access Statewide*”, in accordance with Substitute House Bill No. 2101; “*Encouraging Investments in Affordable and Supportive Housing -- Update on Implementation*”, pursuant to 82.14.540 RCW; “*Skilled Worker Outreach, Recruitment and Career Awareness Grant Program*”, pursuant to 43.329.070 RCW; “*Criminal Penalty Fees Related to Sexual Exploitation Crimes, Fiscal Year 2019 Report*”, pursuant to 43.280.100 RCW;

Conservation Commission, Washington State – “*Gap Analysis and Sustainable Farms Budget Proviso*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Funding Gap Analysis and Sustainable Farms*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Food Policy Forum Recommendations to the Legislature*”, in accordance with Engrossed Substitute Senate Bill No. 6032;

Corrections Ombuds, Office of the – “*Annual Report 2019*”, pursuant to 43.06C RCW; “*Investigation Report*”, pursuant to 43.06C RCW;

Corrections, Department of – “*Custody Staff: Health Care Delivery, 2019 Report to the Legislature*” in accordance with Engrossed Substitute House Bill No. 1109; “*Extraordinary*

Medical Placement Report for 2018”, pursuant to 72.09.620 RCW; “*Work Release Expansion -- Implementation Plan, 2019 Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Nurse Staffing, 2019 Report to the Legislature*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Use of Secured-Internet to Expand Postsecondary Education Opportunities to Enhance Public Safety*”, in accordance with Substitute Senate Bill No. 5443; “*Body Scanner Pilot: An Alternative to Strip Searches of Incarcerated Individuals, 2019 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Yakima Jail Therapeutic Community Program, 2019 Report*”, in accordance with Engrossed Substitute House Bill No. 1109;

Courts, Administrative Office of the - “*District and Municipal Court Judges’ Association Annual Report for 2019*”, pursuant to 3.70.040 RCW;

Developmental Disabilities - Residential Habilitation Center Workgroup - “*Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services*”, in accordance with Engrossed Substitute House Bill No. 1109;

Developmental Disabilities Ombuds, Office of the - “*Annual Report for State Fiscal Year 2018*”, pursuant to 43.382.005 RCW; “*Expansion Plan*”, pursuant to 43.382.005 RCW;

Ecology, Department of - “*Brownfield Redevelopment Trust Fund Account, 2019 Report*”, pursuant to 70.105D.140 RCW; “*Statewide Progress on Setting Instream Flows*”, pursuant to 90.82.080 RCW; “*Cleanup Settlement Account, Annual Report for 2019 Fiscal Year*”, pursuant to 70.105D.130 RCW; “*Compliance and Enforcement of Water Rights in Designated Basins*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Antifouling Paints in Washington State Report and Recommendations*”, in accordance with Substitute House Bill No. 2634; “*Progress in Reducing Fine Particle Air Pollution in Tacoma-Pierce County*”, pursuant to 70.94.605 RCW; “*Upper Skagit Water Resource Studies*”, in accordance with Engrossed Substitute Senate Bill No. 6095; “*Model Toxics Control Accounts (MTCA) Report of Expenditures for the 2017-2019 Biennium*”, pursuant to 70.105D.030 RCW; “*Greenhouse Gas Emissions Reduction Limits*”, pursuant to 70.235.040 RCW; “*Columbia River Basin Water Supply Inventory Report, 2019*”, pursuant to 90.90.040 RCW;

Education, Washington State Board of - “*Mastery-based Learning, Interim Report*”, in accordance with Engrossed Second Substitute House Bill No. 1599;

Enterprise Services, Department of - “*Campus-wide Electrical Service Panels -- Arc Flash Study Preliminary Report*”, in accordance with Substitute House Bill No. 1102; “*Information Technology Contracts Report Supplement*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Leased Facilities Report for Fiscal Year 2018-19*”, pursuant to 43.82.010 RCW; “*Biodiesel Use by Washington State Agencies, January - December 2018*”, pursuant to 43.19.646 RCW; “*Information Technology Contracts Report*”, in accordance with Engrossed Substitute House Bill No. 1109;

Financial Management, Office of - “*Credit Card Cost Recovery*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Facilities Inventory Report, 2019*”, pursuant to 43.82.150 RCW; “*One Washington Quarterly Report, January - March 2019*”, in accordance with Substitute Senate Bill No. 5883; “*Performance-Based Incentives and Recognition Report, 2019*”, pursuant to 41.06.133 RCW; “*Veteran Employment Program*”, pursuant to 43.41.460 RCW; “*Credit Card Cost Recovery, Attachment 1, Volumes*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Credit Card Cost Recovery, Attachment 2, State Agency Fiscal Analysis*”, in accordance with

Engrossed Substitute House Bill No. 1160; “*Primary Care Expenditures, Summary of current primary care expenditures and investment in Washington*”, in accordance with Engrossed Substitute House Bill No. 1109;

Fish and Wildlife, Department of - “*Derelict Shellfish Gear Removal and Disposal, 2019 Annual Report*”, pursuant to 77.32.430 RCW;

Hatchery Spending and Project, Joint Legislative Task Force - “*Joint Legislative Hatchery Spending and Project Task Force Final Report*”, in accordance with Engrossed Substitute House Bill No. 1109;

Health Care Authority - “*Washington Autism Alliance and Advocacy Final Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Jail Transition Services, 2019 Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Addendum to the Designated Crisis Responder (DCR) Statewide Protocols*”, in accordance with Substitute House Bill No. 1907; “*Bree Collaborative Annual Report for 2019*”, in accordance with Engrossed Substitute House Bill No. 1311; “*Service Coordination Organization and Managed Care Performance Measure Report, Accountability Implementation Status, 2019*”, pursuant to 70.320.050 RCW; “*Long-Term Behavioral Health Inpatient Involuntary Care, Access, Purchasing, and Bidirectional Integration*”, in accordance with Engrossed Second Substitute Senate Bill No. 5432; “*Self Sufficiency of Accountable Communities of Health*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Rate Methodology for 90- and 180-Day Civil Commitment Beds*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Behavioral Health Consultation and Referral Service*”, in accordance with Engrossed Second Substitute Senate Bill No. 5432; “*Prescription Drug Price Transparency and Purchasing*”, in accordance with Engrossed Second Substitute House Bill No. 1224; “*Increasing Clubhouse Programs*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Services to Lower the Risk of Recidivism Oversight Committee and the Offender Reentry Committee Safety Program (ORCSP)*”, pursuant to 71.24.460 RCW; “*Proportion of Non-Participating Providers Serving Apple Health Enrollees, July 1, 2018 - June 30, 2019*”, pursuant to 74.09.522 RCW; “*Public Employees Benefits Board Annual Report, Customer Service Complaints and Appeals, July 2018 - June 2019*”, pursuant to 41.05.630 RCW; “*Health Care Innovation Plan, Final Status Report*”, in accordance with Engrossed Second Substitute House Bill No. 2572; “*Medicaid Managed Care Preventative Services and Vaccinations*”, in accordance with Engrossed Substitute House Bill No. 1109; “*County Appropriations, Criminal Justice Treatment Account (CJTA) Administration*”, in accordance with Engrossed Substitute House Bill No. 1109; “*PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2019 Report*”, pursuant to 41.05.065 RCW; “*Rural Health Clinics Reconciliation Status, Calendar Years 2011-2013 and 2014-2017*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for January - March 2019*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Access to Baby and Child Dentistry (ABCD) Program: Expanding to Children with Disabilities: Final Report*”, in accordance with Substitute Senate Bill No. 6549; “*Hepatitis C Medications, Comprehensive Purchasing Strategies*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Bleeding Disorder Collaborative for Care*”, in accordance with Engrossed Substitute Senate Bill No. 6052; “*Health and Human Services Enterprise Coalition, Legislative Proviso Report on IT Investment Coordination*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Universal Health Care Work*

FIRST DAY, JANUARY 13, 2020

Group Preliminary Report”, in accordance with Engrossed Substitute House Bill No. 1109; “*Access to Behavioral Health Services for Children, 2019 Report*”, pursuant to 74.09.495 RCW; “*Evidence Based Practice Institute*”, in accordance with Engrossed Substitute House Bill No. 1109;

Health Insurance Pool, Washington State (WSHIP) – “*Annual Report for 2018*” pursuant to 48.41.240 RCW;

Health, Department of – “*Long-term Care Workforce Development Interim Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Prescription Monitoring Program Integration*” pursuant to 70.225 RCW; “*Maternal Mortality Review Panel: Maternal Deaths 2014-2016*”, pursuant to 70.54.450 RCW; “*Physical Therapists and Spinal Manipulation*”, pursuant to 18.74 RCW; “*Mental Health Providers Credential Renewals, 2019 Report*”, pursuant to 18.225.800 RCW; “*Manufacturing Generic Drugs*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Reimbursement for Healthcare Services Provided by Fire Departments [CARES]*”, in accordance with Engrossed Second Substitute House Bill No. 1358; “*Healthcare Associated Infections, 2019 Report*”, pursuant to 43.70.056 RCW; “*Improving Behavioral Health and Suicide Prevention in the Washington State Agricultural Industry, Pilot Program Preliminary Report*”, in accordance with House Bill No. 2671; “*Resident Rights and Access to Ombuds Services in Intensive Behavioral Health Treatment Facilities*”, in accordance with Second Substitute House Bill No. 1394

Independent Colleges of Washington – “*Washington Student Loan Transparency Act Compliance Report, 2019*”, pursuant to 28B.10.285 RCW;

Insurance Commissioner, Office of the – “*Direct Practices in Washington State, 2019 Report*”, pursuant to 48.150.100 RCW; “*Washington Disaster Resiliency Work Group Preliminary Report*” in accordance with Senate Bill No. 5106; “*Mandated Health Benefits Report, 2020 Plan Year*”, pursuant to 48.43.715 RCW; “*Fixed-Payment Benefit Plans Annual Report for 2019*”, pursuant to 48.43.650 RCW; “*Medical Malpractice Annual Report for 2019: Claims Closed from January 1, 2014 through December 31, 2018*”, pursuant to 48.140.050 RCW; “*Individual Market Health Plans, Plan Year 2020*”, in accordance with Engrossed Substitute House Bill No. 1109;

Labor and Industries, Department of – “*Farm Internship Pilot Project, 2019 Report*”, pursuant to 49.12.470 RCW; “*Prevailing Wage Determinations, Fiscal Year 2019 Report*”, pursuant to 39.12 RCW; “*Underground Economy Benchmark Report for 2019*”, pursuant to 18.27.800 RCW; “*Wage, Child Labor and Protected Leave Investigations, 2019 Report*”, pursuant to 49.12.180 RCW; “*Office of the Ombuds for Injured Workers of Self-Insured Employers, July 2018 - June 2019*”, pursuant to 51.14.400 RCW;

Medical Commission, Washington – “*Integration of International Medical Graduates (IMG) into Washington’s Health Care System: Strategies and Recommendations from the 2019 IMG Workgroup*”, in accordance with Second Substitute Senate Bill No. 5846;

Military Department – “*2019 Report to the Legislature*”, in accordance with Substitute Senate Bill No. 5046;

Natural Resources, Department of – “*Electric Utility Wildland Fire Prevention Task Force, Preliminary Report*”, in accordance with Substitute Senate Bill No. 5305; “*Aerial Herbicides in Forestlands*”, in accordance with Substitute Senate Bill No. 5597; “*Recommendations on the Underutilized Portions of the Fircrest Campus*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Trust Lands Performance Assessments:*

2020 REGULAR SESSION

Maximizing Opportunities, 2019 Report”, in accordance with Substitute House Bill No. 1102;

Professional Educator Standards Board – “*Alternative Routes to Teacher Certification*”, pursuant to 28A.660.020 RCW; “*Paraeducators in Washington’s Teach Workforce, Recommendations to remove barriers faced by school districts and ESDs as they support paraeducators in teacher roles*”, in accordance with Substitute House Bill No. 1658; “*Paraeducator Pilot Program Final Report*”, in accordance with Engrossed Substitute House Bill No. 1115; “*Potential of Micro-credentials in Washington State*”, in accordance with Engrossed Second Substitute House Bill No. 1139;

Public Employment Relations Commission – “*Annual Report for 2018*”, pursuant to 41.58.010 RCW;

Public Instruction, Office of the Superintendent of – “*Social Emotional Learning in Washington’s K-12 Public Schools*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix A - SEL Workgroup Membership*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix B - Glossary*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix C - SEL Implementation Guide*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix D - SEL Standards, Benchmarks, and Indicators*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix E - Brief for Education Leaders*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix F - Brief for Educators*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix G - Brief for Parents and Families*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix H - Brief for Community and Youth Development Organizations*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix I - Brief on Culturally Responsive Practices*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix J - Stakeholder Feedback and Community Outreach Summary*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix K - Social and Emotional Learning across Washington*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix L - National SEL Environment Scan*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix M - SEL and Equity: Current Issues and Considerations*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix N -- SEL Standards, Annotated Bibliography Evidence Basis for SEL*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix O - Annotated Bibliography Standards and Benchmarks*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix P - SEL Indicators: Reference List*”, in accordance with Substitute Senate Bill No. 5883; “*Social Emotional Learning in Washington’s K-12 Public Schools, Appendix Q - October 2016 SEL Benchmarks Workgroup Report*”, in accordance with Substitute Senate Bill No. 5883;

“Online Learning: Update”, pursuant to 28A.250.040 RCW; *“Transitional Bilingual Instruction Program (TBIP), Update, 2017-18”*, pursuant to 28A.180.020 RCW; *“Building Bridges Workgroup (Dropout Prevention, Intervention, and Reengagement), 2018 Update”*, pursuant to 28A.175.075 RCW; *“K-4 Reading Levels, Update, 2017-18”*, pursuant to 28A.320.203 RCW; *“Covering the Costs of Dual Credit for Students and Families, 2019 Report”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Competency-Based Assessments, 2019”*, pursuant to 28A.655.070 RCW; *“Weapons in Schools, 2019 Update”*, pursuant to 28A.320.130 RCW; *“OSPI’s Work in Sexual Health Education, 2019 Report”*, in accordance with Engrossed Substitute Senate Bill No. 6032; *“Staffing Enrichment Workgroup Recommendations, 2019”*, pursuant to 28A.400.007 RCW; *“Schools Implementing the Community Eligibility Provision, 2019 Report”*, pursuant to 28A.235.290 RCW; *“Special Education Safety Net Survey, 2019”*, pursuant to 28A.150.392 RCW; *“Educational Technology Assessments, 2018-19 Update”*, pursuant to 28A.655.075 RCW; *“School Transportation Efficiency, 2019 Report”*, pursuant to 28A.160.117 RCW; *“Gangs in Schools Task Force, 2019 Update”*, pursuant to 28A.300.490 RCW; *“Sexual Health Education Workgroup Recommendations”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Sexual Health Education Data Survey”*, in accordance with Engrossed Substitute House Bill No. 1109; *“The State of Native Education, 2019 Update”*, pursuant to 28A.300.105 RCW;

Public Works Board – *“Public Works Board, Fiscal Year 2019 Emergency and Pre-construction Loans”*, pursuant to 43.155.070 RCW;

Puget Sound Partnership – *“State of the Sound”*, pursuant to 90.71.200 RCW;

Recreation and Conservation Commission – *“Economic, Environmental, & Social Benefits of Recreational Trails in Washington State”*, in accordance with Engrossed Substitute Senate Bill No. 6032;

Recreation and Conservation Office – *“Recreational Assets of Statewide Significance in Washington State, Study Report”*, in accordance with Engrossed Substitute Senate Bill No. 6095; *“Nason Ridge Community Forest Management Plan”*, in accordance with Engrossed Substitute House Bill No. 1109;

Revenue, Department of – *“Local Business Licensing Partnership Plan Fiscal Year 2020-2021”*, pursuant to 35.90.020 RCW; *“State Agency Business Licensing Information for 2019”*, pursuant to 19.02.055 RCW; *“Local Business Licensing Progress Report, 2019”*, pursuant to 35.90.020 RCW; *“Fair Report, 2019”*, in accordance with Engrossed Substitute House Bill No. 1109; *“State Agency Business Licensing Information for 2019 Appendix”*, pursuant to 19.02.055 RCW; *“Descriptive Statistics for Tax Incentive Programs, Covering Calendar Year 2018 Activity”*, pursuant to 82.32.534 RCW; *“Tax Exemption Study for 2020”*, pursuant to 43.06.400 RCW; *“Local Revitalization Financing Program Report, 2019 Report covering Calendar Year 2018”*, pursuant to 82.32.765 RCW; *“Hospital Benefit Zone Financing Program Report, 2019 Report covering Calendar Year 2018”*, pursuant to 82.14.470 RCW;

Sea Grant, Washington – *“Shellfish Production Best Management Practices Three-Year Study, Progress Report”*, in accordance with Engrossed Substitute House Bill No. 1109;

Sexual Assault Programs, Washington Coalition of – *“Addressing Harm Caused in the Exchange of Intimate Images by Minors, 2019 Report”*, in accordance with House Bill No. 1742;

Sheriffs and Police Chiefs, Washington Association of – *“Arrest and Jail Alternatives -- Law Enforcement Grant Program, 2019 Report”*, in accordance with Second Substitute House Bill No. 1767;

Social & Health Services, Department of – *“Improving Inpatient and Staff Safety in State Hospitals -- Status Report”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Basic Food Employment and Training Program (BFET) Expansion, 2019 Report”*, pursuant to 74.04.535 RCW; *“Snohomish Diversion Pilot: Treatment Services for Homeless Individuals with Substance Abuse Disorders as an Alternative to Jail”*, in accordance with Engrossed Substitute Senate Bill No. 6032; *“WorkFirst Spending Plan Monitoring Report, 1st Quarter State Fiscal Year 2020, as of September 30, 2019”*, pursuant to 74.08A.341 RCW; *“Staffing Levels Compared to Allotments”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2019 Report”*, pursuant to 71.09.325 RCW; *“Forensic Admissions and Evaluations - Performance Targets 2018 Fourth Quarter (October 1, 2018 - December 31, 2018)”*, pursuant to 10.77.068 RCW; *“WorkFirst Maintenance of Effort and Work Participation Rate, July - September 2018”*, in accordance with Engrossed Substitute Senate Bill No. 6032; *“WorkFirst Wage Progression Report through Second Quarter 2018”*, pursuant to 74.08A.411 RCW; *“Assisted Living Facility Quality Measures”*, pursuant to 18.20.510 RCW; *“Department Efforts to Reduce Violence in the State Hospitals, September 2019”*, pursuant to 72.23.451 RCW; *“WorkFirst Spending Plan, 2019-21 Biennial Spending Plan”*, pursuant to 74.08A.341 RCW; *“State Hospital Staffing Levels Compared to Allotments”*, in accordance with Engrossed Substitute Senate Bill No. 6032; *“WorkFirst Spending Plan Monitoring Report, 3rd Quarter State Fiscal Year 2019, as of March 31, 2019”*, pursuant to 74.08A.341 RCW; *“WorkFirst Wage Progression Report through Third Quarter 2018”*, pursuant to 74.08A.411 RCW; *“Resources to Initiate Successful Employment (RISE), Final Report”*, in accordance with Engrossed Substitute Senate Bill No. 6032; *“WorkFirst Wage Progress Report through Fourth Quarter 2018”*, pursuant to 74.08A.411 RCW; *“State Psychiatric Hospital Forensic and Civil Bed Need Models”*, in accordance with Engrossed Substitute House Bill No. 1109; *“WorkFirst Maintenance of Effort and Work Participation Rate, January - March 2019”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Forensic Admissions and Evaluations - Performance Targets 2019 First Quarter (January 1, 2019 - March 31, 2019)”*, pursuant to 10.77.068 RCW; *“Forensic Admissions and Evaluations - Performance Targets 2019 Second Quarter (April 1, 2019 - June 30, 2019)”*, pursuant to 10.77.068 RCW; *“Washington Connection Benefit Portal 2019 Report”*, pursuant to 74.04.225 RCW; *“WorkFirst Maintenance of Effort and Work Participation Rate, October - December 2018”*, in accordance with Engrossed Substitute House Bill No. 1109; *“WorkFirst Wage Progression Report through Fourth Quarter 2018”*, pursuant to 74.08A.411 RCW; *“Western State Hospital - City of Lakewood Community Policing Program”*, in accordance with Substitute Senate Bill No. 5883; *“WorkFirst Spending Plan Monitoring Report, 4th Quarter State Fiscal Year 2019, as of June 30, 2019”*, pursuant to 74.08A.341 RCW; *“State-Operated Behavioral Health Group Training Home”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Efforts to Secure Federal Changes to Permit Full Implementation of Chapter 407, Laws of 2019 (2SHB 1893)”*, pursuant to 43.20A.755 RCW; *“Recommendations for Implementation of an Asset Verification System”*, in accordance with Engrossed Substitute House Bill No. 1109; *“Asset Verification System Feasibility Study”*, in accordance with Engrossed Substitute House Bill No. 1109;

Tacoma-Pierce County Health Department – *“Improving the Rate of Potentially Preventable Hospitalizations”*, in accordance with Engrossed Substitute House Bill No. 1109;

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Transportation, Department of – “*Freight Rail Investment Bank (FRIB) and Freight Rail Assistance Program (FRAP) 2019-21 Progress Report*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Toll Division Proviso Report, July - September 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Recycle Concrete Usage in Aggregate Materials, 2019 Annual Report*”, pursuant to 70.95.807 RCW; “*Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 1*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Cooper Jones Active Transportation Safety Advisory Council 2019 Annual Report*”, in accordance with Substitute Senate Bill No. 5710; “*Interstate Bridge Replacement Project, December 2019 Progress Report*”, in accordance with Engrossed Substitute House Bill No. 1160; “*I-405 Express Toll Lanes: 45 Months of Operations, October 2015 - June 2019*”, pursuant to 47.56.880 RCW; “*Practical Design Savings on Connecting Washington Funded Projects, January 2020*”, pursuant to 47.01.480 RCW; “*Labor System Replacement Project Status Report*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Public Transportation Mobility Report for 2019*”, pursuant to 47.66 RCW; “*Pre-Apprentice Support Services and On-the-Job Training Support Services Program, 2019 Report*”, pursuant to 47.01.435 RCW; “*Public Transportation, 2018 Summary*”, pursuant to 35.58.2796 RCW; “*Transit Integration Report for 2019*”, pursuant to 35.58.2796 RCW; “*Pedestrian and Bicycle & Safe Routes to School Programs, 2019 Status Report, Local Programs*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Connecting Washington Programs with Benefits to Transit, Bicycle, and Pedestrian Elements, Fiscal Year 2019*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Fund Transfers Report (TPA and CWA Accounts), October - December 2019*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Administrative Funds Transfers, July - September 2019*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Toll Division Proviso Report, April - June 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-2019 Biennium Quarter 8*”, in accordance with Engrossed Senate Bill No. 5096; “*Fund Transfers Report, April - June 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Tort Judgments and Settlements Pertaining to Washington State Ferries and non-WSF Operations*”, in accordance with Engrossed Substitute House Bill No. 1160; “*I-405 Express Toll Lanes: 42 Months of Operations, October 2015 - March 2019*”, pursuant to 47.56.880 RCW; “*Rail Fixed Guideway Public Transportation System Safety Report for 2018*”, pursuant to 81.104.115 RCW; “*Implementing Practical Design Connecting Washington Project Title and Scope Change Request, July 16, 2019*”, pursuant to 47.01.480 RCW; “*Practical Design Savings on Connecting Washington Funded Projects, July 2019*” pursuant to 47.01.480 RCW; “*Ultra-High-Speed Ground Transportation Business Case Analysis, Final Report*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Fund Transfers Report (TPA and CWA Accounts), July - September 2019*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Fund Transfers Report (TPA and CWA Accounts), April - June 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Advancing Connecting Washington Projects, September 2019*” in accordance with Engrossed Substitute House Bill No. 1160; “*Electric Aircraft Working Group Report*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Toll Division Proviso Report, January - March 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Small Business Transit Subsidy*”, in accordance with Engrossed Substitute Senate

Bill No. 6106; “*Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-2019 Biennium Quarter 7*”, in accordance with Engrossed Senate Bill No. 5096; “*Fund Transfers Report (TPA and CWA Accounts), January - March 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Administrative Funds Transfers, January - March 2019*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*Puget Sound Gateway Program City of Kent Significant Business Proviso Report Update*”, in accordance with Engrossed Substitute Senate Bill No. 6106; “*I-405 Express Toll Lanes: 39 Months of Operations, October 2015 - December 2018*”, pursuant to 47.56.880 RCW;

University of Washington – “*Suicide Prevention Training, Behavioral Health Services and Awareness Raising among Washington State Postsecondary Education Institutions*”, in accordance with Substitute Senate Bill No. 6514; “*Mobile Observations of Ultrafine Particles: The MOV-UP Study Report*”, in accordance with Substitute Senate Bill No. 5883;

US Cellular – “*Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019*”, in accordance with House Bill No. 1183;

Utilities and Transportation Commission – “*Stakeholder Work Group Discussions and Recommended Improvements to the Washington Underground Utilities Damage Prevention Act*”, in accordance with Engrossed Substitute House Bill No. 1109;

Verizon Wireless – “*Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019*”, in accordance with House Bill No. 1183;

Washington State University Energy Program – “*Renewable Energy System Incentive Program*”, in accordance with Engrossed Substitute Senate Bill No. 5939;

Water Resource Mitigation, Joint Legislative Task Force on – “*Joint Legislative Task Force on Water Resource Mitigation 2019 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6091.

Copies of these reports are available from the Office of the Secretary of Senate.

Sincerely,

/s/

Brad Hendrickson

SECRETARY OF THE SENATE

MESSAGE FROM THE SECRETARY OF STATE

April 18, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Senate Bill 5503 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 18th Day of April 2019.

/s/

Kim Wyman

Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5503

April 17, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Senate Bill No. 5503 entitled:

“AN ACT Relating to state board of health rules regarding on-site sewage systems.”

I am vetoing Section 3 of this bill. This section is unnecessary and precludes local health jurisdiction staff from conditioning an on-site septic permit once an easement for the system has been granted. The granting of an easement should not eliminate the ability of an inspector to correct problems of a system that they are inspecting. The new section of this bill (Section 2) significantly increases protections for homeowners and provides assurance that on-site inspections will be done properly and fairly.

For these reasons I have vetoed Section 3 of Senate Bill No. 5503.

With the exception of Section 3, Senate Bill No. 5503 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 18, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Substitute Senate Bill 5710 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Washington on this 18th Day of April 2019.

/s/

Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5710

April 17, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 5710 entitled:

“AN ACT Relating to the Cooper Jones active transportation safety council.”

I am vetoing Section 3, the emergency clause, because it is not necessary. The new council created by the bill has no plans to convene before August 2019. Vetoing Section 3 of the bill in no way diminishes the bill’s overall traffic safety goals.

For these reasons I have vetoed Section 3 of Substitute Senate Bill No. 5710.

With the exception of Section 3, Substitute Senate Bill No. 5710 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 1, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Senate Bill 5022 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Washington on this 1st Day of May 2019.

/s/

Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5022

April 30, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill No. 5022 entitled:

“AN ACT Relating to granting binding interest arbitration rights to certain higher education uniformed personnel.”

This bill establishes interest arbitration for uniformed personnel, which is defined as sworn police officers employed as a member of a police force established by state universities, regional universities, or the Evergreen State College. Section 2 amends current law and exempts such arbitration awards from submission to the Office of Financial Management to be certified as financially feasible. This could result in requiring the governor to include funds necessary to implement the award in his/her budget regardless of whether it was financially feasible.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Although I support granting interest arbitration to uniformed personnel, it is important to ensure that any award from interest arbitration must be submitted for certification of financial feasibility before being included in the governor's budget proposal. This check and balance on arbitration awards protects the governor's discretion in developing future budget proposals.

For these reasons I have vetoed Section 2 of Senate Bill No. 5022.

With the exception of Section 2, Senate Bill No. 5022 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 13, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Engrossed Senate Bill 5274 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 13th Day of May 2019.

/s/

Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR PARTIAL VETO ON ENGROSSED SENATE BILL NO. 5274

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Senate Bill No. 5274 entitled:

“AN ACT Relating to dental coverage for Pacific islanders residing in Washington.”

I am vetoing section 6 because it is an unnecessary emergency clause. This veto will not disturb the substantive provisions of this bill, but will avoid confusion about the start date of the dental program. The dental program is funded to begin January 1, 2021, and outreach and engagement communications will begin 90 days from today under the normal enactment period of the bill.

For these reasons I have vetoed Section 6 of Engrossed Senate Bill No. 5274.

With the exception of Section 6, Engrossed Senate Bill No. 5274 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 13, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Senate Bill 5360 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 13th Day of May 2019.

/s/

Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR PARTIAL VETO ON SENATE BILL NO. 5360

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5360 entitled:

“AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system.”

Section 5 of this bill declares an emergency and makes the bill effective immediately. However, the bill as it passed the legislature makes the provisions of the bill effective a year later than the date in the original bill. This change means that the emergency clause is no longer needed.

For these reasons I have vetoed Section 5 of Senate Bill No. 5360.

With the exception of Section 5, Senate Bill No. 5360 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 13, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Senate Bill 5054 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 13th Day of May 2019.

/s/
Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5054

May 9, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 4, 5, and 6, Senate Bill No. 5054 entitled:

“AN ACT Relating to increasing the behavioral health workforce by establishing a reciprocity program to increase the portability of behavioral health licenses and certifications.”

Senate Bill 5054 will help out-of-state applicants to more easily and quickly become integrated into

Washington State’s behavioral health workforce. Sections 4, 5 and 6 direct the Department of Health to conduct a study to explore options for adoption of an interstate compact or compacts supporting license portability for certain professionals. I agree with the intended purpose of the bill; however, the final budget did not provide funding for the Department to perform this study and the cost of this work cannot be absorbed.

For these reasons I have vetoed Sections 4, 5, and 6 of Senate Bill No. 5054.

With the exception of Sections 4, 5, and 6, Senate Bill No. 5054 is approved.

Respectfully submitted,

/s/
Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 28, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Second Substitute Senate Bill 5274 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Washington on this 28th Day of May 2019.

/s/
Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL
NO. 5287

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Second Substitute Senate Bill No. 5287 entitled:

“AN ACT Relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence.”

Section 3 is an unnecessary emergency clause. Under the bill, the Department of Children, Youth, and Families; Department of Corrections; and Department of Social and Health Services must perform a residence determination process between April 1 and July 1 of each year ending in zero. Without the emergency clause, this bill will take effect under the standard enactment period, which is well before the first deadline of April 1, 2020. This veto will not disturb the substantive provisions of this bill and will provide the impacted agencies with adequate time to determine the last known place of residence for those persons who are in state custody.

For these reasons I have vetoed Section 3 of Second Substitute Senate Bill No. 5287.

With the exception of Section 3, Second Substitute Senate Bill No. 5287 is approved.

Respectfully submitted,

/s/
Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 28, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Second Substitute Senate Bill 5672 which was partially vetoed by the Governor, along with his objection to the bill, as required by Article III, section 12, of the Washington State Constitution.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

May 21, 2019



IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Washington on this 28th Day of May 2019.

/s/
Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL
NO. 5672

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6,
Second Substitute Senate Bill No. 5672 entitled:

“AN ACT Relating to adult family home specialty services.”

Section 6 contains a null and void clause. The enacted budget
references the bill number, but does not provide specific funding.
Therefore, the bill might be void if this section is not vetoed. The
Department of Social and Health Services agrees that this work is
important, so it will begin this work without additional resources.

For these reasons I have vetoed Section 6 of Second
Substitute Senate Bill No. 5672.

With the exception of Section 6, Second Substitute Senate
Bill No. 5672 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 28, 2019

Lt. Governor Cyrus Habib
President of the Senate
Legislative Building
Olympia, WA 98504

To the Honorable Members of the Washington State Senate:

We respectfully transmit for your consideration Engrossed
Substitute Senate Bill No. 5418 which was partially vetoed by the
Governor, along with his objection to the bill, as required by
Article III, section 12, of the Washington State Constitution.



IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Washington on this 28th Day of May 2019.

/s/
Kim Wyman
Secretary of State

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE
SENATE BILL NO. 5418

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section
15, Engrossed Substitute Senate Bill No. 5418 entitled:

“AN ACT Relating to local government procurement
modernization and efficiency.”

Engrossed Substitute Senate Bill 5418 will help improve
procurement processes for local governments. Section 15 of the
bill amends RCW 87.03.435 relating to irrigation districts.
Section 2 of a different bill passed by the Legislature this year,
Engrossed Senate Bill 5453, contains the same amendments as
well as other changes. Therefore I am vetoing Section 15 of
Engrossed Substitute Senate Bill 5418 to avoid these double
amendments and any confusion at the Office of the Code Reviser.

I would also note that the Legislature did not provide funding
for the Capital Projects Advisory Review Board to review the
public works contracting processes for local governments,
including the small works roster and limited public works
processes as set forth in Section 16. I am directing my Office of
Financial Management to work with the Department of Enterprise
Services to identify resources so they can begin this important
work. In addition, I will be asking the Legislature to include full
funding of this study in the 2020 supplemental operating budget.

For these reasons I have vetoed Section 15 of Engrossed
Substitute Senate Bill No. 5418.

With the exception of Section 15, Engrossed Substitute
Senate Bill No. 5418 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 5573

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed
Senate Bill No. 5573 entitled:

“AN ACT Relating to domestic violence and traumatic brain
injury.”

Sections I and 2 of ESB 5573 are duplicative of sections in
SHB 1532. Since SHB 1532 has already been signed into law,
there is no need to duplicate those provisions by signing this bill
as well. In addition, Section 2 of both ESB 5573 and SHB 1532
will become ineffective as this same section of law is amended in
SHB 1225, which amends the statute to move the relevant
language to a new statute in Chapter 10.99 RCW. For these
reasons, I am vetoing ESB 5573.

The Criminal Justice Training Commission will incorporate
the training required in Section I of the bill into the existing
domestic violence training conducted at the Basic Law

Enforcement Academy Training. Additionally, the Washington Association of Sheriffs and Police Chiefs will work with the sponsors of both ESB 5573 and SHB 1532 to draft a letter to their membership encouraging they provide the information suggested by the bill.

For these reasons I have vetoed Engrossed Senate Bill No. 5573 in its entirety.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR

January 7, 2020

To the Honorable Lt. Governor Cyrus Habib, President of the Senate,
and the Senate of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11 of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2019 Regular Session of the 66th Legislature, copies of which are attached.

Sincerely,
/s/
Taylor K. Wonhoff
Deputy General Counsel

FULL AND UNCONDITIONAL PARDON OF JEFFREY DEAN ATTWOOD

To All to Whom These Presents Shall Come, Greetings:
WHEREAS, Jeffrey Dean Attwood was found guilty of MARIJUANA POSSESSION in Thurston County District Court, Case No. C00545964, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jeffrey Dean Attwood this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Thurston County District Court, Case No. C00545964.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee

Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF JAMIE LAMAR BAILEY

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Jamie Lamar Bailey was found guilty of MARIJUANA POSSESSION in King County Superior Court, Case No. 10-1-08726-1, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jamie Lamar Bailey this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in King County Superior Court, Case No. 10-1-08726-1.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF LARS SVEN BERG

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Lars Sven Berg was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. C00269859, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Lars Sven Berg this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District Court, Case No. C00269859.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
GERALD RICHARD BOLDEN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Gerald Richard Bolden was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. C00564415, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Gerald Richard Bolden this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District Court, Case No. C00564415.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
SEAN THOMAS BROWNE

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Sean Thomas Browne was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. XYOI 73163, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Sean Thomas Browne this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District Court, Case No. XYOI 73163.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
CHRISTOPHER J. BURMAN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Christopher J. Burman was found guilty of MARIJUANA POSSESSION in Pacific County Superior Court, Case No. 09-1-00020-2, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Christopher J. Burman this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Pacific County Superior Court, Case No. 09-1-00020-2.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
MICHAEL SEAN CREAN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Michael Sean Crean was found guilty of MARIJUANA POSSESSION in King County District Court, Case No. BCO 143730, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Michael Sean Crean this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in King County District Court, Case No. BC0143730.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17th day of December, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
TANEESA DAWN DUNHAM

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Taneesa Dawn Dunham was found guilty of MARIJUANA POSSESSION in Walla Walla Superior Court, Case No. 04-1-00532-6, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Taneesa Dawn Dunham this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Walla Walla Superior Court, Case No. 04-1-00532-6.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
KYLE LOWELL ENGBERG

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Kyle Lowell Engberg was found guilty of MARIJUANA POSSESSION in Burlington Municipal Court, Case No. BUC009512, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Kyle Lowell Engberg this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Burlington Municipal Court, Case No. BUC009512.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JEFFREY LYNN EVANS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Jeffrey Lynn Evans was found guilty of MARIJUANA POSSESSION in Douglas County District Court, Case No. CR0009562, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jeffrey Lynn Evans this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Douglas County District court, Case No. CR0009562.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of February, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
MICHAEL JAMES FINLEY

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Michael James Finley was found guilty of MARIJUANA POSSESSION in Bothell Municipal Court, Case No. 8546, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Michael James Finley this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Bothell Municipal court, Case No. 8546.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of February, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
SETH RUSSELL FRETWELL

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Seth Russell Fretwell was found guilty of MARIJUANA POSSESSION in Lewis County Superior Court, Case No. 11-1-00556-3, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Seth Russell Fretwell this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Lewis County Superior Court, Case No. 11-1-00556-3.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
THOMAS GERARD GALLWAS, JR.

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Thomas Gerard Gallwas, Jr. was found guilty of MARIJUANA POSSESSION in Pierce County District Court, Case No. XYCOOI 340, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Thomas Gerard Gallwas, Jr. this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Pierce County District Court, Case No. XYC001340.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
CHRISTOPHER VERNON GEORGE

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Christopher Vernon George was found guilty of MARIJUANA POSSESSION in Whitman County District Court, Case No. P00091144, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Christopher Vernon George this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Whitman County District Court, Case No. P00091144.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
RYAN B HAMILTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Ryan B. Hamilton was found guilty of MARIJUANA POSSESSION in Grant County District Court, Case No. L00127790, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ryan B. Hamilton this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Grant County District Court, Case No. L00127790.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 12th day of March, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
CODY ALLEN JACOBSON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Cody Allen Jacobson was found guilty of MARIJUANA POSSESSION in Clark County District Court, Case No. 88643, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Cody Allen Jacobson this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Clark County District court, Case No. 88643.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of April, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
KIERAN JAMES NICHOLAS JACOBSON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Kieran James Nicholas Jacobson was found guilty of MARIJUANA POSSESSION in Snohomish County District Court, Case No. C00042356, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record,

WI--IEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Kieran James Nicholas Jacobson this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Snohomish County District Court, Case No. C00042356.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of February, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
DANIEL LEE KALLEM

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Daniel Lee Kailem was found guilty of MARIJUANA POSSESSION in Clark County District Court, Case No. 612518, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

FIRST DAY, JANUARY 13, 2020

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Daniel Lee Kallem this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Clark County District Court, Case No. 612518.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
BENJAMIN JACK KENDRICK

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Benjamin Jack Kendrick was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. C00610985, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Benjamin Jack Kendrick this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District Court, Case No. C00610985.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
DANIEL W. KIFLU

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Daniel W. Kiflu was found guilty of MARIJUANA POSSESSION in Lower Kittitas District Court, Case No. 25683, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

2020 REGULAR SESSION

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Daniel W. Kiflu this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Lower Kittitas District court, Case No. 25683.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of February, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
MATTHEW JAMES KURLE

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Matthew James Kurie was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. C00835209, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Matthew James Kurle this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District court, Case No. C00835209.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
CORY MICHAEL LEDGERWOOD

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Cory Michael Ledgerwood was found guilty of MARIJUANA POSSESSION in Clark County District Court, Case No. 54169, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Cory Michael Ledgerwood this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Clark County District Court, Case No. 54169.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21st day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
LAWRENCE TASH ORMAN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Lawrence Tash Oman was found guilty of MARIJUANA POSSESSION in Benton County Superior Court, Case No. 07-1-00583-1, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Lawrence Tash Orman this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Benton County Superior Court, Case No. 07-1-00583-1.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 12th day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
DAVID HARRY PRITCHARD

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, David Harry Pritchard was found guilty of MARIJUANA POSSESSION in Pierce County Superior Court, Case No. 09-1-03087-3, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to David Harry Pritchard this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Pierce County Superior court, Case No. 09-1-03087-3.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of September, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
NADYAH FAHAD QUAIZ

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Nadyah Fahad Quaiz was found guilty of MARIJUANA POSSESSION in Clark County District Court, Case No. 85126, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Nadyah Fahad Quaiz this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Clark County District Court, Case No. 85126.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

FULL AND UNCONDITIONAL PARDON
OF
CHRISTOPHER LOUIS TILZER

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Christopher Louis Tilzer was found guilty of MARIJUANA POSSESSION in King County District Court, Case No. BC0143431, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Christopher Louis Tilzer this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in King County District court, Case No. BC0143431.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
ARIEL EVELYN WHITE-LEBLANC

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Ariel Evelyn Wffte-LeBlanc was found guilty of MARIJUANA POSSESSION in Whatcom County Superior Court, Case No. 09-1-00530-6, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ariel Evelyn White-LeBlanc this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Whatcom County Superior court, Case No. 09-100530-6.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee

Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JOSEPH JACOB WOLF

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Joseph Jacob Wolf was found guilty of MARIJUANA POSSESSION in Spokane County District Court, Case No. C00400917, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Joseph Jacob Wolf this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Spokane County District court, Case No. C00400917.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
JAMES ALLEN WARD

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2001, James Allen Ward pleaded guilty to FIRST DEGREE ROBBERY in Pierce County Superior Court Case No. 00-1-04773-0. The conviction followed events in which Mr. Ward entered several small businesses, and displayed a weapon or threatened to use a weapon in order to steal cash.

WHEREAS, these convictions followed other earlier serious felony convictions, resulting in Mr. Ward being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Ward has served over 18 years in prison for this offense. But for his status as a persistent offender, he would have been released from prison several years ago.

WHEREAS, Mr. Ward's criminal history was largely a result of his addiction to cocaine. Through the entirety of his incarceration, Mr. Ward has maintained his sobriety, never failing a drug test.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Ward's clemency petition. The testimony before the Board was that Mr. Ward has shown remorse for his past conduct, and he has a strong family support network,

including his wife, prepared to assist him in any eventual transition to the community. Testimony also demonstrated that Mr. Ward is sincerely committed to maintaining his sobriety, and he has secured multiple offers of employment once he is released to the community.

WHEREAS, the Pierce County Prosecuting Attorney supports Mr. Ward's petition.

WHEREAS, in 2019, Washington State passed into law SB 5288, which removes second degree robbery from the list of offenses that can qualify an individual as a persistent offender. But this new law only applies prospectively, not retroactively. Consequently, because at least one of Mr. Ward's strike offenses is a second degree robbery, were he convicted for his present offense today, he would not qualify as a persistent offender and thus not face a life sentence on the current offense.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the

Governor commute Mr. Ward's sentence. In making this recommendation, the Board cited Mr. Ward's ongoing sobriety, his strong family and community support network, and his multiple offers for employment upon release.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE James Allen Ward's 2001 sentence for FIRST DEGREE

ROBBERY in Pierce County Superior Court Cause No. 00-1-04773-0, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than May 1, 2021. While in custody, N'r. Ward must successfully complete a DOC-approved six-month work-release program. If Mr. Ward satisfies all phases of his in-custody transition plan by May 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Ward must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Ward shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain employment or enroll in productive educational, vocational, or other programming, as approved by DOC.
5. Reside in DOC-approved housing, and obtain DOC approval before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.

8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess burglary tools, other than tools used for legitimate work purposes, as determined by DOC.
10. Complete a DOC-approved mental health evaluation and follow any recommendations, as directed by DOC.
11. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
12. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
13. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
14. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
15. Attend regular community addiction support programming, as directed by DOC.
16. Be subject to regular drug and alcohol testing as directed by DOC.
17. Be subject to periodic polygraph testing as part of supervision compliance monitoring, as determined by DOC.
18. Not associate with or make contact with known criminal felons, gang members, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
19. Report to DOC all law enforcement contacts within 24 hours of occurrence.
20. Complete the Thinking for a Change program during the first 90 days on community supervision.

PROVIDED, that Mr. Ward shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Ward is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Ward to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants of detain Mr. Ward if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Ward violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Ward will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violation and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Ward has provided to the Office of the Governor or, if Mr. Ward is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Ward submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Ward an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

and conclusive determination on whether Mr. Ward has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. ward is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Ward will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Ward may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Ward may abscond if not detained. If detained, Mr. Ward will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17th day of December, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF PRENTERS BROUGHTON III

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2000, a jury found Prenters Broughton III guilty of FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 00-1-00828-9. The conviction followed events in which Mr. Broughton entered a Tacoma art store and threatened to shoot the cashier with a firearm before stealing over \$200 in cash.

WHEREAS, these convictions followed other earlier serious felony convictions, resulting in Mr. Broughton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Broughton has served over 19 years in prison for this offense. But for his status as a persistent offender, he would have been released from prison several years ago.

WHEREAS, Mr. Broughton's criminal history was largely a result of his addiction to controlled substances. He has been sober for the last ten years, and he has not had a serious prison infraction in over a decade.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Broughton's clemency petition. The testimony before the Board was that Mr. Broughton has shown remorse for his past conduct, and he enjoys a strong family support network. On release he plans to live with and support his mother, and he claims to have friends prepared to provide him employment opportunities. Testimony also demonstrated that Mr. Broughton is sincerely committed to maintaining his sobriety as an active participant in addiction support groups.

WHEREAS, the Pierce County Prosecuting Attorney supports Mr. Broughton's petition.

WHEREAS, in 2019, Washington State passed into law SB 5288, which removes second degree robbery from the list of offenses that can qualify an individual as a persistent offender. But this new law only applies prospectively, not retroactively. Consequently, because at least one of Mr. Broughton's strike offenses is a second degree robbery, were he convicted for his present offense today, he would not qualify as a persistent offender and thus not face a life sentence on the current offense.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Broughton's sentence. In making this recommendation, the Board cited Mr. Broughton's ongoing sobriety, his strong family and community support network, and his multiple options for employment upon release.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Prenters Broughton III's sentence for FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 00-1-00828-9, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than May 1, 2021. While in custody, Mr. Broughton must successfully complete a DOC-approved six-month work-release program. If Mr. Broughton satisfies all phases of his in-custody transition plan by May 1, 2021,

DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Broughton must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Broughton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain employment or enroll in productive educational, vocational, or other programming, as approved by DOC.
5. Reside in DOC-approved housing, and obtain DOC approval before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by

DOC.

10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular addiction support programming, as directed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Be subject to periodic polygraph testing as part of supervision compliance monitoring, as determined by DOC.
16. Not associate with or make contact with known criminal felons, gang members, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Broughton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Broughton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Broughton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Broughton if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Broughton violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Broughton will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violation and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Broughton has provided to the Office of the Governor or, if Mr. Broughton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Broughton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Broughton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Broughton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Broughton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Broughton will be immediately

returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Broughton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Broughton may abscond if not detained. If detained, Mr. Broughton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17th day of December, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF DANIEL EUGENE ANDERSON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, a jury found Daniel Eugene Anderson guilty of two counts of FIRST DEGREE ROBBERY in King County Superior Court Cause No. 94-1-5565-4. The convictions followed events in which Mr. Anderson entered business establishments with a handgun and demanded money from cashiers that he then used to feed a heroin addiction.

WHEREAS, these convictions followed other earlier serious felony convictions, resulting in Mr. Anderson being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Anderson has served over 24 years in prison for these crimes. But for his status as a persistent offender, he would have been released from prison over a decade ago.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Anderson's clemency petition. The testimony before the Board was that Mr. Anderson has shown remorse for his past conduct, and he has a strong support network prepared to assist him in any eventual transition to the community. Testimony also demonstrated that Mr. Anderson achieved sobriety 11 years ago, and he has shown a committed work ethic and dedication to self-improvement while in prison.

WHEREAS, the King County Prosecuting Attorney supports Mr. Anderson's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Anderson's sentence. In making this recommendation, the Board cited Mr. Anderson's strong family and community support network, and their ability to help him with shelter, employment, and emotional support. It also cited the support from the King County Prosecuting Attorney's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Daniel Eugene Anderson's 1995 sentence for two counts of FIRST DEGREE ROBBERY in King County Superior Court Cause No. 94-1-5565-4, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than April 1, 2021. While in custody, Mr. Anderson must successfully complete a DOC-approved six-month work-release program. If Mr. Anderson satisfies all phases of his in-custody transition plan by April 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Anderson must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Anderson shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
12. Not visit bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular community Narcotics Anonymous programming, as instructed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Not associate with known criminal felons or gang members, unless approved by DOC.
16. Have no contact with known drug dealers, or individuals on active community supervision or in prison unless

approved by DOC.

17. Report to DOC all law enforcement contacts within 24 hours of occurrence.
18. Complete the Bridges to Life program before transitioning to work release; he must also complete the Thinking for a Change program during the first 90 days on community supervision.

PROVIDED, that Mr. Anderson shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Anderson is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Anderson to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Anderson if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Anderson violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Anderson will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Anderson has provided to the Office of the Governor or, if Mr. Anderson is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Anderson submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Anderson an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Anderson has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Anderson is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Anderson will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Anderson may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Anderson may abscond if not detained. If detained, Mr. Anderson will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 25th day of October, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

AMENDED CONDITIONAL COMMUTATION
OF
RICHARD ROBERT KENT

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, after a trial, Richard Robert Kent was found guilty of SECOND DEGREE ROBBERY in Whatcom County Superior Court Cause No. 96-1-960-4. The conviction followed events in 1996 when, while wearing a mask, Mr. Kent approached two tellers in a credit union, and demanded cash.

WHEREAS, this conviction followed two earlier robbery convictions, resulting in Mr. Kent being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Kent served over 20 years on this conviction. Had he not been sentenced as a persistent offender, his maximum sentence would have been 10 years.

WHEREAS, Mr. Kent is now 65 years old and is experiencing significant health problems.

WHEREAS, in June 2017, the Clemency and Pardons Board reviewed Mr. Kent's clemency petition. There was no opposition to his petition from the Whatcom County Prosecuting Attorney's Office or any of his victims.

WHEREAS, in the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Kent's sentence.

WHEREAS, Mr. Kent received a Conditional Commutation on December 5, 2017. That order conditioned Mr. Kent's release on his compliance with several conditions, including his abstaining from using or possessing any controlled substances without a valid prescription and approval by the Department of Corrections.

WHEREAS, in June 2019, while on community supervision, Mr. Kent tested positive for methamphetamines, a violation of the terms of his Conditional Commutation that could result in the revocation of his Conditional Commutation.

WHEREAS, despite violating the terms of his Conditional Commutation, Mr. Kent enjoys a strong support network that has pledged to continue to help him transition to the community. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under Article III Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby amend Richard Robert Kent's 2017 Conditional Commutation. Under these amended terms, following any statutorily required notifications, and as soon as program space is available for him, DOC shall release Mr. Kent to begin intensive outpatient services with Pioneer Human Services. And upon his release from custody, Mr. Kent shall also

begin serving a 36month term of DOC community supervision. During this period under community supervision, Mr. Kent must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Mr. Kent shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Enroll in, and successfully complete DOC's Thinking for a Change program, as well as any other programming or treatment as directed by DOC.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
7. Not possess firearms, ammunition, explosives, or dangerous weapons.
8. Not operate a motor vehicle without a valid driver's license and proper insurance.
9. Complete a chemical dependency and substance abuse treatment assessment and follow DOC recommendations relating to substance abuse counseling.
10. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
11. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Not possess stolen property or unauthorized tools not associated with approved work, as determined by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Kent shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Amended Conditional Commutation as provided below. If Mr. Kent is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Kent to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Kent if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Kent violates any of the conditions of this Amended Conditional Commutation, as determined by the Governor, this Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Kent will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Amended Conditional Commutation may then be mailed to the most recent address Mr.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Kent has provided to the Office of the Governor or, if Mr. Kent is in custody, to his place detention. If within 14 calendar days of the mailing of the notice, Mr. Kent submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Kent an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Kent has violated the terms of this Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Kent is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Amended Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Kent will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Kent may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Kent may abscond if not detained. If detained, Mr. Kent will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
TRAVIS MICHAEL BASSETT

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999 and 2000, Travis Michael Bassett pleaded guilty to FIRST DEGREE ROBBERY and FIRST DEGREE VEHICLE PROWLING in Spokane County Superior Court, Cause Nos. 99-1-2085-6 and 00-1-1170-0. The robbery conviction occurred after Mr. Bassett, then 17 years old, broke into a woman's home with another teenager, hit the victim and stole several thousands of dollars' worth of her possessions. The vehicle prowling conviction came after Mr. Bassett broke into a motor home and stole several items from inside.

WHEREAS, Mr. Bassett accepts responsibility for his behavior as a teenager, and he has satisfied all the conditions of his judgment and sentence, including paying off over \$37,000 in victim restitution and other legal financial obligations.

WHEREAS, Mr. Bassett has committed no other felonies since these two convictions. After serving his sentence, Mr. Bassett joined the Washington Army National Guard. In this role

he twice deployed to Iraq, and he has been promoted to serve in leadership positions within the National Guard.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Bassett's petition for a pardon. At his hearing, Mr. Bassett testified that these convictions on his record preclude him from consideration for further promotion to certain professional leadership opportunities within the National Guard.

WHEREAS, at his hearing, Mr. Bassett also testified that in 2008 he married his wife, and together, they have purchased a home and started a family.

WHEREAS, the Spokane County Prosecuting Attorney supports Mr. Bassett's petition for a pardon.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Anderson be granted a full pardon.

WHEREAS, at the time of his crime, Mr. Bassett was just 17 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Travis Michael Bassett this FULL AND UNCONDITIONAL PARDON for his FIRST DEGREE ROBBERY and FIRST DEGREE VEHICLE PROWLING convictions in Spokane County Superior Court, Cause Nos. 99-1-2085-6 and 00-1-1 170-0.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of October, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

SECOND AMENDED CONDITIONAL COMMUTATION
OF
JOSEPH SCOTT WHARTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Joseph Scott Wharton was convicted on April 22, 1997, after a bench trial, on five counts of Second Degree Robbery in King County Superior Court Cause Number 97-1-00657-7 and sentenced to a life in prison under Washington's persistent offender statute. Over the course of a month in 1996 and 1997, Mr. Wharton approached clerks in stores and banks and demanded money. He often held his hand in his pocket to suggest that he had a gun.

WHEREAS, Mr. Wharton received his first and second strikes after similar robberies in which he entered stores and confronted clerks, suggested he was carrying a firearm, and then ordering the clerk to provide him money.

WHEREAS, Mr. Wharton unequivocally accepted responsibility and expressed remorse for his past crimes and

apologized for his actions to his victims, his family, and the state of Washington.

WHEREAS, at the time of his conviction, the standard range for Mr. Wharton's offense was 33 to 43 months. The maximum sentence for Second Degree Robbery in the state of Washington, without the three strikes law, is 84 months.

WHEREAS, in December 2012, Mr. Wharton's petition for clemency, in which he was seeking a commutation, was heard by the Clemency & Pardons Board.

WHEREAS, the testimony before the Board was that Mr. Wharton had shown considerable rehabilitation while incarcerated. He participated in programming to improve his life skills, enhance his education, and remain free from substance abuse.

WHEREAS, King County Prosecutor Daniel Satterberg reviewed Mr. Wharton's clemency petition, and supported his petition. Also supporting Mr. Wharton's petition was the sentencing judge on his "third strike" offense, retired Judge Michael J. Fox, who was so unsettled by having to direct such a sentence in the case of a non-violent offender, that he encouraged Mr. Wharton seek a commutation.

WHEREAS, following his hearing, the Clemency Board unanimously recommended that the governor commute Mr. Wharton's sentence.

WHEREAS, on July 30, 2013, I commuted Mr. Wharton's sentence, contingent on a series of terms to which Mr. Wharton agreed, including refraining from drug and alcohol use, participating in a residential treatment program, and regularly reporting with his community corrections officer for urinalysis testing. In October 2013, however, Mr. Wharton left his residential substance treatment program without permission and was later found to have violated the terms of his community custody multiple times.

WHEREAS, following the findings that Mr. Wharton violated the terms of his July 30, 2013, Conditional Commutation, I revoked Mr. Wharton's Conditional Commutation on February 19, 2014.

WHEREAS, in the years following the revocation of Mr. Wharton's Conditional Commutation, he continued to show personal growth and maturity, and on July 6, 2017, I amended his Conditional Commutation to allow him another chance to transition to the community.

WHEREAS, after several months in the community following his re-release, Mr. Wharton again was found to have violated the terms of his Amended Conditional Commutation, this time when he was found to have used illicit drugs.

WHEREAS, despite again violating the terms of his Amended Conditional Commutation, Mr. Wharton still enjoys the support of King County Prosecutor Daniel Satterberg and his sentencing Judge Michael J. Fox, who would both like to see Mr. Wharton receive another chance to successfully transition to the community.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under Article III Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby amend Joseph Scott Wharton's 2017 Amended Conditional Commutation. Under these amended terms, following statutorily required notifications, and as soon as space is available for him, Mr. Wharton shall be released to Pioneer Center North for an inpatient substance abuse treatment program of at least 30 days. And upon his release from custody, Mr. Wharton shall also begin serving a 36-month term of DOC community supervision.

During this period of community supervision, Mr. Wharton shall:

1. Participate in a substance abuse and/or chemical

dependency evaluation as directed by DOC and complete any recommendations that follow;

2. Participate in any residential drug or alcohol treatment programs, as directed by DOC;
3. Participate in chemical dependency and substance abuse support groups when not in residential treatment, as directed by DOC;
4. Not use, possess, or consume alcohol or other controlled substances, unless taken under medical supervision;
5. Submit to regular and random urinalysis and breathalyzer testing, as directed by DOC;
6. Report to and be available to regularly meet with a DOC officers as directed by DOC;
7. Be subject to regular home/employment visits, and be subject to home, automobile and personal property searches;
8. Not associate with drug users or dealers, and avoid taverns, bars, and other sites where alcohol or drugs are the primary commodity sold, as directed by DOC;
9. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
10. Comply with the terms of any applicable judgment and sentence orders;
11. Participate in DOC-approved education, training, employment and employment training, and/or community service programs;
12. Receive prior approval from DOC for any employment changes or changes in living arrangements or residence;
13. Allow DOC to conduct such home visits as DOC deems appropriate;
14. Not travel beyond the county of residence, unless approved in writing by DOC;
15. Have no direct contact with any victims or their families, unless approved by DOC;
16. Report to DOC any contact with law enforcement within 24 hours of the occurrence;
17. Enroll in and successfully complete the Thinking for a Change program, or similar program, as approved by DOC; and
18. Obey all laws and comply with all conditions, recommendations, orders, and instructions of community placement as directed orally or in writing by DOC.

PROVIDED that Mr. Wharton shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Second Amended Conditional Commutation as provided below. If Mr. Wharton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Wharton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Wharton if he violates a condition.

ADDITIONALLY PROVIDED that in the event Mr. Wharton violates any of the conditions of this Second Amended Conditional Commutation, as determined by the Governor, this Second Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Wharton will be immediately returned to the Washington Corrections Center or any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Second Amended Conditional Commutation will then be mailed to the most recent address Mr. Wharton has provided to the Office of the Governor or, if Mr.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Wharton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Wharton submits a sworn statement made under penalty of perjury that he has in fact complied with all conditions of this Second Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Wharton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Second Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Wharton has violated the conditions of this Second Amended Conditional Commutation.

ADDITIONALLY PROVIDED that in the event Mr. Wharton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Second Amended Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Wharton will be immediately returned to the Washington Corrections Center or any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED that Mr. Wharton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Second Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Second Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Wharton may abscond if not detained. If detained, Mr. Wharton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27th day of September, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF EUSTACE RUDOLPH JENNINGS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, a jury found Eustace Rudolph Jennings guilty of four counts of FIRST DEGREE ROBBERY and two counts of SECOND DEGREE ROBBERY in Pierce County Superior Court Cause No. 98-1-03607-1. The convictions followed events in which Jennings entered a series of establishments, confronted employees—leaving them with the impression he was armed—and demanded money. He never physically harmed any victims.

WHEREAS, these conviction followed other convictions, resulting in Mr. Jennings being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, over the term of his sentence, Mr. Jennings has been a model prisoner, with just one infraction on his prison record. He has been infraction-free for the last thirteen years.

WHEREAS, in December 2018, the Clemency and Pardons Board reviewed Mr. Jennings' clemency petition. The testimony before the Board was that Mr. Jennings' lengthy criminal record was linked to substance abuse. He achieved sobriety twenty years ago, having committed himself to Narcotics Anonymous and Alcoholics Anonymous programs.

WHEREAS, Mr. Jennings faces deportation to his native Turks and Caicos. There, he has a support network of family, who has agreed to house and employ him, should he be released from custody here in Washington.

WHEREAS, the Pierce County Prosecutor does not object to Mr. Jennings' petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Jennings' sentence. In making this recommendation, the Board cited his outstanding prison record, his classification as a low-risk to reoffend, and his strong familial support network in Turks and Caicos.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Eustace Rudolph Jennings' 1999 sentence for four counts of FIRST DEGREE ROBBERY and two counts of SECOND DEGREE ROBBERY in Pierce County Superior Court Cause No. 98-1-03607-1, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than February 1, 2020. If Mr. Jennings satisfies all phases of his in-custody transition plan by February 1, 2020, DOC shall have the authority to release him to federal authorities on the active immigration detainer relating to his removal order to Turks and Caicos. If, before being deported, federal authorities release Mr. Jennings in Washington, he will then begin serving DOC community supervision for 36 months or until he is deported, whichever comes first. During this period in DOC custody and under DOC community supervision, Mr. Jennings must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Jennings shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved educational or vocational programming, and report it to DOC along with changes in status within 24 hours of that change.
4. Obtain and complete any recommended treatments as determined by DOC after completion of any in-custody assessments.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence,

even if just for one night.

6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Be subject to DOC curfews.
8. Comply with all applicable judgment and sentence orders.
9. Not operate a motor vehicle without a valid driver's license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
11. Not possess tools other than those approved by DOC.
12. Not possess in the home, or use, alcohol or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
13. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Be subject to polygraph testing as determined by DOC.
16. Report to DOC all law enforcement contacts within 24 hours of occurrence.
17. Not associate with known criminal felons or gang members without DOC approval.

PROVIDED, that Mr. Jennings shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Jennings is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Jennings to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Jennings if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Jennings violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Jennings will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Jennings has provided to the Office of the Governor or, if Mr. Jennings is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Jennings submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Jennings an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Jennings has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Jennings is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked immediately and the

sentence of the court reinstated, whereupon Mr. Jennings will be returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Jennings may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Jennings may abscond if not detained. If detained, Mr. Jennings will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 8th day of August, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

AMENDED CONDITIONAL COMMUTATION OF TRACY HOGGATT

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, Tracy Lynn Hoggatt was found guilty of FIRST DEGREE BURGLARY and BAIL JUMPING in Cowlitz County Superior Court Cause Nos. 951-00539-7 and 96-1-00036-9. In 1995, Mr. Hoggatt, while armed, broke into a victim's home to steal their property when they were out of the house.

WHEREAS, this burglary conviction was Mr. Hoggatt's "Third Strike" offense under Washington's persistent offender statute, and he was sentenced to life without the possibility of parole.

WHEREAS, Mr. Hoggatt accepts full responsibility for his past criminal conduct and expresses remorse. While in prison, he has taken steps to turn his life around and developed a strong sense of empathy. He has completed numerous personal development programs.

WHEREAS, in March 2016, the Clemency and Pardons Board reviewed Mr. Hoggatt's clemency petition, which included several letters of support from friends, family, and supporters in the community.

WHEREAS, the Cowlitz County Prosecuting Attorney expressed no opposition to

Mr. Hoggatt's petition. And the victims did not express any opposition to the petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Hoggatt's sentence. He received a Conditional Commutation in January 2017.

WHEREAS, in October 2018, following that Conditional Commutation and while on community supervision, Mr. Hoggatt violated the terms of his Conditional Commutation when he associated with known criminals, failed to reside at an approved residence, and possessed and consumed alcohol. And

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

Now, THEREFORE, I, Jay Inslee, by Virtue of the power vested in me as Governor of the state of Washington, AMEND the January 16, 2017, CONDITIONAL COMMUTATION of Tracy Lynn Hoggatt's sentence for his 1996 convictions for FIRST DEGREE BURGLARY and BAIL JUMPING in Cowlitz County Superior Court Cause Nos. 95-1-00539-7 and 96-1-00036-9, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Hoggatt will be released from custody to enter and complete a program with Mountain Ministries, or a similar program as deemed appropriate by DOC. He must complete any DOC-recommended programs aimed at preparing him for a successful reentry to the community, including chemical dependency treatment. Upon release from custody, Mr. Hoggatt shall serve 24 months of DOC community supervision. During this period of supervision, Mr. Hoggatt must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Hoggatt shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Complete a treatment assessment and follow recommendations resulting from that assessment.
3. Be available for regular contact with DOC and his assigned CCO as directed, and consent to DOC home visits and or searches, to include searches of his person or automobiles. These visits must include access for visual inspection of all areas of the residence in which Mr. Hoggatt has exclusive or joint control or access.
4. Enroll in educational programming or obtain legal, verifiable CCO-approved employment.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not travel outside of his county of residence without prior written approval from his CCO.
7. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons.
8. Not possess stolen property.
9. Not operate a motor vehicle without a valid driver license and proper insurance.
10. Report to his CCO all law enforcement contacts within 24 hours of occurrence.
11. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
12. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from his CCO.
13. Obtain an Alcoholics Anonymous/Narcotics Anonymous sponsor and attend regular meetings as recommended by his CCO.
14. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
15. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting his CCO.
16. Enroll in, and successfully complete any other programming or treatment as directed by DOC.

PROVIDED, that Mr. Hoggatt shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Amended Conditional Commutation as provided below. If Mr. Hoggatt is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Hoggatt to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Hoggatt if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Hoggatt violates any of the conditions of this Amended Conditional Commutation, as determined by the Governor, this Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hoggatt will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Amended Conditional Commutation may then be mailed to the most recent address Mr. Hoggatt has provided to the Office of the Governor or, if Mr. Hoggatt is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hoggatt submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hoggatt an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hoggatt has violated the conditions of this Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hoggatt is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Amended Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Hoggatt will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hoggatt may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or the community, or that there is a possibility that Mr. Hoggatt may abscond if not detained. If detained, Mr. Hoggatt will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of July, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor



/s/

Mark Neary
Assistant Secretary of State

AMENDED CONDITIONAL COMMUTATION
OF
GARY MELBERT THOMAS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999 Gary Melbert Thomas was found guilty of five counts of SECOND DEGREE ROBBERY in King County Superior Court Cause No. 98-1-06914-3. In 1998, an unarmed Mr. Thomas entered several Seattle-area banks, each time threatening the tellers and demanding cash.

WHEREAS, this offense qualified Mr. Thomas as a “Three Strikes” persistent offender and resulted in a life sentence. In addition to this conviction, Mr. Thomas has been convicted of multiple robberies and a burglary, dating back to the early 1970s.

WHEREAS, Mr. Thomas has served over 18 years on this matter.

WHEREAS, Mr. Thomas accepts full responsibility for his past criminal conduct and expresses remorse. He has taken personal development courses in prison, and he has taught art classes to individuals as part of the University Behind Bars program.

WHEREAS, much of Mr. Thomas’ past criminal behavior resulted from his 30-year addictions to heroin and crack cocaine. Mr. Thomas is now over 70 years old and is suffering from stage-four liver disease as well as a chronic heart condition.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Mr. Thomas’ clemency petition, and unanimously recommended that the Governor grant him a Conditional Commutation. He received that Conditional Commutation in January 2017.

WHEREAS, in May 2019, following that Conditional Commutation and while on community supervision, Mr. Thomas violated the terms of his Conditional Commutation when he tested positive for having consumed heroin.

WHEREAS, the King County Prosecuting Attorney supported Mr. Thomas’ initial clemency petition, and it continues to support Mr. Thomas even after his violation. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, the favorable recommendation of the Washington State Clemency and Pardons Board and, the circumstances of his actions that violated the terms of his Conditional Commutation, and in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, AMEND the January 10, 2017, CONDITIONAL COMMUTATION of Mr. Thomas’ sentence for his 1999 convictions on five counts of SECOND DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Thomas will be released from custody to enter and complete an in-patient treatment program with Pioneer Human Services at Pioneer Center North, or a similar program as deemed appropriate by DOC. He must complete any DOC-recommended programs aimed at preparing him for a successful reentry to the community. Upon release from custody, Mr. Thomas shall serve 24 months community supervision. During this period of supervision, Mr. Thomas must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Complete recommended treatment programming at Pioneer Center North, or a similar program as determined by DOC, and any after-care programs recommended by the facility or DOC.

3. Be available for contact with DOC as directed, and consent to DOC home or hospital visits and or searches to monitor compliance with supervision. These visits include access for visual inspection of all areas of the residence in which Mr. Thomas has exclusive or joint control or access.
4. Obtain legal employment or enroll in educational programming, upon approval of his residence treatment provider and/or completion of his treatment, as directed by DOC.
5. Obtain written permission from DOC before traveling outside his county of residence.
6. Obtain permission from DOC before changing residences, even for one night.
7. Not open a bank account or enter a bank without consulting DOC and having a verifiable legitimate reason.
8. Be subject to polygraph testing as required by DOC.
9. Not own, possess, receive, ship, or transport firearms, ammunition or dangerous weapons.
10. Report to DOC all law enforcement contacts within 24 hours of occurrences.
11. Not consume, possess, or distribute controlled substances without a valid physician’s prescription.
12. Follow prescribed medical treatment as determined by a health care provider or DOC.
13. Not visit bars and taverns, unless he receives approval from DOC.
14. Be subject to regular drug urinalysis and alcohol breath analysis as directed by DOC.
15. Not associate with known criminals, gangs or individuals that have a criminal history without first consulting DOC.
16. Enroll and successfully complete any other programming as recommended by DOC.

PROVIDED, that Mr. Thomas shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Amended Conditional Commutation as provided below. If Mr. Thomas is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Thomas to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Thomas if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Thomas violates any of the conditions of this Amended Conditional Commutation, as determined by the Governor, this Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Thomas will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor’s intent to review the alleged violations and revoke or amend the Amended Conditional Commutation may then be mailed to the most recent address Mr. Thomas has provided to the Office of the Governor or, if Mr. Thomas is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Thomas submits a sworn statement made under penalty of perjury that he has, in fact, complied conditions of this Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Thomas an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Thomas has violated the conditions of this Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Thomas is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Amended Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Thomas will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Thomas may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Thomas may abscond if not detained. If detained, Mr. Thomas will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
SOK KROUCH

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1997, a teenage Sok Krouch drove a carload of friends to an individual's house. On arrival, his friends left his car and fired gunshots at the victim. Mr. Krouch, who was not carrying a weapon, remained in the car during the assault.

WHEREAS, a jury found Mr. Krouch guilty of FIRST DEGREE ASSAULT, as an accomplice, in Cowlitz County Superior Court, Cause No. 97-1-00156-8. The trial court sentenced Mr. Krouch to 162 months in prison.

WHEREAS, Mr. Krouch has accepted full responsibility for his actions and served his full sentence. Since this incident, Mr. Krouch has purchased a home and started a family with his longtime partner and her daughter.

WHEREAS, Mr. Krouch has no other felony criminal convictions on his record since this event.

WHEREAS, since his release from state prison, Mr. Krouch has checked in with federal immigration authorities 23 times. Due to his conviction, Mr. Krouch now faces the possibility of imminent deportation from the United States to Cambodia, a country from which he and his family fled as refugees when he was a young child.

WHEREAS, the victim was invited to provide input as to Mr. Krouch's petition, but declined to offer an opinion.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Krouch receive a full

pardon. In making this favorable recommendation, the Board cited his strong familial and community networks, the possibility that a pardon may allow him to gain more substantial employment, and the fact that he has already served several years on this conviction.

WHEREAS, I have reviewed the pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the consequences that this deportation will have on Mr. Krouch and his family, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Sok Krouch this FULL AND UNCONDITIONAL pardon of his conviction for FIRST DEGREE ASSAULT in Cowlitz County Superior Court, Cause No. 97-1-00156-8.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
VAN HAM

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1997, Van Ham touched the breasts of his then-girlfriend's pre-teen daughter and her pre-teen friend. He pleaded guilty to one count of SECOND DEGREE CHILD MOLESTATION in King County Superior Cause No. 98-1-8709-5 SEA. The trial court sentenced Mr. Ham to 15 months in prison and required him to register as a sex offender for 15 years.

WHEREAS, Mr. Ham has accepted full responsibility for his actions and completed all of his sentence requirements. Since this incident, Mr. Ham has steadily worked to support his family, which includes his long-time partner, and several children and grandchildren.

WHEREAS, this is the only criminal conviction on Mr. Ham's criminal record.

WHEREAS, due to Mr. Ham's conviction, he now faces the possibility of imminent deportation from the United States to Cambodia, a country from which he and his family fled as refugees when he was a young man.

WHEREAS, the King County Prosecuting Attorney's Office does not object to Mr. Ham's petition. Both of Mr. Ham's victims were invited to provide input as to Mr. Ham's petition. One of the victims chose to submit written testimony, and she supports Mr. Ham's petition for a pardon.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Ham receive a full pardon. In making this favorable recommendation, the Board cited his lack of other criminal history, his family's reliance on his support, his connection to his community, and the fact that he now faces deportation to a country that he does not know.

WHEREAS, I have reviewed the pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the consequences that this deportation will have on Mr. Ham and his family, and, in light of the foregoing, I have

determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Van Ham this FULL AND UNCONDITIONAL pardon of his conviction for SECOND DEGREE CHILD MOLESTATION in King County Superior Court, Cause No. 98-1-8709-5 SEA.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17th day of June, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF PERCY LEVY

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003, Percy Levy pleaded guilty to FIRST DEGREE BURGLARY, two counts of FIRST DEGREE ROBBERY, and one count of SECOND DEGREE UNLAWFUL FIREARM POSSESSION in Snohomish County Superior Court Cause No. 02-1-02453-4. The convictions followed events in which Levy and accomplices entered a drug house armed, intending to secure more drugs. They engaged in a physical confrontation with the home's occupants and threatened additional violence. They fled the home with drugs and other valuables.

WHEREAS, following these actions, a court sentenced Mr. Levy to 296 months on the offenses. He is expected to be released from prison in April 2026. He has had no prison infractions since 2006.

WHEREAS, Mr. Levy's two accomplices received significantly lower prison sentences of three and six years.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Mr. Levy's clemency petition. The testimony before the Board was that Mr. Levy's lengthy criminal record was linked to his drug addiction. He achieved sobriety over 15 years ago, and since then, he's demonstrated tremendous personal growth. While incarcerated, he has earned an associate's degree and become a published author.

WHEREAS, Mr. Levy has been accepted into a transition program that he will enter upon his release from custody. He will eventually live with his wife of over eight years.

WHEREAS, Mr. Levy's sentencing judge described his sentence as unduly harsh, and had he had the discretion, states that he would have ordered a lesser sentence. He supports Mr. Levy's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Levy's sentence. In making this recommendation, the Board cited his turnaround since achieving sobriety. It also noted his intelligence, ability to cultivate strong relationships, and his strong network of friends and family that will support his transition back to the community on his release from prison.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of

the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Percy Levy's 2003 sentence for FIRST DEGREE BURGLARY, two counts of FIRST DEGREE ROBBERY, and one count of SECOND DEGREE UNLAWFUL FIREARM POSSESSION in Snohomish County Superior Court Cause No. 02-1-02453-4, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2020. While in custody, Mr. Levy must successfully complete a DOC-approved six-month work-release program. If Mr. Levy satisfies all phases of his in-custody transition plan by September 1, 2020, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will serving 48 months of DOC community supervision. During this period in under community supervision, Mr. Levy must comply with any conditions DOC. These conditions shall include, but not be limited to the following:

Mr. Levy shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC employment visits and/or searches, including searches of person, personal property, electronic devices, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved vocational programming, and report it to DOC along with changes in 24 hours of that change.
4. Engage in programming that teaches anger, stress, and aggression within first 18 months of community supervision.
5. Obtain and complete any recommended treatments as determined by completion of any in-custody assessments.
6. Reside in DOC-approved housing, and obtain DOC permission before residences or taking overnight visits away from the DOC-approved even if just for one night.
7. Not travel outside his county of residence without written DOC remain in, or out of, a given geographical area as directed by DOC.
8. Be subject to DOC curfews.
9. Comply with all applicable judgment and sentence orders.
10. Not operate a motor vehicle without a valid driver's license and registration.
11. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
12. Not possess tools other than those approved by DOC.
13. Not possess in the home, or use, alcohol or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
14. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
15. Be subject to regular drug and alcohol testing as directed by DOC.
16. Be subject to polygraph testing as determined by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.
18. Not associate with known criminal felons or gang members without DOC approval.

PROVIDED, that Mr. Levy shall remain under DOC supervision and explicitly follow the conditions established by

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Levy is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Levy to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Levy if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Levy violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Levy will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Levy has provided to the Office of the Governor or, if Mr. Levy is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Levy submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Levy an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Levy has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Levy is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Levy will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Levy may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Levy may abscond if not detained. If detained, Mr. Levy will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 8th day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF

FRANK ALBERT ANGEHRN, JR.

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, a jury found Frank Albert Angehrn, Jr. guilty of two counts of FIRST DEGREE ROBBERY, one count of ATTEMPTED FIRST DEGREE ROBBERY, and one count of ATTEMPTED SECOND DEGREE ROBBERY in King County Superior Court Cause No. 94-1-06563-3. The convictions followed events in which Mr. Angehrn, while addicted to methamphetamines, repeatedly entered business establishments and demanded money from cashiers, sometimes showing a weapon.

WHEREAS, these convictions followed other earlier robbery convictions involving weapons, resulting in Mr. Angehrn being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Angehrn has served over 23 years in prison for these crimes. But for his status as a persistent offender, the top end of the standard range for his convictions would have resulted in a sentence of less than 15 years.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Mr. Angehrn's clemency petition. The testimony before the Board was that Mr. Angehrn has shown remorse for his past conduct. Mr. Angehrn achieved sobriety in 2004, and since then he has had no prison infections. He is currently classified as a low risk to reoffend.

WHEREAS, Mr. Angehrn has flourished in an intensive substance abuse program. He has found a sponsor at an outpatient treatment center to support him upon his release, and he had been accepted into a Pioneer Human Services program to help him with his community transition.

WHEREAS, the King County Prosecuting Attorney does not object to Mr. Angehrn's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Angehrn's sentence. In making this recommendation, the Board cited his 23 years in prison for crimes that typically carried a shorter sentence. The Board also noticed the difference in Mr. Angehrn's behavior once he achieved sobriety.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Frank Albert Angehrn Jr. 's 1995 sentence for two counts of FIRST DEGREE ROBBERY, one count of ATTEMPTED FIRST DEGREE ROBBERY, and one count of ATTEMPTED SECOND DEGREE ROBBERY in King County Superior Court Cause No. 94-1-06563-3, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2020. While in custody, Mr. Angehrn must successfully complete a DOC approved six-month work-release program. If Mr. Angehrn satisfies all phases of his in-custody transition plan by September 1, 2020, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 48 months of DOC community supervision. During this period in custody and under community supervision, Mr. Angehrn must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Angehrn shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved educational or vocational programming, and report it to DOC along with changes in status.
4. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
5. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
6. Comply with all applicable judgment and sentence orders.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess tools other than those approved by DOC for authorized purposes.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Not visit bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Not associate with known criminal felons or gang members, as directed by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Angehrn shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Angehrn is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Angehrn to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants to detain Mr. Angehrn if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Angehrn violates any conditions of this Conditional Commutation, as determined by the Governor, Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Angehrn will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Angehrn has provided to the Office of the Governor or, if Mr. Angehrn is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Angehrn submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a

hearing officer. The hearing officer will provide Mr. Angehrn an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Angehrn has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Angehrn is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Angehrn will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Angehrn may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person of the community, or that there is a possibility that Mr. Angehrn may abscond if not detained. If detained, Mr. Angehrn will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21st day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF SILAS JESS ROBBINS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2004, Silas Jess Robbins pleaded guilty to two counts of FIRST DEGREE ASSAULT in Skagit County Superior Court Cause No. 03-1-00732-2. The conviction followed events in which Mr. Robbins, under the influence of drugs and alcohol, assaulted with a pocket knife two security guards at a casino.

WHEREAS, following these actions, a court sentenced Mr. Robbins to 240 months on the offenses. He is expected to be released from prison in September 2021.

WHEREAS, this is the only felony offense on Mr. Robbins' criminal record. Mr. Robbins has not received any prison infractions in ten years, and he maintains a low risk level classification.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Mr. Robbins' clemency petition. The testimony before the Board was that Mr. Robbins has shown remorse for his past conduct. When he is released from prison, he has a construction job awaiting him, as well as living accommodations and reliable transportation.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

WHEREAS, the Skagit County Prosecuting Attorney does not object to Mr. Robbins' petition. One of Mr. Robbins' victims supports his petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Robbins' sentence. In making this recommendation, the Board cited the lack of other felonies on his criminal record and his history of good behavior while in custody. It also noted his strong network of friends and family that will support his transition back to the community on his release from prison.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Silas Jess Robbins' 2004 sentence for his two counts of FIRST DEGREE ASSAULT in Skagit County Superior Court Cause No. 03-1-00732-2, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than April 1, 2020. While in custody, Mr. Robbins must successfully complete a DOC-approved six-month work-release program. If Mr. Robbins satisfies all phases of his in-custody transition plan by April 1, 2020, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 48 months of DOC community supervision. During this period in custody and under community supervision, Mr. Robbins must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Robbins shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved educational or vocational programming, and report it to DOC along with changes in status within 24 hours of that change.
4. Complete any recommended mental health evaluations, treatment, or programming, as determined by DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Be subject to DOC curfews.
8. Comply with all applicable judgment and sentence orders.
9. Not operate a motor vehicle without a valid driver's license and registration.
10. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC

approval.

12. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
13. Be subject to regular drug and alcohol testing as directed by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Robbins shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Robbins is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Robbins to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Robbins if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Robbins violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Robbins will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Robbins has provided to the Office of the Governor or, if Mr. Robbins is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Robbins submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Robbins an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Robbins has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Robbins is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Robbins will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Robbins may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Robbins may abscond if not detained. If detained, Mr. Robbins will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
LAURA MICHELLE BREM

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, over a month-long period in 1987 and 1988, Laura Michelle Brem, committed a series of crimes in order to feed her heroin addiction. She ultimately pleaded guilty to FIRST DEGREE ROBBERY (King County Superior Court No. 88-1-02334-1); FORGERY, SECOND DEGREE THEFT, and SECOND DEGREE POSSESSION OF STOLEN PROPERTY (King County Superior Court No. 87-1-05109-5); FORGERY (King County Superior Court No. 87-1-04249-5); and three counts of SECOND DEGREE POSSESSION OF STOLEN PROPERTY (Snohomish County Superior Court No. 88-100592-8).

WHEREAS, none of these convictions resulted in a victim experiencing physical harm. In 1992, Ms. Brem achieved sobriety, and she has had no criminal convictions in the years since.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Ms. Brem's petition for a pardon. The testimony before the Board was that Ms. Brem is a committed volunteer in her community who works directly with at-risk youth to provide them mentorship and support. Ms. Brem explained that these convictions may encumber her pursuit of future work in her professional career as an electrical engineer.

WHEREAS, the King County and Snohomish County Prosecuting Attorneys do not oppose her petition for a pardon.

WHEREAS, the Clemency and Pardons Board voted 4-0 to recommend that Ms. Brem receive a full pardon. In making this favorable recommendation, the Board cited her dedication to her community and her lack of a criminal record since her sobriety.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Laura Michelle Brem this FULL AND UNCONDITIONAL pardon of her convictions for FIRST DEGREE ROBBERY (King County Superior Court No. 88-1-02334-1); FORGERY, SECOND DEGREE THEFT, and SECOND DEGREE POSSESSION OF STOLEN PROPERTY (King County Superior Court No. 87-1-05109-5); FORGERY (King County Superior Court No. 87-1-04249-5); and three counts of SECOND DEGREE POSSESSION OF STOLEN PROPERTY (Snohomish County Superior Court No. 88-1-00592-8).



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
EDWARD ALLEN STEWARD

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2006, a jury found Edward Allen Steward guilty of FIRST DEGREE KIDNAPPING and SECOND DEGREE ASSAULT in Clallam County Superior Court Cause No. 06-1-00395-0. The conviction followed events in which Mr. Steward, along with two other men, held a man at gunpoint and later held him in their car, forcing the man to make arrangements for Mr. Steward to collect on a drug debt.

WHEREAS, following these events, Mr. Steward's two co-defendants each took plea deals to serve 48 months in prison. Mr. Steward rejected the same plea deal, and at trial, his two co-defendants testified against him. A jury found him guilty and the court sentenced him to 48 months on the underlying crimes and an additional 19 years on mandatory enhancements.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Mr. Steward's clemency petition. The testimony before the Board was that Mr. Steward has shown remorse for his past conduct. He has been accepted into the FareStart program; through this program, he will receive career services and housing opportunities to help his transition to the community.

WHEREAS, the Clallam County Prosecuting Attorney does not object to Mr. Steward's petition. Mr. Steward's sentencing judge stated that he believes that Mr. Steward's sentence was excessive, and had he had the discretion, he would have sentenced Mr. Steward to a term that more closely mirrored that of his co-defendants.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Steward's sentence. In making this recommendation, the Board cited the disproportionality of his sentence when compared to that of his codefendants. The Board also cited the lack of opposition from the prosecutor and the sentencing judge's statement. The Board noted that Mr. Steward has been accepted into the FareStart program and that he has a strong transition plan.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Edward Allen Steward's 2006 sentence for his FIRST DEGREE KIDNAPPING and SECOND DEGREE ASSAULT convictions in Clallam Superior Court Cause No. 06-1-00395-0, conditioned on his written agreement comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2020. While in custody, Mr.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Steward must successfully complete a DOC-approved six-month work-release program. If Mr. Steward satisfies all phases of his in-custody transition plan by September 1, 2020, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Steward must comply with any conditions set forth by DOC. These conditions shall but not be limited to the following:

Mr. Steward shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved educational or vocational programming, and report it to DOC along with changes in status.
4. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
5. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
6. Be subject to DOC curfews.
7. Comply with all applicable judgment and sentence orders.
8. Not operate a motor vehicle without a valid driver's license and registration.
9. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Identify and attend regular sobriety support group meetings as directed by DOC.
12. Not visit bars, taverns, night clubs, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
13. Be subject to regular drug and alcohol testing as directed by DOC.
14. Not associate with known criminals or gang members, as directed by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Steward shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Steward is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Steward to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Steward if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Steward violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Steward will be immediately

returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Steward has provided to the Office of the Governor or, if Mr. Steward is in custody, to his place of detention. If within 14 calendar day of the mailing of the notice, Mr. Steward submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Steward an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Steward has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Steward is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Steward will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Steward may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Steward may abscond if not detained. If detained, Mr. Steward will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of March, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF ANATOLIY NIKOLAYEVIC NIKONENKO

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2001, Anatoliy Nikolayevic Nikonenko engaged in an argument with his wife. The argument escalated and turned physical when he picked up a knife and caused her injury.

WHEREAS, Mr. Nikonenko pleaded guilty to SECOND DEGREE ASSAULT WITH A DEADLY WEAPON in Pierce County Superior Court, Cause No. 01-1-4237-0. The trial court sentenced Mr. Nikonenko to 60 months in prison.

WHEREAS, Mr. Nikonenko has accepted full responsibility for his actions and completed all of his sentence requirements. Mr. Nikonenko remains married to the victim and continues to support his family.

WHEREAS, this criminal conviction is the only one on Mr. Nikonenko's record.

WHEREAS, in December 2018, the Clemency and Pardons Board reviewed

Mr. Nikonenko's petition for a pardon. Since this criminal incident, he and his family have purchased a home in Tacoma, and he has maintained steady employment as a carpenter.

WHEREAS, Mr. Nikonenko fled Ukraine as an adult as a result of religious persecution. Due to Mr. Nikonenko's conviction, he now faces the possibility of deportation from the United States to a conflict-ridden region in Ukraine, where he would likely again face religious persecution.

WHEREAS, Mr. Nikonenko received support from his family and community before the Clemency and Pardons Board. The victim, his wife, supports his petition. The Pierce County Prosecuting Attorney's Office does not object to Mr. Nikonenko's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Nikonenko receive a full pardon. In making this favorable recommendation, the Board cited his lack of any other criminal history, strong ties to his family and community, and the detriment to his family and community in the event he were to be deported.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Anatoliy Nikolayevic Nikonenko his FULL AND UNCONDITIONAL pardon of his conviction for SECOND DEGREE ASSAULT WITH A DEADLY WEAPON in Pierce County Superior Court, Cause No. 01-1-42374-0.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 28th day of January, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

SECOND AMENDED CONDITIONAL COMMUTATION OF LE'TAXIONE

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998 Le'Taxione (Ernest A. Carter) was found guilty of two counts of FIRST DEGREE ROBBERY, Pierce County Superior Court Cause No. 97-1-04547-1. In 1997, Le'Taxione entered and then, pretending he had a weapon, held up a Tacoma Subway, before then holding up an AM/PM. Between these two robberies, Le'Taxione took roughly \$200 from the cashiers.

WHEREAS, this offense qualified Le'Taxione as a "Three Strikes" persistent offender and resulted in a life sentence. In addition to this conviction, Le'Taxione was convicted of

assaulting a police officer in California in 1983, and also attempted murder with a firearm in 1990 in Oregon.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Le'Taxione's clemency petition. It voted unanimously to recommend that the Governor commute Le'Taxione's sentence.

WHEREAS, on December 21, 2016, I commuted Le'Taxione's life sentence, conditioned on his completion of a work release program and compliance with a series of terms of supervision.

WHEREAS, while on work release in December 2017, Le'Taxione refused a urinalysis test and failed an alcohol breathe analysis test, blowing a .04. In March 2018, a different hearing officer found that through these actions, Le'Taxione twice violated the terms of his Conditional Commutation.

WHEREAS, before these violations, Le'Taxione earned a strong reputation in his work release program. He has been characterized as a "great and dependable worker" and "pleasant and respectful." Accordingly, in April 2018, I issued Le'Taxione an Amended Conditional Commutation, allowing him another opportunity to eventually return to the community.

WHEREAS, in October 2018, the Department of Corrections alleged that Le'Taxione was failing to follow the recommendations of his chemical dependency program treatment counselors. In November 2018, a hearings officer found that Le'Taxione violated the terms of his Conditional Commutation. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, the favorable recommendation of the Washington State Clemency and Pardons Board and, the circumstances of his actions that violated the terms of his Conditional Commutation and Amended Conditional Commutation, and in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, AMEND the April 10, 2018 AMENDED CONDITIONAL COMMUTATION of Le'Taxione's sentence for his 1998 conviction for two counts of FIRST DEGREE ROBBERY, conditioned on his compliance with all terms outlined by the DOC in a transition plan. While incarcerated, Le'Taxione must complete a DOC recommended chemical dependency assessment to inform possible substance abuse treatments. Upon completion of any treatment and programming identified by DOC, and following an approved release plan to the community and any statutorily mandated community notifications, Le'Taxione shall be released by DOC to serve 24 months of DOC community supervision. During this period under DOC custody and later on community supervision, Le'Taxione must comply with any conditions set forth by DOC and DOC personnel. These conditions shall include, but not be limited to the following:

Le'Taxione shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home or hospital visits and or searches, to also include searches of his person or automobiles, to monitor compliance with supervision. These visits must include access for visual inspection of all areas of the residence in which Le'Taxione has exclusive or joint control or access, and includes the securing of dangerous animals.
3. Obtain legal verifiable employment or enroll in educational programming, and report it to DOC.
4. Obtain written permission from DOC before traveling

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

- outside his county of residence.
5. Obtain permission from DOC before changing residences, even for one night.
 6. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons. He may not possess body armor.
 7. Report to DOC all law enforcement contacts within 24 hours of occurrence.
 8. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
 9. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from DOC.
 10. Obtain a Narcotics Anonymous sponsor and attend regular meetings as recommended by DOC.
 11. Obtain a chemical dependency evaluation and follow all treatment recommendations.
 12. Be subject to regular drug urinalysis and alcohol breath analysis as directed by DOC.
 13. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting and receiving permission from DOC.
 14. Enroll in, and successfully complete any programming or treatment as directed by DOC.

PROVIDED, that Le'Taxione shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Second Amended Conditional Commutation as provided below. If Le'Taxione is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Le'Taxione to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Le'Taxione if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Le'Taxione violates any of the conditions of this Second Amended Conditional Commutation, as determined by the Governor, this Second Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Le'Taxione will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Second Amended Conditional Commutation may then be mailed to the most recent address Le'Taxione has provided to the Office of the Governor or, if Le'Taxione is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Le'Taxione submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Second Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Le'Taxione an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Second Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Le'Taxione has violated the conditions of this Second Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Le'Taxione is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Second Amended Conditional Commutation may be revoked and the sentence of the court

reinstated, whereupon Le'Taxione will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Le'Taxione may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Le'Taxione may abscond if not detained. If detained, Le'Taxione will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of December, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF ROEUTH AN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1994, Roeuth An, was driving a car with his friend seated in the passenger seat. They approached three men on a sidewalk, and Mr. An pulled the car over. His friend lowered the passenger window, started arguing with the men, and then fired multiple shots at the three pedestrians as Mr. An started to drive the car away.

WHEREAS, Mr. An pleaded guilty to three counts of SECOND DEGREE ASSAULT, as an accomplice, in Pierce County Superior Court, Cause No. 94-1-4920-0. The trial court sentenced Mr. An to 18 months in prison.

WHEREAS, Mr. An has accepted full responsibility for his actions and completed all of his sentence requirements. Since this incident, Mr. An has steadily worked as an electrician to support his family, which includes his long-time partner, a teenage son, and a stepdaughter.

WHEREAS, in the years since Mr. An's 1995 criminal conviction, he has not had any other criminal convictions.

WHEREAS, due to Mr. An's conviction, he now faces the possibility of imminent deportation from the United States to Cambodia, a country from which he and his family fled as refugees when he was a young child.

WHEREAS, the Pierce County Prosecuting Attorney's Office does not object to Mr. An's petition. That office attempted to contact the victims in this matter, so that they may opine about Mr. An's petition. No victims responded to the Prosecuting Attorney's Office communications.

WHEREAS, the Clemency and Pardons Board expedited reviewed of Mr. An's petition for a pardon. But even with the Board expediting its review, Mr. An faces an immediate deportation. Federal agents will not stay his deportation to await the outcome of the Board's hearing on his petition.

WHEREAS, given the exigency of the circumstances, the timing of Mr. An's expedited hearing before the Clemency Board will not allow the Board to issue a recommendation for my

consideration before he is deported. So I am compelled to rely on the near-complete written record before me to review his petition and issue this order without the benefit of a public hearing and the Clemency Board's recommendation.

WHEREAS, I have reviewed the pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the consequences that this deportation will have on Mr. An and his family, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ro euth An this FULL AND UNCONDITIONAL pardon of his convictions of three counts of SECOND DEGREE ASSAULT in Pierce County Superior Court, Cause No. 94-1-4920-0.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of December, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF GEORGE PATTON CLARK

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2001, a jury found George Patton Clark guilty of SECOND DEGREE ROBBERY in King County Superior Court Cause No. 00-1-08739-6. The conviction followed events in which Mr. Clark entered an Auburn bank, approached a bank teller, and demanded money. Nobody was physically harmed during the robbery.

WHEREAS, this robbery conviction followed other earlier convictions, resulting in Mr. Clark being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Clark has served over 17 years in prison on this conviction, and he has paid all of his legal financial obligations. He is now 66 years old and suffers from several health conditions, such as degenerative joint disease, hypertension, and asthma.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Mr. Clark's clemency petition. The testimony before the Board was that Mr. Clark has a fiancé who is prepared to move to Washington to support him with housing and his reentry transition.

WHEREAS, neither the King County Prosecuting Attorney nor any victims oppose Mr. Clark's petition.

WHEREAS, the Clemency and Pardons Board voted to recommend that the Governor commute Mr. Clark's sentence. In making this recommendation, the Board cited Mr. Clark's age and ongoing health concerns. It also found persuasive the testimony of Mr. Clark's fiancé.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE George Patton Clark's 2001 sentence for his SECOND DEGREE ROBBERY conviction in King County Superior Court Cause No. 00-108739-6, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than June 1, 2020. During his last six months in custody, Mr. Clark must successfully complete a DOC-approved work-release program. Following his in-custody transition, Mr. Clark shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Clark must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Mr. Clark shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, computers, social media accounts, and common areas to which he has access.
3. Obtain DOC-approved employment or enroll in DOC-approved educational or vocational programming while on community supervision, and report it to DOC along with changes in status within 24 hours of those changes.
4. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
5. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
6. Not operate a motor vehicle without a valid driver's license and registration.
7. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
8. Enroll and complete a chemical dependency assessment and treatment program before release from prison.
9. Enroll and complete all required aftercare as recommended by after the chemical dependency assessment in the community upon release to community supervision.
10. Not possess in the home, or use, alcohol, illegal drugs, or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Not enter a bank or credit union or banking institution without a specific legitimate purpose and without first getting permission, from DOC.
14. Be subject to a designated curfew, as determined by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Clark shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

Conditional Commutation as provided below. If Mr. Clark is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Clark to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Clark if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Clark violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Clark will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Clark has provided to the Office of the Governor or, if Mr. Clark is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Clark submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Clark an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Clark has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Clark is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Clark will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Clark may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Clark may abscond if not detained. If detained, Mr. Clark will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 19th day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
RICHARD WILLIAM REEVES

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1990, a jury found Richard William Reeves guilty of FIRST DEGREE ASSAULT in King County Superior Court, Case No. 90-1-05223-7. Mr. Reeves, then 18 years old, was involved in an argument with a group of several men that escalated to the point that he pulled a handgun and fired it in the direction of some of the men. Nobody was injured.

WHEREAS, Mr. Reeves served his sentence, which included 82 months in custody.

WHEREAS, Mr. Reeves accepts full responsibility for his past conduct and expresses remorse. He has had no criminal convictions since then.

WHEREAS, after Mr. Reeves served his sentence, he returned to school and completed his undergraduate education. He has since launched several successful businesses.

WHEREAS, Mr. Reeves is married with three children, and he has also served as a foster parent.

WHEREAS, at the time of this criminal behavior in 1990, Mr. Reeves was a teenager who had just turned 18 years old. The scientific and criminal justice communities have documented the difficulty the teenage brain has in engaging in behavior control, often leading teenagers to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Mr. Reeves' petition for a pardon. The testimony before the Board was that Mr. Reeves has matured since this criminal behavior, earning an undergraduate degree, building a career, raising a family, and serving his community, particularly youth.

WHEREAS, neither the King County Prosecuting Attorney, nor any of the victims of Mr. Reeves' criminal activity oppose his petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that Mr. Reeves receive a pardon, citing his contributions to his community, and his serving as a foster parent.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Richard William Reeves this pardon for his FIRST DEGREE ASSAULT conviction, King County Superior Court, Case No. 90-1-05223-7.



/s/
Mark Neary
Assistant Secretary of State

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

FULL AND UNCONDITIONAL PARDON
OF
ELEANER FERN JOHNSON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1986, Eleanor Fern Johnson pleaded guilty to THIRD DEGREE ASSAULT in King County Superior Court, Case No. 86-1-00303-3. The conviction followed events in 1985,

in which Ms. Johnson disciplined her young son for misbehaving at school, whipping him with an extension cord.

WHEREAS, Ms. Johnson served her sentence, which included community service, community supervision, counseling.

WHEREAS, Ms. Johnson accepts full responsibility for her past conduct and expresses remorse. She has had no criminal convictions since then.

WHEREAS, Ms. Johnson has worked as a Licensed Nursing Assistant for over 30 years, and she is registered in three states. She continues to provide support for her family.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Ms. Johnson's petition for a pardon. The testimony before the Board was that Ms. Johnson desires this pardon because this conviction limits her professional opportunities as a Licensed Nursing Assistant, and as a result, curbs her ability to support her family.

WHEREAS, neither King County Prosecuting Attorney, nor the victim opposes her petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that Ms. Johnson receive a pardon, citing the ongoing burden this conviction places on her livelihood and her ability to support her family, as well as her lack of criminal offenses since this crime.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Eleanor Fern Johnson this pardon for her THIRD DEGREE ASSAULT conviction, King County Superior Court, Case No. 86-1-00303-3.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
RONALD WALTER HAWS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1993, Ronald Walter Haws pleaded guilty to THIRD DEGREE CHILD MOLESTATION in Pierce County Superior court, Case No. 92-1-03921-6. The conviction followed earlier events, in which Mr. Haws inappropriately touched his teenage daughter's breasts several times.

WHEREAS, Mr. Haws served his sentence, which included nine months in custody. He completed a 36-month sex offender treatment program and 36 months of additional therapy. He also provided for his daughter's therapy and counseling.

WHEREAS, Mr. Haws accepts full responsibility for his past conduct and expresses remorse. He has had no criminal convictions since then. He continues to be married to his wife of 40 years.

WHEREAS, Mr. Haws is a veteran of the United States armed forces, and he is a regular blood donor, having donated more than 34 gallons of blood. He also serves as a deacon at his church.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Mr. Haws' petition for a pardon. The testimony before the Board was that Mr. Haws seeks this pardon so that he may practice his ministry within the prison system.

WHEREAS, the victim testified in support of Mr. Haws' petition at the hearing, and the Pierce County Prosecuting Attorney does not oppose the petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that Mr. Haws receive a pardon, citing the support and persuasive testimony of Mr. Haws' victim-daughter. The Board also cited the age of the case, as well as Mr. Haws' own advanced age.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ronald Water Haws this pardon for her THIRD DEGREE CHILD MOLESTATION conviction, Pierce County Superior Court, Case No. 92-1-03921-6.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JOHN DOUGLAS GREMS

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1989, John Douglas Grems pleaded guilty to FOURTH DEGREE ASSAULT - DOMESTIC VIOLENCE in Clark County District Court, Case No. 118164 CLS. The conviction followed a 1988 incident in which, during an argument, Mr. Grems slapped his then-wife as she screamed at him and after she called him a pejorative name.

WHEREAS, Mr. Grems served his sentence, which included three days in jail, two years of probation, and six months of anger management.

WHEREAS, Mr. Grems accepts full responsibility for his past conduct and expresses remorse. He has had no criminal convictions since then.

WHEREAS, in the years since this conviction, Mr. Grems has pursued higher education, earning associates degrees from Clark College. He has remarried and has a step son, and he is active in numerous community organizations.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Mr. Grems' petition for a pardon. The testimony before the Board was that Mr. Grems seeks this pardon in part because he believes it will allow him to pursue more stable job opportunities.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

WHEREAS, the Clark County Prosecuting Attorney does not oppose Mr. Grems' petition, nor does the victim.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that

Mr. Grems receive a pardon, citing his lack of criminal history since this offense and Mr. Grems' completion of an anger management treatment program following his conviction.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to John Douglas Grems this pardon for her FOURTH DEGREE ASSAULT – DOMESTIC VIOLENCE in Clark County District Court, Case No. 118164 CLS.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of November, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
IVANA LORICA

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, over ten months from 2000 to 2001, Ivana Zorica, created false customer accounts at her employer, Sears Roebuck. She used these false accounts to steal over \$20,000 from the company.

WHEREAS, in 2003 she pleaded guilty to FIRST DEGREE THEFT in Spokane County Superior Court, Cause No. 03-1-00865-7. The trial court sentenced Ms. Zorica to 10 days of community service, 12 months supervision, and over \$20,000 in restitution, fines, and fees.

WHEREAS, Ms. Zorica has accepted full responsibility for her actions and completed all of her sentence requirements, including repaying over \$20,000. Ms. Zorica is now married and has a family. She has earned her master's degree in social work and now works as a clinical social worker.

WHEREAS, this criminal conviction is the only one on Ms. Zorica's record.

WHEREAS, in September 2018, the Clemency and Pardons Board reviewed Ms. Zorica's petition for a pardon. The testimony before the Board was that Ms. Zorica was raised in a setting in which she lacked strong positive influences. Since this criminal incident, she has worked to be a leader and contributor in her family, profession, and community.

WHEREAS, due to Ms. Zorica's conviction, she now faces the possibility of imminent deportation from the United States to the Czech Republic, a country from which she immigrated at the age of six with her family.

WHEREAS, Ms. Zorica received support from her family, colleagues, and others before the Clemency and Pardons Board, either in person or in writing. The Spokane County Prosecuting

Attorney's Office does not object to Ms. Zorica's petition, nor does the victim.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Ms. Zorica receive a full pardon. In making this favorable recommendation, the Board cited her lack of any other criminal history, pursuit of education and a career in service to her community, and the detriment to her family and community in the event she were to be deported.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ivana Zorica this FULL AND UNCONDITIONAL pardon of her conviction for FIRST DEGREE THEFT in Spokane County Superior Court, Cause No. 03-1-00865-7.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 22nd day of October, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
JOHN RAYMOND WILSON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, a jury found John Raymond Wilson guilty of SECOND DEGREE ROBBERY in King County Superior Court Cause No. 96-1-00449-5. The conviction followed events in which Mr. Wilson entered a grocery store, confronted the cashier, and stole cash and other items.

WHEREAS, this robbery conviction followed other earlier robbery convictions, resulting in Mr. Wilson being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Wilson has served 22 years in prison on this conviction. He is now 72 years old and suffers from more than one chronic medical condition requiring ongoing medical treatment.

WHEREAS, in March 2018, the Clemency and Pardons Board reviewed Mr. Wilson's clemency petition. The testimony before the Board was that Mr. Wilson is a veteran and has the support of the Veterans Administration. He has completed Smart Recovery and is now participating in additional chemical dependency treatment.

WHEREAS, Mr. Wilson has identified supportive transitional housing options, including through Mercy Housing and New Hope Baptist Church.

WHEREAS, the King County Prosecuting Attorney supports Mr. Wilson's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Wilson's sentence. In making this recommendation, the Board cited the fact that no victims were physically harmed during the commission of

this crime, and that, but for his status as a persistent offender, he has already served a sentence twice the statutory maximum.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the forgoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE John Raymond Wilson's 1996 sentence for his SECOND DEGREE ROBBERY conviction in King County Superior Court Cause No. 96-1-00449-5, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than February 1, 2020. During his last six months in custody, Mr. Wilson must successfully complete a DOC-approved work-release program. Following his in-custody transition, Mr. Wilson shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Wilson must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Mr. Wilson shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, personal property, or social media accounts.
3. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC along with changes in status.
4. Obtain and keep a mentor through the completion of the Urban League BEST mentoring program, as well as any other programming, as determined by DOC.
5. Connect with the U.S. Veterans Administration to secure services and programming and complete case planning as required by his case manager and/or DOC.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
8. Be subject to DOC curfews as well as GPS or electric home monitoring to ensure compliance with curfews or geographic compliance orders.
9. Submit to polygraph monitoring as required by DOC to monitor compliance.
10. Not operate a motor vehicle without a valid driver's license and registration.
11. Not possess firearms, ammunition, explosives, or dangerous weapons.
12. Attend and complete an anger management programming as determined by DOC.
13. Enroll and complete a chemical dependency assessment and treatment program before release from prison.
14. Enroll and complete all required aftercare as recommended by a chemical dependency professional in the community upon release to community supervision.
15. Not possess in the home, or use, alcohol or controlled substances, including marijuana or paraphernalia, without a valid physician's prescription and DOC

approval.

16. Identify and attend regular sobriety support group meetings as directed by DOC.
17. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
18. Be subject to regular drug and alcohol testing as directed by DOC.
19. Not associate with known criminals or gang members, as directed by DOC.
20. Avoid known drug-use areas, or known areas of prostitution as determined by DOC.
21. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Wilson shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Wilson is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Wilson to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Wilson if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Wilson violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Wilson will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Wilson has provided to the Office of the Governor or, if Mr. Wilson is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Wilson submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Wilson an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Wilson has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Wilson is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Wilson will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Wilson may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Wilson may abscond if not detained. If detained, Mr. Wilson will be provided a preliminary hearing, as promptly as convenient after

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26th day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
LARRY RAYMOND STAPLETON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, a jury found Larry Raymond Stapleton guilty of SECOND DEGREE ROBBERY in Spokane County Superior Court Cause No. 94-1-2336-6. The conviction followed events in which Mr. Stapleton entered a convenience store, confronted the store clerk, and stole some goods and cash.

WHEREAS, this robbery conviction followed two other earlier robbery convictions, resulting in Mr. Stapleton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Stapleton has served over 22 years in prison on this conviction.

WHEREAS, in March 2018, the Clemency and Pardons Board reviewed Mr. Stapleton's clemency petition. The testimony before the Board was that Mr. Stapleton finally achieved sobriety during his incarceration. He is now 56 years old and suffers from chronic health issues stemming from a heart attack and stroke that he suffered earlier this year.

WHEREAS, Mr. Stapleton maintains strong familial ties, and he has arranged to initially transition from custody to live with his sister in Spokane, where he will stay until he completes his physical recovery. He will then enter into transitional housing through Revive and Reentry Services.

WHEREAS, the Spokane County Prosecuting Attorney does not oppose Mr. Stapleton's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Stapleton's sentence. In making this recommendation, the Board cited Mr. Stapleton's efforts to overcome his addictions, his familial ties, and the fact that no victims were physically harmed during the commission of this crime.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Larry Raymond Stapleton's 1996 sentence for his SECOND DEGREE ROBBERY conviction in Spokane County Superior Court Cause No. 94-1-2336-6, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than February 1, 2020. During his last six months in custody, Mr. Stapleton must successfully complete a DOC-approved work-

release program. Following his in-custody transition, Mr. Stapleton shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Stapleton must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Mr. Stapleton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be take steps to be pre-screened for eventual placement in transitional housing.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Complete the Thinking for Change program while on community supervision.
6. Complete community work crew programming as determined necessary by DOC.
7. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, even if just for one night.
8. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
9. Comply with any DOC-assigned curfews.
10. Not possess firearms, ammunition, explosives, or dangerous weapons.
11. Upon completion of work release, be required to immediately enroll and complete an intensive outpatient chemical dependency community treatment program.
12. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
13. Attend regular sobriety support group meetings as directed by DOC.
14. Not-visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
15. Be subject to regular drug and alcohol testing as directed by DOC.
16. Not associate with known criminals or gang members.
17. Avoid known drug-use areas, as determined by DOC.
18. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Stapleton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Stapleton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Stapleton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Stapleton if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Stapleton violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Stapleton will be immediately

returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Stapleton has provided to the Office of the Governor or, if Mr. Stapleton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Stapleton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Stapleton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Stapleton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Stapleton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Stapleton will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Stapleton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Stapleton may abscond if not detained. If detained, Mr. Stapleton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 18th day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
KENNETH CRAIG CASON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in December 1995, Kenneth Craig Cason – then 17 years old – with his young cousin, broke into a pawn shop and stole three firearms. He pleaded guilty to FIRST DEGREE BURGLARY and three counts of FIREARM THEFT in Clark County Cause No. 96-1-00485-5.

WHEREAS, Mr. Cason served the full 41 months in prison on these convictions. He has no other felony criminal convictions on his record, and he has since married and raised three children.

WHEREAS, in March 2018, the Clemency and Pardons Board reviewed Mr. Cason's petition for a pardon. The testimony

before the Board was that Mr. Cason is a committed volunteer in his community and to local urban youth.

WHEREAS, Mr. Cason explains that these convictions encumber his pursuit of work in various career fields, specifically work with juveniles.

WHEREAS, Mr. Cason received support from his family and the community organizations for which he volunteers. The Clark County Prosecuting Attorney's Office did not object to Mr. Cason's petition, nor did any victims.

WHEREAS, the Clemency and Pardons Board voted 3-1 to recommend that Mr. Cason receive a full pardon. In making this favorable recommendation, the Board cited his dedication to the youth in his community, his lack of recent criminal record, and the fact that no victim was physically harmed during the incident.

WHEREAS, at the time of his crime in 1995, Mr. Cason was just 17 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences for their actions.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Kenneth Craig Cason this FULL AND UNCONDITIONAL pardon of his conviction for FIRST DEGREE BURGLARY and three counts of FIREARM THEFT in Clark County Cause No. 96-1-00485-5.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
STEPHEN GLENN EDMISON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1990, Stephen Glenn Edmison was found guilty of FOURTH DEGREE

ASSAULT-DOMESTIC VIOLENCE in Kitsap County Superior Court, Cause No. K-90-03705-S, after he violated a no-contact order to see his then-wife. He then proceeded to approach her and wrap his arms around her.

WHEREAS, Mr. Edmison has no other criminal convictions on his record.

WHEREAS, in March 2018, the Clemency and Pardons Board reviewed Mr. Edmison's petition for a pardon. Testimony before the Board included that of his daughter, a witness to the assault in question, who testified in staunch support of her father.

WHEREAS, Mr. Edmison is a disabled Vietnam veteran, and a cancer survivor. He has since remarried.

WHEREAS, Mr. Edmison states that this conviction encumbers his desire to participate fully in military veteran ceremonies and funerals.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

WHEREAS, the Clark County Prosecuting Attorney's Office does not object to Mr. Edmison's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Edmison receive a full pardon. In making this favorable recommendation, the Board cited the persuasiveness of his daughter's favorable testimony.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Stephen Glenn Edmison this FULL AND UNCONDITIONAL pardon of his conviction for FOURTH DEGREE ASSAULT – DOMESTIC VIOLENCE in Kitsap County Superior Court, Cause No. K-90-03705-S.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
SOPHY FRANK HEM

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in May 1997, Sophy Frank Hem, then 16 years old, was living in a community among known violent gang members. One day, during a confrontation with a gang member who brandished a firearm; Mr. Hem brandished his own firearm and fired a shot.

WHEREAS, he pleaded guilty to SECOND DEGREE ASSAULT, FIRST DEGREE UNLAWFUL FIREARM POSSESSION, and DRIVE-BY SHOOTING in Pierce County Superior Court, Cause No. 97-1-2299-3. The trial court sentenced Mr. Hem to 34 months in prison.

WHEREAS, Mr. Hem has accepted full responsibility for his actions and completed all of his sentence requirements. Following this incident, Mr. Hem married and started a family, which he has worked full time to support. He is also heavily involved in his community.

WHEREAS, in June 2018, the Clemency and Pardons Board reviewed Mr. Hem's petition for a pardon. The testimony before the Board was that Mr. Hem provides financial and emotional support to his family, which includes a wife and two children, one of whom experiences health issues relating to his premature birth.

WHEREAS, due to Mr. Hem's conviction, he now faces the possibility of imminent deportation from the United States to Cambodia, a country from which he immigrated as a baby with his family.

WHEREAS, Mr. Hem received support from his wife, family, and others before the Clemency and Pardons Board either in person or in writing. The Pierce County Prosecuting Attorney's Office does not object to Mr. Hem's petition, nor does the victim.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Hem receive a full pardon. In making this favorable recommendation, the Board cited his family's reliance on his support, his connection to his community, and the fact that he now faces deportation to a country that he does not know.

WHEREAS, at the time of his crime in 1997, Mr. Hem was just 16 years old. The scientific and criminal justice communities have documented the difficulty the brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Stephen Glenn Edmison this FULL AND UNCONDITIONAL pardon of his conviction for FOURTH DEGREE ASSAULT – DOMESTIC VIOLENCE and in Kitsap County Superior Court, Cause No. K-90-03705-S.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th day of July, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

AMENDED FULL AND UNCONDITIONAL PARDON
OF
MAURICE RATTRAY III

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1975, Maurice Rattray III, pleaded guilty to ATTEMPTED SECOND DEGREE BURGLARY in King County Superior Court No. 72077. This conviction followed after Mr. Rattray, then a 19-year old college student, unsuccessfully break into another's home.

WHEREAS, Mr. Rattray pleaded guilty to the offense and was given a deferred sentence which he was later dismissed and vacated, pursuant to his sentence, in 1978.

WHEREAS, Mr. Rattray accepts full responsibility for his actions and completed all of his sentence requirements. This is the only criminal conviction on Mr. Rattray's record.

WHEREAS, the Clemency and Pardons Board reviewed Mr. Rattray's petition for a pardon. The testimony before the Board was that Mr. Rattray went on to complete his civil engineering degree at the University of Washington and later an MBA.

WHEREAS, Mr. Rattray has spent his career working on public sector transit projects. He currently lives in California and testified that he would like to pursue employment opportunities at Sound Transit, but this felony may preclude him from passing background check.

WHEREAS, Mr. Rattray also testified that he would like to recreate and travel internationally with his family, including his two children, but this felony poses challenges.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Rattray a full pardon. In supporting Mr. Rattray's petition, the Board cited his otherwise spotless record, the fact that his conviction was dismissed and vacated under the terms of his sentence, and his contributions to his community and profession.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding the matter, circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Maurice Rattray III this FULL AND UNCONDITIONAL pardon of his conviction for ATTEMPTED SECOND DEGREE BURGLARY King County Cause No. 72077.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF DWIGHT ANTHONY GRIFFIN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, after a trial, a jury found Dwight Anthony Griffin guilty of ATTEMPTED FIRST DEGREE ROBBERY in Snohomish County Superior Court Cause No. 94-1660-1. The conviction followed events in 1994 when Mr. Griffin accosted a woman walking to the bank to deposit cash. He attempted to wrestle her bag from her, but she resisted and he was unsuccessful.

WHEREAS, this robbery conviction followed earlier robbery convictions, resulting in Mr. Griffin being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Griffin has served over 23 years in prison on this conviction.

WHEREAS, in December 2017, the Clemency and Pardons Board reviewed Mr. Griffin's clemency petition. The testimony before the Board was that Mr. Griffin finally achieved sobriety in 2009. He is now 65 years old and suffers from chronic health issues and is permanently partially disabled.

WHEREAS, Mr. Griffin remains married to his wife of over 30 years, and upon release, Mr. Griffin plans to return to live with her in Lynnwood. His adult sons are also still in his life.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Griffin's sentence. In making this recommendation, the Board cited Mr. Griffin's long sentence, strong family ties, the fact that he never used weapons, and his sobriety. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Dwight Anthony Griffin's sentence for his 1994 conviction for ATTEMPTED FIRST DEGREE ROBBERY in Snohomish County Superior Court Cause No. 94-1-660-1,

conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2019. During his last six months in custody, Mr. Griffin must successfully complete a DOC-approved work release program. Following his in-custody transition, Mr. Griffin shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Griffin must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
3. Submit to polygraph and social media monitoring.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
7. Comply with any DOC-assigned curfews.
8. Not possess firearms, ammunition, explosives, or dangerous weapons.
9. Not operate a motor vehicle without a valid driver's license, registration, and proper insurance.
10. Obtain a mental health evaluation and follow any prescribed treatment plans or recommendations.
11. Attend/complete an appropriate anger/aggression management program as determined by DOC.
12. Complete a chemical dependency and substance abuse treatment assessment and follow DOC recommendations relating to substance abuse counseling.
13. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
14. Attend regular sobriety support group meetings.
15. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
16. Be subject to regular drug and alcohol testing as directed by DOC.
17. Not associate with known criminals or gang members.
18. Avoid known drug-use areas, as determined by DOC.
19. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Griffin shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Griffin is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Griffin to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Griffin if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Griffin violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Griffin will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Griffin has provided to the Office of the Governor or, if Mr. Griffin is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Griffin submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Griffin an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Griffin has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Griffin is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Griffin will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Griffin may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility the Mr. Griffin may abscond if not detained. If detained, Mr. Griffin will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4th day of May, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF TINA LEE WEAVER

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999 Tina Lee Weaver pleaded guilty to ATTEMPTED SECOND DEGREE MURDER, SECOND DEGREE ASSAULT, and SECOND DEGREE KIDNAPPING in Pierce County Superior Court Cause No. 99-1-696-0. The conviction followed even in 1999 when Ms. Weaver removed her neighbor's daughter from her home, took her to a motel, bound her to a chair, and then called the woman's mother and threatened to kill her daughter.

WHEREAS, these convictions resulted in Ms. Weaver being sentenced to over 24 years in prison. Currently, her scheduled earned release date is in February 2021.

WHEREAS, this is the only criminal conviction on Ms. Weaver's record, and she has had no prison infractions since 2003.

WHEREAS, in December 2017, the Clemency and Pardons Board reviewed Ms. Weaver's clemency petition. The testimony before the Board was that Ms. Weaver has strong support in the community. She has shown honest remorse for her crime and has been a model prisoner, demonstrating a commitment to rehabilitation.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Ms. Weaver's sentence. In making this recommendation, the Board cited her remorse, good behavior in custody, commitment to rehabilitation, upcoming release date, and community support. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Tina Lee Weaver's sentence for her 1999 convictions for ATTEMPTED SECOND DEGREE MURDER, SECOND DEGREE ASSAULT, and SECOND DEGREE KIDNAPPING in Pierce County Superior Court Cause No. 99-1-696-0, conditioned on her written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2019. During her last six months in custody, Ms. Weaver must successfully complete a DOC-approved work release program. Following her in-custody transition, Ms. Weaver shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Ms. Weaver must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Ms. Weaver shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Follow all of the originally ordered conditions imposed under Pierce County Cause No. 99-1-696-0, including no contact with Viola or Sherryll Castor or their families.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from her DOC-approved residence, even if just for one night.
6. Not travel outside her county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
7. Comply with any curfews as set by DOC.
8. Not possess firearms, ammunition, explosives, or dangerous weapons.
9. Not operate a motor vehicle without a valid driver's license, registration, and proper insurance.

10. Obtain a mental health evaluation and follow any treatment plans or recommendations.
11. Complete a chemical dependency and substance abuse treatment assessment and follow DOC recommendations relating to substance abuse counseling.
12. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
13. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
14. Not frequent known drug areas, as determined by DOC.
15. Be subject to regular drug and alcohol testing as directed by DOC.
16. Not associate with known criminals or gang members.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Ms. Weaver shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of her community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Ms. Weaver is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Ms. Weaver to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Ms. Weaver if she violates a condition.

ADDITIONALLY PROVIDED, that in the event Ms. Weaver violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Ms. Weaver will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Ms. Weaver has provided to the Office of the Governor or, if Ms. Weaver is in custody, to her place of detention. If within 14 calendar days of the mailing of the notice, Ms. Weaver submits a sworn statement made under penalty of perjury that she has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Ms. Weaver an opportunity to be heard and to present witnesses and documentary evidence that she has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Ms. Weaver has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Ms. Weaver is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Ms. Weaver will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Ms. Weaver may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe she has violated the above conditions of this Conditional Commutation, reason to be

concerned that he would pose a risk to any person or to the community, or that there is a possibility that Ms. Weaver may abscond if not detained. If detained, Ms. Weaver will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe she has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4th day of May, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF ROBBIE WILLIAM BURTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, after a trial, a jury found Robbie William Burton guilty of FIRST DEGREE ROBBERY and TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION in Yakima County Superior Court Cause No. 95-1-1102-6. The conviction followed events in 1995 when Mr. Burton and an accomplice stole a car and then used it to conduct a bank robbery.

WHEREAS, this robbery conviction followed earlier robbery convictions, resulting in Mr. Burton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Burton is now 64 years old and has served over 22 years in prison on this conviction.

WHEREAS, in September 2017, the Clemency and Pardons Board reviewed Mr. Burton's clemency petition. The testimony before the Board was that Mr. Burton's past criminal behavior was fueled by substance addiction, and he has since achieved sobriety in prison though addiction support groups.

WHEREAS, upon release, Mr. Burton plans to return to Yakima to live with family, and he has secured employment at the auto dealership where he worked before this conviction and sentence.

WHEREAS, the victim supports Mr. Burton's petition. Mr. Burton also has the support of former Secretary of the Washington State Department of Corrections Dan Pacholke.

WHEREAS, the Clemency and Pardons Board voted to recommend that the Governor commute Mr. Burton's sentence. In making this recommendation, the Board cited Mr. Burton's age, the fact that he has secured employment and never physically hurt anyone in the commission of the crime, and the victim's support. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Robbie William Burton's sentence for his 1995 conviction for FIRST DEGREE ROBBERY and TAKING A MOTOR VEHICLE WITHOUT THE OWNER'S PERMISSION

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

in Yakima County Superior Court Cause No. 95-1-1102-6, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than September 1, 2019. During his last six months in custody, Mr. Burton must successfully complete a DOC-approved work release program. Following his in-custody transition, Mr. Burton shall begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Burton must comply with any conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to, the following:

Mr. Burton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Obtain a mental health evaluation and follow any treatment plans or recommendations as ordered by DOC.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of his person, automobiles, or personal property.
4. Submit to DOC monitoring of his social media accounts.
5. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
8. Not possess firearms, ammunition, explosives, or dangerous weapons.
9. Not operate a motor vehicle without a valid driver's license and proper registration and insurance.
10. Not enter a bank without a legitimate reason or having a valid account.
11. Complete a chemical dependency and/or substance abuse treatment assessment and follow DOC recommendations relating to substance abuse counseling and/or treatment.
12. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
13. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
14. Not frequent known drug areas, as decided by DOC.
15. Be subject to regular drug and alcohol testing as directed by DOC.
16. Regularly participate in a substance abuse support group as approved by DOC.
17. Not associate with known criminals and/or known gang members.
18. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Burton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Burton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Burton to perform affirmative acts deemed appropriate to monitor

compliance with the conditions and may issue warrants or detain Mr. Burton if he violates a condition.

ADDITIONALLY PROVIDED, that in the event that Mr. Burton violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Burton will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Burton has provided to the Office of the Governor or, if Mr. Burton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Burton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Burton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Burton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Burton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Burton will immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Burton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Burton may abscond if not detained. If detained, Mr. Burton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4th day of May, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

AMENDED CONDITIONAL COMMUTATION OF LE'TAXIONE

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998 Le'Taxione (Ernest A. Carter) was found guilty of two counts of FIRST DEGREE ROBBERY, Pierce County Superior Court Cause No. 97-1-04547-1. In 1997,

Le'Taxione entered and then, pretending he had a weapon, held up a Tacoma Subway, before then holding p and AM/PM. Between these two robberies, Le'Taxione took roughly \$200 from the cashiers.

WHEREAS, this offense qualified Le'Taxione as a "Three Strikes" persistent offender and resulted in a life sentence. In addition to this conviction, Le'Taxione was convicted of assaulting a police officer in California in 1983, and also attempted murder with a firearm in 1990 in Oregon.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Le'Taxione's clemency petition. It voted unanimously to recommend that the Governor commute Le'Taxione's sentence.

WHEREAS, on December 21, 2016, I commuted Le'Taxione's life sentence, conditioned on his completion of a work release program and compliance with a series of terms of supervision.

WHEREAS, while on work release in December 2017, Le'Taxione refused a urinalysis test and failed an alcohol breath analysis test, blowing a .04. At a January 2018 hearing, a hearing officer found that Le'Taxione violated the terms of his work release by failing the breath analysis test. In March 2018, a different hearing officer found that through these actions, Le'Taxione twice violated the terms of his Conditional Commutation.

WHEREAS, before these violations, Le'Taxione earned a strong reputation in his work release program. He has been characterized as a "great and dependable worker" and "pleasant and respectful." And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, AMEND the December 21, 2016 CONDITIONAL

COMMUTATION of Le'Taxione's sentence for his 1998 conviction for two counts of FIRST DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Le'Taxione will be released from prison no later than October 15, 2018. During this period, Le'Taxione must complete DOC-recommended substance abuse evaluation to inform possible substance abuse treatments. And at some point during these six months in custody, Le'Taxione must successfully complete a DOC-approved work release program. Following his release from custody, Le'Taxione shall serve 24 months of DOC community supervision. During this period under DOC custody and supervision, Le'Taxione must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Le'Taxione shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Be available for contact with DOC and his assigned CCO as directed, and consent to DOC home or hospital visits and or searches, to also include searches of his person or automobiles, to monitor compliance with supervision. These visits must include access for visual inspection of all areas of the residence in which Le'Taxione has exclusive or joint control or access, and includes the securing of dangerous animals.
3. Obtain legal verifiable employment or enroll in

educational programming, and report it to his CCO.

4. Obtain written permission from his CCO before traveling outside his county of residence.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons. He may not possess body armor.
7. Report to his CCO all law enforcement contacts within 24 hours of occurrence.
8. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
9. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from his CCO.
10. Obtain a Narcotics Anonymous sponsor and attend regular meetings as recommended by his CCO.
11. Obtain a chemical dependency evaluation and follow all treatment recommendations.
12. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
13. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting his CCO.
14. Enroll in, and successfully complete any programming or treatment as directed by DOC.

PROVIDED, that Le'Taxione shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Amended Conditional Commutation as provided below. If Le'Taxione is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Le'Taxione to perform affirmative acts deemed appropriate to monitor compliance with conditions and may issue warrants or detain Le'Taxione if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Le'Taxione violates any of the conditions of this Amended Conditional Commutation, as determined by the Governor, this Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon, Le'Taxione will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Le'Taxione has provided to the Office of the Governor or, if Le'Taxione is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Le'Taxione submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Le'Taxione an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Amended Conditional Commutation granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Le'Taxione has violated the terms of this Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Le'Taxione is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Amended Conditional Commutation may be revoked and the sentence of the court

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

reinstated, whereupon Le'Taxione will immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Le'Taxione may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Le'Taxione may abscond if not detained. If detained, Le'Taxione will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 10th day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL
OF
MAURICE RATTRAY III

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1975, Maurice Rattray III, pleaded guilty to ATTEMPTED SECOND DEGREE ROBBERY in King County Superior Court No. 72077. This conviction followed after Mr. Rattray, then a 19-year old college student, unsuccessfully attempted to break into another's home.

WHEREAS, Mr. Rattray pleaded guilty to the offense and was given a deferred sentence, which he was later dismissed and vacated, pursuant to his sentence, in 1978.

WHEREAS, Mr. Rattray accepts full responsibility for his actions and completed all of his sentence requirements. This is the only criminal conviction on Mr. Rattray's record.

WHEREAS, the Clemency and Pardons Board reviewed Mr. Rattray's petition for a pardon. The testimony before the Board was that Mr. Rattray went on to complete his civil engineering degree at the University of Washington and later an MBA.

WHEREAS, Mr. Rattray has spent his career working on public sector transit projects. He currently lives in California and testified that he would like to pursue employment opportunities at Sound Transit, but this felony may preclude him from passing a background check.

WHEREAS, Mr. Rattray also testified that he would like to recreate and travel internationally with his family, including his two children, but this felony poses challenges.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Rattray a full pardon. In supporting Mr. Rattray's petition, the Board cited his otherwise spotless record, the fact that his conviction was dismissed and vacated under the terms of his sentence, and his contributions to his community and profession.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing,

I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Maurice Rattray III this FULL AND UNCONDITIONAL pardon of his conviction for ATTEMPTED SECOND DEGREE ROBBERY, King County Cause No. 72077.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15th day of March, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
HITACHI KELVIN ANTONIO

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003, Hitachi Kelvin Antonio pleaded guilty to POSSESSION OF MARIJUANA WITH INTENT TO DELIVER in Pierce County Superior Court, Cause No. 03-1-5298-3. The court sentenced Mr. Antonio to four months in jail and \$710 in restitution, costs, and fees.

WHEREAS, Mr. Antonio accepts responsibility for his conduct. He served his sentence and paid the court-ordered restitution, costs, and fees.

WHEREAS, in 1996 Mr. Antonio immigrated to the United States from the Philippines as a teenager. He obtained permanent resident alien status in 1998. He later applied to become a United States citizen, but he was denied; and this 2003 conviction has ultimately led to removal proceedings against him.

WHEREAS, Mr. Antonio has not had any criminal convictions since 2005, when he was convicted of reckless driving.

WHEREAS, the Pierce County Prosecuting Attorney does not oppose Mr. Antonio's petition.

WHEREAS, in September 2017, the Clemency and Pardons Board reviewed Mr. Antonio's petition for a pardon, which described how Mr. Antonio has been steadily employed for over a decade, and he is married and raising two young children. Mr. Antonio believes that a pardon will end his pending removal proceedings and allow him to continue to live and work in the United States.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Antonio be granted a full pardon, reasoning that he has taken responsibility for his past conduct and has lived crime-free for many years; he maintains strong connections to his community; and, his removal would be extremely challenging, not only to him, but also his family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Hitachi Kelvin Antonio this FULL AND UNCONDITIONAL pardon of his conviction for POSSESSION OF MARIJUANA

WITH INTENT TO DELIVER, Pierce County Superior Court Cause No. 03-1-5298-3.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 1st day of February, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
RICHARD ROBERT KENT

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, after a trial, Richard Robert Kent was found guilty of SECOND DEGREE ROBBERY in Whatcom County Superior Court Cause No. 96-1-960-4. The conviction followed events in 1996 when, while wearing a mask, Mr. Kent approached two tellers in a credit union, and demanded cash.

WHEREAS, this conviction followed two earlier robbery convictions, resulting in Mr. Kent being sentenced to life in prison without the possibility of parole under Washington 's persistent offender statute.

WHEREAS, Mr. Kent has served over 20 years on this conviction. Had he not been sentenced as a persistent offender, his maximum sentence would have been ten years.

WHEREAS, Mr. Kent is now 63 years old and is experiencing significant health problems while living in prison.

WHEREAS, in June 2017, the Clemency and Pardons Board reviewed Mr. Kent's clemency petition. The testimony before the Board was that Mr. Kent has already been accepted to FareStart, a job-training program providing housing, a months-long job training program, and other transition assistance.

WHEREAS, neither the Whatcom County Prosecuting Attorney's Office, nor any of the victims oppose Mr. Kent's petition. Similarly, Mr. Kent's sentencing judge does not oppose his petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Kent's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Richard Robert Kent's sentence for his 1997 conviction for SECOND DEGREE ROBBERY in Whatcom County Superior Court cause No. 96-1-960-4, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than May 1, 2019. During his last six months in custody, Mr. Kent must successfully complete a DOC-approved work release program. Following his in-custody transition, Mr. Kent shall be released to the FareStart program and begin serving 24 months of DOC community supervision. During this period in custody and under community supervision, Mr. Kent must comply with any

conditions set forth by DOC and its corrections officers. These conditions shall include, but not be limited to the following:

Mr. Kent shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Enroll in, and successfully complete DOC's Thinking for a Change program, as well as any other programming or treatment as directed by DOC.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
7. Not possess firearms, ammunition, explosives, or dangerous weapons.
8. Not operate a motor vehicle without a valid driver's license and proper insurance.
9. Complete a chemical dependency and substance abuse treatment assessment and follow DOC recommendations relating to substance abuse counseling.
10. Not possess or use alcohol or any controlled substances, including marijuana, without a valid physician's prescription and DOC approval.
11. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Not possess stolen property or unauthorized tools not associated with approved work, as determined by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Kent shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Kent is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Kent to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Kent if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Kent violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Kent will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Kent has provided to the Office of the Governor or, if Mr. Kent is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Kent submits a sworn statement made under penalty of perjury that he

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Kent an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Kent has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Kent is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Kent will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Kent may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Kent may abscond if not detained. If detained, Mr. Kent will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5th day of December, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION OF LEE KENT HAMILTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Lee Kent Hamilton pleaded guilty to SECOND DEGREE ROBBERY and SECOND DEGREE ASSAULT in Pierce County Superior Court cause No. 95-1-4105-3, after he approached a bank teller in 1995, stated that he was armed, and demanded money.

WHEREAS, these convictions followed two earlier robbery convictions, resulting in Mr. Hamilton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Hamilton has served over 22 years on this conviction. Had he not been sentenced as a persistent offender, his standard range sentence would have been between five and seven years.

WHEREAS, Mr. Hamilton has had no prison infractions since 2001.

WHEREAS, Mr. Hamilton accepts full responsibility for his past criminal conduct and expresses remorse. His criminal history was largely a product of substance addiction and his need to support his habits. While in prison, Mr. Hamilton has achieved and maintained sobriety.

WHEREAS, while in prison Mr. Hamilton intervened in an inmate attack on a corrections officer and is credited with saving the life of that corrections officer.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Mr. Hamilton's clemency petition. The testimony before the Board was that Mr. Hamilton has developed skills as a metal fabricator, machinist, and welder; and upon his eventual release, Mr. Hamilton will have the support of his family in Florida who has agreed to provide him shelter and help him transition to the community.

WHEREAS, the Pierce County Prosecuting Attorney's Office does not oppose Mr. Hamilton's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Hamilton's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Lee Kent Hamilton's sentence for his 1995 conviction for SECOND DEGREE ROBBERY and SECOND DEGREE ASSAULT in Pierce County Superior Court Cause No. 95-1-4105-3, conditioned on his written agreement to comply with all terms outlined by DOC in an in-custody transition plan, to be completed no later than May 1, 2019. During his last six months in custody, Mr. Hamilton must successfully complete a DOC-approved work release program. Following his release from custody, Mr. Hamilton shall serve 24 months of community supervision under DOC supervision or under the terms of an interstate compact placement to the State of Florida. During this period in custody and under community supervision, Mr. Hamilton must comply with any conditions set forth by DOC or the State of Florida and its community corrections officers (hereafter in this section, "DOC"). These conditions shall include, but not be limited to the following:

Mr. Hamilton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Enroll in, and successfully complete DOC's Thinking for a Change program, as well as any other programming or treatment as directed by DOC.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, or personal property.
4. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from his DOC-approved residence, or taking overnight visits away from his DOC-approved residence, even if for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a geographical area as directed by DOC.
7. Not possess firearms, ammunition, explosives, or dangerous weapons.
8. Not operate a motor vehicle without a valid driver's license and proper insurance.

9. Complete a chemical dependency and substance abuse treatment assessment and follow DOC recommendations.
10. Not possess or use alcohol or any controlled substances without a valid physician's prescription.
11. Not visit bars, taverns, or other establishments in which alcohol is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Report to DOC all law enforcement contact within 24 hours of occurrence.
14. Not enter a bank without having an authorized account and prior approval from DOC.
15. Obtain DOC permission to open a bank account.

PROVIDED, that Mr. Hamilton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Hamilton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Kent to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Kent if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Hamilton violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hamilton will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Hamilton has provided to the Office of the Governor or, if Mr. Hamilton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hamilton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hamilton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hamilton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hamilton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Hamilton will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hamilton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Hamilton may abscond if not detained. If detained, Mr. Hamilton will be

provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5th day of December, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF EDWARD ALLEN RANEY

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, decades ago, Edward Allen Raney pleaded guilty to GRAND LARCENY in Thurston County Superior Court No. C-4574 and VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCE ACT, Lewis County Superior Court No. CR82-6498. His 1973 larceny conviction arose after he had in his possession a stolen motorbike, and the 1982 drug offense was the result of his possession of marijuana for personal use.

WHEREAS, Mr. Raney accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgments and sentences, including the payment of roughly \$500 in court-ordered restitution and costs.

WHEREAS, Mr. Raney discontinued his use of drugs and alcohol. He has no other criminal convictions since his 1982 offense.

WHEREAS, in June 2017, the Clemency and Pardons Board reviewed Mr. Raney's petition for a pardon. At his hearing, Mr. Raney explained that he is a career miner, and he would like to transition to blasting work, which requires him to obtain federal explosives and blasting permits. He testified that with these convictions on his record, the federal government will not issue him these permits.

WHEREAS, the prosecuting attorneys for Thurston County and Lewis County do not object to Mr. Raney's petition, nor do any victims object.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Raney be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Edward Allen Raney this FULL AND UNCONDITIONAL pardon of his conviction for GRAND LARCENY conviction in Thurston County Superior Court No. C-4574, and his VIOLATION OF THE UNIFORM CONTROLLED SUBSTANCE ACT, Lewis County Superior Court No. CR82-6498.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16th day of October, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JOSE ARCIGA

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1984, Jose Arciga pleaded guilty to POSSESSION OF MARIJUANA WITH INTENT TO DELIVER in Yakima County Superior Court, Cause No. 84-1-173-4 The court sentenced Mr. Arciga to two years of probation and \$590 in restitution and costs.

WHEREAS, Mr. Arciga accepts responsibility for his conduct. He served his sentence and paid the court-ordered restitution and costs.

WHEREAS, in 1968 Mr. Arciga immigrated to the United States from Mexico as a teenager. He later applied to become a United States citizen, but this 1984 felony conviction prevented him from being granted citizenship. After his application seeking citizenship was denied in 2007, he was deported to Mexico.

WHEREAS, Mr. Arciga has not had any criminal convictions since 1984.

WHEREAS, the Yakima County Prosecuting Attorney does not oppose Mr. Arciga's petition.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Mr. Arciga's petition for a pardon, which described how, in being deported 10 years ago, Mr. Arciga left eight children and nine grandchildren, all born in and living in the United States. Mr. Arciga's family believes that a pardon will improve Mr. Arciga's chances of being able to return to the United States to reunite with his family.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Arciga be granted a full pardon, reasoning that Mr. Arciga is now 64 years old, lacks a violent history, has not had a criminal conviction in over 33 years, and should have an opportunity to reunite with his family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jose Arciga this FULL AND UNCONDITIONAL pardon of his conviction for POSSESSION OF MARIJUANA WITH INTENT TO DELIVER, in Yakima County Superior Court Cause No. 84-1-173-4.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16th day of October, A.D., two thousand and nineteen.

/s/
Jay Inslee

Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
MICHAEL LAWRENCE BRAY

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2000, a juvenile court found Michael Lawrence Bray guilty on three counts of SECOND DEGREE ROBBERY and one count of SECOND DEGREE MALICIOUS MISCHIEF, Mason County Superior Court Case No. 99-8-282-8. Over a six-month period in 1998 and 1999, Mr. Bray, then a teenager, entered buildings and took property.

WHEREAS, Mr. Bray served his sentence, which included 12 months of community supervision and 80 hours of community service. He also paid \$991.04 in court-ordered restitution and costs.

WHEREAS, Mr. Bray currently works for the Department of Corrections, and he would like to join the Department's specialty response team at the Clallam Bay Corrections Center. But these convictions bar him from carrying a firearm, a requisite for that role.

WHEREAS, Mr. Bray accepts full responsibility for his past conduct and expresses remorse. He has had no criminal convictions in ten years, and he is now married with three children.

WHEREAS, at the time of this criminal behavior in 1998 and 1999, Mr. Bray was just a teenager of 15 and 16 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Mr. Bray's petition for a pardon. The testimony before the Board was that Mr. Bray has matured since this criminal behavior, earning an associate's degree, raising a family, and beginning a career with the Department of Corrections.

WHEREAS, neither the Mason County Prosecuting Attorney, nor any of the victims of Mr. Bray's criminal activity oppose his petition.

WHEREAS, the Clemency and Pardons Board voted to recommend that Mr. Bray receive a pardon, citing his age at the time of these offenses and the burden it places on his prospects for career advancement.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Michael Lawrence Bray this pardon for his convictions on three counts of SECOND DEGREE ROBBERY and his conviction for SECOND DEGREE MALICIOUS MISCHIEF, Mason County Superior Court No. 99-8-282-8.



IN WITNESS WHEREOF, I have
hereunto set my hand and caused the seal
of the state of Washington to be affixed at
Olympia this 16th day of October, A.D.,
two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JOSEPH MARTIN KING

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003 and 2006, Joseph Martin King was twice found guilty of FOURTH DEGREE ASSAULT - DOMESTIC VIOLENCE in Spokane Municipal Court, Cause No. B2606 and Walla Walla District Court C2623. These convictions arose after Mr. King engaged in altercations with his wife. Then in 2007, Mr. King was also found guilty of MALICIOUS MISCHIEF - Domestic Violence in Spokane Municipal Court, No. B60717, after he punched out his car window during an argument with his

WHEREAS, Mr. King accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgment and sentence, completed courses in anger management, and has had no criminal convictions since 2007.

WHEREAS, Mr. King has attained his bachelor's, master's, and doctorate degrees, but many potential employers will not hire him because of his record. Similarly, he has experienced difficulty securing housing because of these convictions.

WHEREAS, the Spokane Prosecuting Attorney and Spokane County Sheriff both support Mr. King's petition. No victims objected to his petition.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Mr. King's petition for a pardon and voted unanimously to recommend that Mr. King be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Joseph Martin King this FULL AND UNCONDITIONAL pardon of his 2003 and 2006 convictions for FOURTH DEGREE ASSAULT - DOMESTIC VIOLENCE in Spokane Municipal Court Cause No. B2606 and Walla Walla District Court C2623 and also his 2007 conviction for MALICIOUS MISCHIEF - Domestic Violence in Spokane Municipal Court, No. B60717.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused the seal
of the state of Washington to be affixed at
Olympia this 27th day of September,
A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor



/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
DEMETRIO RAMIREZ-ALTAMIRANO

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Demetrio Ramirez-Altamirano pleaded guilty to DELIVERY OF A OF A CONTROLLED SUBSTANCE and POSSESSION OF A CONTROLLED SUBSTANCE in 1993, Benton County Superior Court Case No. 93-1-89-1. Mr. Ramirez-Altamirano, then 18 years old, delivered cocaine to a confidential informant.

WHEREAS, Mr. Ramirez-Altamirano immigrated to the United States from Mexico at age 12. He served a 26-month sentence on this conviction, and he was deported to Mexico, leaving behind a family in the United States.

WHEREAS, Mr. Ramirez-Altamirano returned to the United States in 1995 to care for his disabled son. In 2016, the federal government prosecuted Mr. Ramirez-Altamirano for unlawful reentry; he served a short sentence on this federal offense, and he now awaits another deportation.

WHEREAS, Mr. Ramirez-Altamirano accepts full responsibility for his past conduct and expresses remorse. He is now married with six children, all of whom live in Washington, as do his five brothers and mother.

WHEREAS, Mr. Ramirez-Altamirano has the support of his family, friends, landlord, medical staff, and others.

WHEREAS, Mr. Ramirez-Altamirano has not had any state criminal convictions in over 24 years.

WHEREAS, at the time of his crime in 1993, Mr. Ramirez-Altamirano was just 18 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Mr. Ramirez-Altamirano's petition for a pardon. The testimony before the Board was that Mr. Ramirez-Altamirano is a stable figure for his family and in his community. If he were to receive a pardon on this 1993 state conviction, it may help to avoid another deportation, and stay in the United States to provide support for his family.

WHEREAS, the Benton County Prosecuting Attorney's Office does not oppose Mr. Ramirez-Altamirano's petition.

WHEREAS, the Clemency and Pardons Board voted to recommend that Mr. Ramirez-Altamirano be pardoned, citing the prosecutor's non-opposition to the petition, and the nature of this single, nonviolent criminal act when he was just 18 years old.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Demetrio Ramirez-Altamirano this pardon for his 1993 DELIVERY OF A CONTROLLED SUBSTANCE and POSSESSION OF A CONTROLLED SUBSTANCE convictions, Benton County Superior Court No. 93-1-89-1.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27th day of September, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

REVOCATION
OF
AMENDED CONDITIONAL COMMUTATION
OF
JOHN RAY STEWART

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, John Ray Stewart was convicted on November 20, 1998, of First Degree Attempted Robbery and First Degree Burglary under King County Superior Court Cause No. 97-1-05832-1 and sentenced to serve Life Without the Possibility of Parole as required by Washington's Persistent Offender Accountability Act, the so-called "Three Strikes" law.

WHEREAS, the crimes leading to these final strike convictions occurred on July 29, 1997. Mr. Stewart burglarized a home, fought with the homeowner's two sons who chased him, and then tried to steal a vehicle belonging to one of the sons.

WHEREAS, Mr. Stewart committed his first strike on May 7, 1990, when he and a codefendant began beating hitchhikers after the hitchhikers refused their demand for money started calling for help. As a result, Mr. Stewart was convicted of Second Degree Assault. committed his second strike offense on September 9, 1991, when he and a co-defendant to a residential property to steal marijuana and the co-defendant shot and killed a man. Consequently, Mr. Stewart was convicted of First Degree Manslaughter.

WHEREAS, in 2003, while in prison at the Washington State Penitentiary, Mr. Stewart inmate Steven F. Sherer, who had murdered his wife. Mr. Sherer stated to Mr. Stewart and another inmate that he wanted to kill the King County Deputy Prosecutor who prosecuted Mr. Sherer's case. He also stated he wanted to burn down a key witness' house. Mr. Stewart reported the threats and assisted the police investigation that identified steps Mr. Sherer taken to hire a person being released from prison to carry out his plan, and testified Mr. Sherer at trial. Mr. Stewart never asked for or received any financial reimbursement for his assistance, and Mr. Stewart's motivation was to balance the wrong he had committed in his own life by helping to thwart a scheme to murder a deputy prosecutor.

WHEREAS, on January 14, 2013, Governor Gregoire granted Mr. Stewart a Conditional Commutation on the remainder of his sentence, contingent on, among other things, his successful completion of a work release program and then an 18-month term of community supervision. Before completing his work release program, on August 1, 2015, Mr. Stewart received a major infraction for fighting. Consequently, he was terminated from his work release program. At the time, Mr. Stewart conceded that he violated the terms of his Conditional Commutation.

WHEREAS, following this violation of his 2013 Conditional Commutation, I amended Mr. Stewart's Conditional Commutation order on November 13, 2015, to give him another chance. Under this Amended Conditional Commutation Mr. Stewart was to remain incarcerated until no later than January 1,

2017, and I gave him another opportunity to complete a work release program before serving an 18-month term of community supervision.

WHEREAS, on October 17, 2016, after experiencing more difficulties in a work release setting, Mr. Stewart was again released from his work-release program before completing it. Again, he conceded that he failed to satisfy the terms of his Amended Conditional Commutation.

WHEREAS, Mr. Stewart has twice been unable to successfully complete a work release program. In addition to not satisfying the terms of his Amended Conditional Commutation, it does not appear that Mr. Stewart is prepared to make a successful transition to the community at this time.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under RCW 10.01.120, revoke Mr. Stewart's Amended Conditional Commutation.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27th day of September, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

September 25, 2017

Jeffrey E. Ellis
621 SW Morrison St.
Suite #1025
Portland, OR 97205

RE: Clemency Petition — Devon P. Adams

Dear Mr. Ellis:

The Clemency and Pardons Board considered the clemency request of your client, Devon Adams, at its December 2016, meeting. Following a hearing, the Board recommended 3-1 that Governor Inslee grant Mr. Adams' petition.

The Governor has reviewed Mr. Adams' petition, and while he commends your client for the steps he has taken in prison to become a better person, he does not believe that clemency is appropriate at this time. I therefore regret to inform you that Mr. Adams' request for a commutation has been denied.

I appreciate your client's understandable disappointment with this decision. But ultimately, Mr. Adams did not demonstrate extraordinary circumstances, particularly given the seriousness of the activity that led to his conviction and sentence. The Governor will consider a renewed request, should Mr. Adams re-petition the Board when he is again eligible in three years.

Sincerely,
/s/
Taylor K. Wonhoff
Deputy General Counsel

REVOCATION
OF
CONDITIONAL COMMUTATION
OF

WILLEEN RAYE BALLARD (AMENDED)

Assistant Secretary of State

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2004, Willeen Raye Ballard was convicted of THIRD DEGREE ASSAULT, FIRST DEGREE THEFT, and FIRST DEGREE POSSESSION OF STOLEN PROPERTY in King County Superior Court, Cause No. 02-1-08642-6, and sentenced to 25 years in prison, after she and an associate confronted an elderly woman in a car, forcibly removed the woman from the car, and then drove off in the car.

WHEREAS, Ms. Ballard has faced tremendous adversity in her life; she was a victim of domestic sexual abuse at a young age and was forced to the streets where she was subjected to violence and victimized in the sex trade. She accepted full responsibility for her conduct in this incident, and she expressed remorse. She paid off nearly \$20,000 in legal financial obligations. And, since 2011, she received no serious infractions. Ms. Ballard also seized opportunities to improve herself while in prison. She completed various college courses, seminars, and other self-improvement programs.

WHEREAS, in December 2014, the Clemency and Pardons Board reviewed Ms. Ballard's clemency petition, which included several letters of support from her family and other community members. The victim's family expressed no opposition to Ms. Ballard's petition, and the King County Prosecuting Attorney's Office testified in full support of her petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor CONDITIONALLY COMMUTE Ms. Ballard's sentence based upon a transition plan directed by the Department of Corrections (DOC).

WHEREAS, I granted Ms. Ballard a Conditional Commutation on December 1, 2015, which required her to comply with a number of conditions, including successfully completing a 12-month term of community supervision. Ms. Ballard indicated in writing that she understood these conditions of the commutation and would comply with them. She was released from custody to community supervision on October 1, 2016.

WHEREAS, in January 2017, I learned that a DOC hearing officer had found that Ms. Ballard had violated at least five terms of her community supervision within the first two months of her release from custody on October 1, 2016. Specifically, she violated the terms of her Conditional Commutation when she failed to report to DOC as directed; failed to make herself available for urinalysis testing as directed; failed to notify DOC of changes in her employment as directed; failed to notify DOC of changes in her address or living arrangements as directed; and failed to receive prior approval before leaving Washington.

WHEREAS, with these numerous community supervision violations in her first two months on release, Ms. Ballard has failed to comply with the terms of her Conditional Commutation. Ms. Ballard does not contest that she violated the terms of her Conditional Commutation.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under RCW 10.01.120, revoke Ms. Ballard's Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5th day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor



/s/
Mark Neary

REVOCATION
OF
CONDITIONAL COMMUTATION
OF
WILLEEN RAYE BALLARD

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2004, Willeen Raye Ballard was convicted of THIRD DEGREE ASSAULT, FIRST DEGREE THEFT, and FIRST DEGREE POSSESSION OF STOLEN PROPERTY in King County Superior Court, Cause No. 02-1-08642-6, and sentenced to 25 years in prison, after she and an associate confronted an elderly woman in a car, forcibly removed the woman from the car, and then drove off in the car.

WHEREAS, Ms. Ballard has faced tremendous adversity in her life; she was a victim of domestic sexual abuse at a young age and was forced to the streets where she was subjected to violence and victimized in the sex trade. She accepted full responsibility for her conduct in this incident, and she expressed remorse. She paid off nearly \$20,000 in legal financial obligations. And, since 2011, she received no serious infractions. Ms. Ballard also seized opportunities to improve herself while in prison. She completed various college courses, seminars, and other self-improvement programs.

WHEREAS, in December 2014, the Clemency and Pardons Board reviewed Ms. Ballard's clemency petition, which included several letters of support from her family and other community members. The victim's family expressed no opposition to Ms. Ballard's petition, and the King County Prosecuting Attorney's Office testified in full support of her petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor CONDITIONALLY COMMUTE Ms. Ballard's sentence based upon a transition plan directed by the Department of Corrections (DOC),

WHEREAS, I granted Ms. Ballard a Conditional Commutation on December 1, 2015, which required her to comply with a number of conditions, including successfully completing a 12-month term of community supervision. Ms. Ballard indicated in writing that she understood these conditions of the commutation and would comply with them. She was released from custody to community supervision on October 1, 2016.

WHEREAS, in January 2017, I learned that a DOC hearing officer had found that Ms. Ballard had violated at least five terms of her community supervision within the first two months of her release from custody on October 1, 2016. Specifically, she violated the terms of her Conditional Commutation when she failed to report to DOC as directed; failed to make herself available for urinalysis testing as directed; failed to notify DOC of changes in her employment as directed; failed to notify DOC of changes in her address or living arrangements as directed; and failed to receive prior approval before leaving Washington.

WHEREAS, with these numerous community supervision violations in her first two months on release, Ms. Ballard has failed to comply with the terms of her Conditional Commutation. Ms. Ballard does not contest that she violated the terms of her Conditional Commutation.

NOW, THEREFORE, I, by virtue of the power vested in me as Governor of the state of Washington under RCW 10.01.120, Ms. Ballard's Conditional Commutation.

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 3rd day of April, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

ISSUED 7/30/13; REVOKED 2/19/14

AMENDED CONDITIONAL COMMUTATION
OF
JOSEPH SCOTT WHARTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Joseph Scott Wharton was convicted on April 22, 1997, after a bench trial, on five counts of Robbery in the Second Degree in King County Superior Court Cause Number 97-100657-7 and sentenced to serve Life without the Possibility of Parole under Washington's persistent offender law, otherwise known as the "Three Strikes" law. Over the course of a month in 1996 and 1997, Mr. Wharton approached clerks in stores and banks and demanded money. He often held his hand in his pocket to suggest that he had a gun.

WHEREAS, Mr. Wharton received his first and second strikes after similar robberies in which he entered stores and confronted clerks, suggested he was carrying a firearm, and then ordering the clerk to provide him money.

WHEREAS, Mr. Wharton unequivocally accepted responsibility and expressed remorse for his past crimes and apologized for his actions to his victims, his family, and the state of Washington.

WHEREAS, at the time of his conviction, the standard range for Mr. Wharton's offense was 33 to 43 months. 'I-he maximum sentence for Second Degree Robbery in the state of Washington, without the three strikes law, is 84 months.

WHEREAS, in December 2012, Mr. Wharton's petition for clemency, in which he was seeking a commutation, was heard by the Clemency & Pardons Board.

WHEREAS, the testimony before the Board was that Mr. Wharton had shown considerable rehabilitation while incarcerated. He participated in programming to improve his life skills, enhance his education, and remain free from substance abuse.

WHEREAS, King County Prosecutor Daniel Satterberg reviewed Mr. Wharton's clemency petition, and supported his petition. Also supporting Mr. Wharton's petition was the sentencing judge on his "third strike" offense, retired Judge Michael J. Fox, who was so unsettled by having to direct such a sentence in the case of a non-violent offender, that he encouraged Mr. Wharton to seek a commutation.

WHEREAS, following his hearing, the Clemency Board unanimously recommended that the governor commute Mr. Wharton's sentence.

WHEREAS, on July 30, 2013, Governor commuted Mr. Wharton's sentence, contingent on a series of terms to which Mr. Wharton agreed, including refraining from drug and alcohol use, participating in a residential treatment program, and regularly reporting with his community corrections officer for urinalysis testing. In October 2013, however, Mr. Wharton left his residential substance treatment program without permission and

was later found to have violated the terms of his community custody multiple times.

WHEREAS, following the findings that Mr. Wharton violated the terms of his July 30, 2013, Conditional Commutation, Governor Inslee revoked Mr. Wharton's Conditional Commutation on February 19, 2014.

WHEREAS, in the years since the revocation of Mr. Wharton's Conditional Commutation, he has continued to show personal growth and maturity, and he has learned from the mistakes that led to the revocation of his July 30, 2013, Conditional Commutation. Mr. Wharton has been accepted into a Salvation Army Rehabilitation Center residential treatment program that he believes will provide him the support he needs to successfully transition to the community.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under Article III Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby amend Joseph Scott Wharton's original Conditional Commutation. Under these amended terms, Mr. Wharton will go through a transition through lower levels of custody as determined by the Department of Corrections (DOC), to end July 1, 2018. At that time, Mr. Wharton shall begin serving a 36-month term of DOC community supervision. Also upon his release from DOC custody, Mr. Wharton will transition to the Salvation Army Rehabilitation Center residential treatment program for a period of six months to a year, as determined by the treatment facility.

During his period of custody, and on community supervision, Mr. Wharton shall:

1. Participate in a substance abuse and/or chemical dependency evaluation as directed by DOC and complete any recommendations from such evaluation;
2. Participate in a residential drug and alcohol treatment program, as directed by DOC;
3. Participate in chemical dependency and substance abuse support groups when not in residential treatment, as directed by DOC;
4. Not use, possess, or consume alcohol or other controlled substances, unless taken under medical supervision;
5. Submit to regular and random urinalysis and breathalyzer testing, as directed by DOC;
6. Report to and be available to regularly meet with a community corrections officer as directed by DOC;
7. Be subject to regular home/employment visits, and be subject to home, automobile and personal property searches;
8. Not associate with drug users or dealers, and avoid taverns, bars, and other sites where alcohol or drugs are the primary commodity sold;
9. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
10. Pay legal financial obligations and other fees as directed by DOC;
11. Participate in DOC-approved education, training, employment and employment training, and/or community service programs;
12. Receive prior approval from DOC for any employment changes or changes in living arrangements or residence;
13. Allow DOC to conduct such home visits as DOC deems appropriate;
14. Not travel beyond the county of residence, unless approved in writing by DOC;
15. Have no direct contact with any victims or their families, unless requested by the victim and approved by DOC;
16. Report to DOC any contact with law enforcement within

24 hours of the occurrence;

17. Enroll in and successfully complete the *Thinking for a Change* program, or similar program, as approved by DOC; and
18. Obey all laws and comply with all conditions, recommendations, orders, and instructions of community placement as directed orally or in writing by DOC.

PROVIDED that Mr. Wharton shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Amended Conditional Commutation as provided below. If Mr. Wharton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Wharton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Wharton if he violates a condition.

ADDITIONALLY PROVIDED that in the event Mr. Wharton violates any of the conditions of this Amended Conditional Commutation, as determined by the Governor, this Amended Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Wharton will be immediately returned to the Washington Corrections Center or any such facility as the DOC Secretary deems appropriate. If any such violation occurs, shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Amended Conditional Commutation will then be mailed to the most recent address Mr. Wharton has provided to the Office of the Governor or, if Mr. Wharton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Wharton submits a sworn statement made under penalty of perjury that he has in fact complied with all conditions of this Amended Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer provide Mr. Wharton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Amended Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination of whether Mr. Wharton has violated the conditions of the Amended Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Wharton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Amended Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Wharton will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Wharton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Amended Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Amended Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Wharton may abscond if not detained. If detained, Mr. Wharton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of July, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF LONNIE ELDEN PITTS

To All Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, Lonnie Elden Pitts pleaded guilty to FIRST DEGREE ROBBERY in Thurston County Superior Court No. 97-1-2038-1. This conviction arose after he entered a bank armed with a pellet gun and ordered a bank teller to fill his duffel bag with money.

WHEREAS, Mr. Pitts accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgement and sentence.

WHEREAS, while substance abuse contributed to the conduct that resulted in this conviction, Mr. Pitts has been sober for over 10 years. He has no other criminal convictions on his record.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Mr. Pitts' petition for a pardon. At the hearing, Mr. Pitts explained that he is a supervisor at his company, where he provides opportunities for former felons to reenter the workforce and build new careers.

WHEREAS, Mr. Pitts' petition included numerous letters of support from friends, family, coworkers, and work subordinates.

WHEREAS, no victims objected to Mr. Pitts' petition.

WHEREAS, the Clemency and Pardons Board voted to recommend that Mr. Pitts be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Lonnie Elden Pitts this FULL AND UNCONDITIONAL pardon for his FIRST DEGREE ROBBERY conviction in Thurston County Superior Court No. 97-1-2038-1.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/

Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON OF ELIZABETH MARIE SHEPHERD

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1994, Elizabeth Marie Shepherd pleaded guilty to SECOND DEGREE MANSLAUGHTER in King County Superior Court No. 94-1-498-7. This conviction followed an incident in which a man ordered Ms. Shepherd to play Russian Roulette with him, an incident which resulted in Ms. Shepherd shooting and killing the man with his own firearm.

WHEREAS, Ms. Shepherd accepts full responsibility for her past conduct and expresses remorse. She has satisfied all the conditions of her judgment and sentence.

WHEREAS, Ms. Shepherd's criminal record was largely the product of substance abuse problems she faced in her past. She has been sober for 15 years, and she has not had any criminal convictions since 2001.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Ms. Shepherd's petition for a pardon. At her hearing, testimony explained that Ms. Shepherd has earned a master's degree in public health education and works in the public health field. But this felony precludes her from becoming a certified nursing assistant.

WHEREAS, the King County Prosecuting Attorney does not oppose Ms. Shepherd's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that Ms. Shepherd be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Elizabeth Marie Shepherd this FULL AND UNCONDITIONAL pardon for her SECOND DEGREE MANSLAUGHTER conviction in King County Superior Court No. 94-1-498-7.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

PARDON
OF
ADAM MICHAEL QUINN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Adam Michael Quinn pleaded guilty to SECOND DEGREE ROBBERY in 2001, King County Superior Court Case No. 01-1-104232-3. Mr. Quinn, then 18 years old, robbed his former employer, a movie theater, while armed with a pellet gun.

WHEREAS, Mr. Quinn is autistic. At the time of this offense, Mr. Quinn had not yet been diagnosed, and was not being treated for this condition. He and his doctors have since found a treatment plan that works for him, and he has earned his high school diploma.

WHEREAS, Mr. Quinn accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions

of his judgment and sentence, including paying all of his legal financial obligations.

WHEREAS, Mr. Quinn has the support of his family, doctor, and his Department of Social and Health Services (DSHS) caseworker.

WHEREAS, Mr. Quinn has not had any criminal convictions in 15 years.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Mr. Quinn's petition for a pardon. The testimony before the Board was that Mr. Quinn has shown strong rehabilitation since this crime. His DSHS caseworker testified that, because of this felony conviction, Mr. Quinn faces barriers to employment and his ultimate independence.

WHEREAS, the King County Prosecuting Attorney's Office testified in support of Mr. Quinn's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Quinn be pardoned, citing his then-undiagnosed autism as a mitigating factor. The Board recommended that this pardon be conditioned on Mr. Quinn being barred from owning or possessing a firearm or dangerous weapon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Adam Michael Quinn this pardon for his 2001 SECOND DEGREE ROBBERY conviction in King County Superior Court No. 01-1-104232-3, conditioned on Mr. Quinn being barred from owning or possessing a firearm or deadly weapon.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
JAMES ALBERT LUKSAN

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1992, James Albert Luksan pleaded guilty to two counts of SECOND DEGREE ARSON in King County Superior Court No. 92-1-04488-5. These convictions arose after a then-17-year old Mr. Luksan exploded pipe bombs as a prank on New Year's Eve 1991, causing property damage.

WHEREAS, Mr. Luksan accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgment and sentence.

WHEREAS, Mr. Luksan has not been convicted of a crime in 25 years. He has a family and is raising two children. He pursued higher education opportunities and became an engineer and professional pilot, enjoying steady employment throughout his adult life.

WHEREAS, in December 2016, the Clemency and Pardons Board reviewed Mr. Luksan's petition for a pardon. At his hearing, Mr. Luksan explained that he would like to move to

Japan with his family, but he cannot make the move because of this felony. He also cannot volunteer at his daughter's school, and he is limited in his opportunities for career advancement because, as a pilot, he is limited to domestic airlines because of his inability to travel internationally.

WHEREAS, no victims objected to Mr. Luksan's petition, nor did the King County Prosecuting Attorney.

WHEREAS, at the time of his crime in 1991, Mr. Luksan was just 17 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Luksan be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to James Albert Luksan this FULL AND UNCONDITIONAL pardon for his two SECOND DEGREE ARSON convictions in King County Superior Court No. 92-1-04488-5.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

FULL AND UNCONDITIONAL PARDON
OF
RICHARD ANTHONY MICHAEL POWELL

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1987, Richard Anthony Michael Powell was found guilty of FIRST DEGREE ROBBERY in King County Superior Court No. 87-1-3093-4. This conviction arose after a then-16-year old Mr. Powell used a water gun to rob a Jack In The Box restaurant. Then, while in prison on the Robbery, he left a work camp site and was later convicted of FIRST DEGREE ESCAPE, Thurston County Superior Court No. 88-1-754-7.

WHEREAS, Mr. Powell accepts full responsibility for his past conduct and expresses remorse. He has satisfied the conditions of his judgment and sentence.

WHEREAS, Mr. Powell has not been convicted of a crime in almost 30 years. He is now married with four boys, and he has built strong community ties. He earned his GED in prison and later pursued higher education opportunities, choosing to work in the health care profession.

WHEREAS, in December 2016, the Clemency and Pardons Board reviewed Mr. Powell's petition for a pardon. At his hearing, Mr. Powell described how he grew up under challenging circumstances. Today, he has a strong network of family, friends, coworkers, and community supporters. Mr. Powell has the support of the Sheriff of Twin Falls County, Idaho, where he is

an appointed deputy. Because of these convictions, Mr. Powell cannot be licensed to practice psychology in Nevada.

WHEREAS, no victims objected to Mr. Powell's petition, nor did the King Prosecuting Attorney, who deferred to the Board's recommendation.

WHEREAS, at the time of his crimes, Mr. Powell was just 16 and 18 years respectively. The scientific and criminal justice communities have documented difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Powell be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Richard Anthony Michael Powell this FULL AND UNCONDITIONAL pardon for his FIRST DEGREE ROBBERY conviction in King County Superior Court No. 87-1-3093-4 and his FIRST DEGREE ESCAPE conviction in Thurston County Superior Court no. 88-1-754-7.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/

Mark Neary
Assistant Secretary of State

CONDITIONAL COMMUTATION
OF
MICHAEL HOOVER

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Michael James Hoover pleaded guilty to three counts of FIRST DEGREE ROBBERY in Snohomish County Superior Court Cause No. 06-4-468-4. In 2006, Mr. Hoover visited a series of stores and espresso stands, and while suggesting he was carrying a weapon, demanded money.

WHEREAS, these convictions came after similar robberies in 1999 and 2004, resulting in Mr. Hoover being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Hoover has served over 10 years on this conviction. He has had no serious prison infractions in 10 years.

WHEREAS, Mr. Hoover accepts full responsibility for his past criminal conduct and expresses remorse. While in prison, he has identified with his Native American ancestry and has been an outspoken voice for Native American rights.

WHEREAS, in March 2017, the Clemency and Pardons Board reviewed Mr. Hoover's clemency petition, which included several letters of support, as well as and certificates of achievement earned during his incarceration.

WHEREAS, the testimony before the Board was that Mr. Hoover experienced significant childhood trauma, which contributed to his past anti-social criminal behavior. While

FIRST DAY, JANUARY 13, 2020

2020 REGULAR SESSION

incarcerated, he has taken great strides to learn to cope with the trauma of his past and grow from it.

WHEREAS, had Mr. Hoover not been sentenced as a persistent offender, he would have been sentenced to 129 to 171 months. He has already served over 138 months on this sentence. Snohomish County Prosecutor Mark Roe testified that he would not oppose commuting Mr. Hoover's sentence from life in prison without the possibility of parole to a sentence of 231 months. A commutation would allow Mr. Hoover to enroll in certain DOC programming in which he is not currently eligible to participate due to his life sentence programming that will help him to prepare for eventual transition to the community.

WHEREAS, upon his eventual release, Mr. Hoover will have the support of friends, family, and the tribal community. He has standing offers for housing and employment and other support.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Hoover's sentence from life in prison without the possibility of parole to 231 months. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Michael James Hoover's sentence months for his 2006 conviction on three counts of FIRST DEGREE ROBBERY in Snohomish County Superior Court Cause No. 06-4-468-4, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Hoover will be released from prison after serving a 231 -month sentence. During his last nine months in custody, Mr. Hoover must successfully complete a DOC-approved work release program. Following his release from custody, Mr. Hoover shall serve 36 months of DOC community supervision. During this period under DOC custody and supervision, Mr. Hoover must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Mr. Hoover shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Be available for contact with DOC as directed, and consent to DOC home visits and/or searches, including searches of person, automobiles, or personal property.
3. Obtain DOC-approved employment or enroll in DOC-approved educational programming, and report it to DOC.
4. Reside in DOC-approved housing, and obtain DOC permission before changing residences, or taking overnight visits away from his DOC-approved residence, even if just for one night.
5. Not travel outside his county of residence without written DOC approval.
6. Not possess firearms, ammunition, explosives, or dangerous weapons.
7. Not carry a knife of any kind on his person unless necessary for work purposes or as otherwise approved by DOC.
8. Obtain a substance abuse evaluation and follow all treatment recommendations as directed by DOC.
9. Not possess or use any controlled substances without a

valid physician's prescription.

10. Not visit bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
11. Be subject to regular drug and alcohol testing as directed by DOC.
12. Participate in weekly substance abuse support programming as determined by DOC.
13. Not associate with known criminals, gangs, or individuals that have a criminal or gang history without DOC approval.
14. Not possess stolen property or unauthorized tools not associated with approved work, to be determined by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.
16. Complete anger management programming, as directed by DOC.
17. Enroll in, and successfully complete DOC's Thinking for a Change program, as well as Cognitive Behavioral Intervention programming, and/or any other programming or treatment as directed by DOC.

PROVIDED, that Mr. Hoover shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Hoover is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Hoover to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Hoover if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Hoover violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hoover will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Hoover has provided to the Office of the Governor or, if Mr. Hoover is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hoover submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hoover an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hoover has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hoover is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the same sentence of the court reinstated, whereupon Mr. Hoover will be immediately returned to any such facility as the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hoover may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Hoover may abscond if not detained. If detained, Mr. Hoover will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29th day of June, A.D., two thousand and nineteen.

/s/
Jay Inslee
Governor

/s/
Mark Neary
Assistant Secretary of State

MOTION

At 1:30 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Tuesday, January 14, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, January 14, 2020

The Senate was called to order at 11:46 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 14, 2020

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4402,

HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4402,
and HOUSE CONCURRENT RESOLUTION NO. 4403.

MOTION

At 11:49 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House of Representatives in the House Chamber.

JOINT SESSION

Pursuant to House Concurrent Resolution No. 4403, the Senate appeared at the doors of the House of Representatives and requested admission to the Chamber. The Sergeant at Arms of the Senate, Mr. Andrew Staubitz, and the Sergeant at Arms of the House, Mr. Sean Hartsock, escorted the President of the Senate, Lieutenant Governor Cyrus Habib; Senator Karen Keiser, Senator Randi Becker and Senator Rebecca Saldaña to seats at the Rostrum. The senators were invited to seats within the Chamber.

The Speaker (Representative Jinkins presiding) called upon President Habib to preside over the Joint Session.

The President of the Senate, Lieutenant Governor Habib called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Habib: "This Joint Session has been convened to receive the state of the state message from His Excellency, Governor Jay Inslee."

The President appointed a committee of honor to escort the Supreme Court Justices to the House Chamber: Senators Sharon Brown and Lisa Wellman and Representatives Robert Sutherland and Javier Valdez.

The President appointed a committee of honor to escort the statewide elected officials to the House Chamber: Senators Annette Cleveland and Brad Hawkins and Representatives Mia Gregerson and Gina Mosbrucker.

The President appointed a committee of honor to advise His Excellency, Governor Jay Inslee, that the Joint Session had been assembled and to escort him from his Chambers to the House Chamber: Senators Bob Hasegawa and Maureen Walsh and Representatives Sherry Appleton and Larry Hoff.

Sergeant at Arms Hartsock announced the arrival of the State Supreme Court Justices at the chamber door. The committee of honor consisting of Senators Sharon Brown and Lisa Wellman and Representatives Robert Sutherland and Javier Valdez escorted the Chief Justice and Justices to seats at the front of the House Chamber. The members of the Supreme Court were introduced by the President: Chief Justice Debra Stephens, Associate Chief Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owes, Justice Charlie Wiggins, Justice Steven Gonzalez, Justice Cheryl Gordon-McCloud, Justice Mary Yu, and Justice Raquel Montoya-Lewis.

Sergeant at Arms Hartsock announced the arrival of the statewide elected officials at the chamber door. The committee of honor consisting of Senators Annette Cleveland and Brad Hawkins and Representatives Mia Gregerson and Gina Mosbrucker escorted the statewide elected officials to seats at the front of the House Chamber. The statewide elected officials were introduced by the President: Secretary of State Kim Wyman, Treasurer Duane Davidson, Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal, Commissioner of Public Lands Hilary Franz and Insurance Commissioner Mike Kreidler.

The President introduced officers and members of the Consular Association of Washington.

The President introduced members and leaders of the Washington Indian Tribal Council.

The President introduced members of local governments and colleges and universities.

Sergeant at Arms Hartsock announced the arrival of His Excellency, Governor Jay Inslee at the chamber door. The committee of honor consisting of Senators Bob Hasegawa and Maureen Walsh and Representatives Sherry Appleton and Larry Hoff escorted Governor Inslee to a seat at the Rostrum.

The Washington State Patrol Honor Guard presented the Colors.

The National Anthem was performed by the Band and Choir Homeschool (B.A.C.H.) Musicians Choir under the direction of Mrs. Ginger Christensen Gerchak and Mrs. Julie Gullett.

The President led the Joint Session in the Pledge of Allegiance.

The prayer was offered by Imam Adam Jamal, Muslim Association of Puget Sound, Redmond.

Imam Jamal: "Thank you for giving me, my family who I brought with me here today, the Muslim Association of Puget Sound and the Muslim community the honor of giving this invocation on this special day.

The Quran says in chapter 49, verse 13 that humanity was created from a single pair of male and female, and made in different nations and tribes so that we may learn from one another. This is a recognition of our shared humanity and the value of our diversity. May we continue to celebrate our diversity, stay true to the principals of religious and personal freedom, and preserve these principals for our children and for generations to come. I begin with the name of God, the most merciful, the most compassionate, who we call upon by many great names.

Dear God, we thank You. Praise You. And sanctify Your name for all that we have. For all of our blessings. The roofs over our heads, food in our bellies, and water to quench our thirst. Dear God, we pray for peace and not war, righteousness and not irreverence, justice and not tyranny, love and not hatred. We pray for compassion and not cruelty. We pray for faithfulness and not hopelessness. We pray for trust and not mistrust. We pray for good deeds that match what we teach, and we seek Your protection from speech that undermines our common humanity. We seek Your guidance in our pursuit of justice and compassion. We seek Your help to be good stewards of our great state of Washington, the state which You have entrusted us with. The earth which You have blessed us with. Let us be kind and gentle to every living being and protect those who are our most vulnerable in our society. Let us serve them in the most beneficial of ways. Help us, dear God, to be the change that we wish to see. Grant us the serenity to accept the things we can not change, the courage to change the things we can, and the wisdom to know the difference. Dear God, show us the truth as the truth and help us to act on it and defend it. Show us falsehood as false and help us to avoid it and protect ourselves against it. Protect our state's leaders as they begin this new year. Guide them to do what's good and beneficial for our state and all the people in it. And give them the courage, the conviction and creativity to overcome the challenges ahead with the best ideas, words, and actions. Amen."

The President introduced His Excellency, Jay Robert Inslee, Governor.

STATE OF THE STATE ADDRESS

Governor Inslee: "Good afternoon. Thank you, Imam Adam Jamal for your moving invocation and your families, we appreciate that. Thank you, Bock Home School Choir for the lovely rendition of the national anthem, what beautiful, beautiful voices. They were unable to perform, they came down to the Capitol in December but were unable to perform, so we are so happy to have them back here now to inspire us.

I want to extend a warm welcome to former Governor and Ambassador Gary Locke and thank him for his distinguished service at the state and federal levels. Thank you, Gary.

I would like to welcome Sweden's Ambassador to the United States who is visiting Washington to promote economic development and trade. We are happy to hear her, to see her here today from a country that has reduced its carbon emissions by 27%, while increasing its GDP by 90%, Karin Olofsdotter. Thank you Madam Ambassador.

And, I am certainly honored to be the first Washington governor to be able to say 'Madam' Speaker, Laurie Jenkins. Laurie. Mr. President, Madam Chief Justice, distinguished Justices of the Court, members of the Legislature, tribal leaders, state and local government officials, members of the Consular Corps, and most importantly, my fellow Washingtonians:

You know one of the best things about being governor is shining the light on how great Washington is, and I love this part of my job. I'm inspired by many Washington stories. I'm inspired by a Fife High School senior who is here today. She's the first female quarterback in our state's history to throw a touchdown pass for a football team. Welcome to Brynna Nixon. Brynna, thank you for being here.

I'm inspired by the development of Washington state's newest apple, the Cosmic Crisp, which is on your desks. Several people from Washington State University are here, including the person who heads WSU's apple breeding program, Kate Evans, and Agriculture School Dean André Wright. Congratulations to Washington State University for what they've done.

There are so many great things going on in our universities. I'm inspired by the University of Washington team who developed an app to monitor a person's breathing rate and detect an opioid overdose. Both the Cougars and the Huskies show how broad the innovative culture is in our state and it is something we should celebrate.

It is inspiring to see, in perhaps her second public appearance, Justice Raquel Montoya-Lewis, the first Native American to join our State Supreme Court. Thank you for stepping up to the plate.

Washington has felt deep losses this past year. Courageous first responders have given their lives for us, as they do all too often. We've lost: Okanogan County Fire District 3's Assistant Fire Chief Christian Johnson; Kittitas County Sheriff's Deputy Ryan Thompson; Cowlitz County Sheriff's Deputy Justin DeRosier; Lynden Interim Police Chief Michael Knapp; Pierce County Deputy Cooper Dyson; East Olympia Volunteer Fire Captain John Ostergard; and, a member of our military family on duty, Sergeant First Class Dustin Ard.

On behalf of all Washingtonians, I want to express our respect and condolences for these families.

Last year we also lost Bill Ruckelshaus, a true statesman in both Washingtons who's left us an unmatched environmental legacy.

And we know we are missing today a face in the House chambers. We lost Jim Richards, the communications director for the House majority. We know Jim, and his life was dedicated to public service and helping others.

Those who put service above self should inspire us, including the new legislators in your ranks: Senator Ron Muzzall; Representative Davina Duerr; Representative Alex Ramel; Representative Jesse Johnson. And congratulations to Derek Stanford for moving to the Senate and to Senator Liz Lovelett for their election. Congratulations, I welcome you to this great effort. I want to thank them for stepping up to improve the lives of all Washingtonians because fundamentally that's why we are all here.

One of our deepest Washington values is summoning the courage to explore and embrace big ideas, ideas that actually change our lives. The people who power our state's successes have shared a common element: a stalwart and unbending commitment to be better, to get the job done and never resign to those timid souls who think the status quo is good enough. Our embrace of new ideas speaks to who we are as a people.

And, as we start a new decade, we can reflect on how we've reached that. We were willing to imagine where we could go if we accepted challenges that at first felt impossible. We can do this because we recognize we belong to one community. We forge

profound forces for good when we unite, not divide, around our best ideas. Last year, I stood here and challenged us to rise up and write one of the worthiest chapters of our time, one that future generations will thank us for. And I'm incredibly proud and grateful for your leadership. Your accomplishments speak to a remarkably productive and positive session before us this year.

Look at what we've done. Together, we have created a Washington where we can rely on paid family and medical leave so you can be there to care for a spouse during their weekly cancer treatments. This program started a couple of weeks ago and is already going very well. Thousands of people have already applied to help in their personal lives.

We've created a Washington where your 18-year-old daughter can graduate from high school as a registered apprentice in aerospace, with full-time employment already lined up.

We've created a Washington where we passed the best 100 percent clean energy and energy efficiency measures in the United States.

Washington, ours is a state where people, where people will be able to afford the long-term care they need as they age.

And a Washington where more students qualify for free tuition than ever before because we passed the single best college financial aid program in the nation.

Now this isn't just me talking. The world has noticed what we have done here. Because of all the things we have done together as a people, U.S. News & World Report recently named Washington the best state in the country.

And Washington state indeed embodies the best in America. We have been honored to be both the best place to do business and the best place to be an employee. That combination is a rare and powerful testament to our state. And now we have the best overtime protections for workers in this state in the United States and I am happy to say that.

So, I think these things say a lot about how we face challenges in our state and I'd like to tell you a story about how we all achieved one of our greatest successes and how that charts a course as we look to tackle another big challenge. That success story is about Washington's nation-leading, innovative, inclusive and life-changing Career Connect Learning initiative.

We have known for a long time that we have some high school students who don't see themselves attending college. We have college students unsure about what their post-degree future looks like. We have midcareer workers who need new skills and training to keep the jobs of today and be ready for the jobs of tomorrow. So, we've built multiple paths to meaningful careers. From skilled jobs right out of high school, apprenticeships for traditional trades, two-year certifications and re-training for mid-career workers and brand-new programs for cutting edge jobs. We recognize every student for what they want to be in any workplace. Now this work has involved businesses, labor, community colleges, universities, K-12, philanthropy and local and state governments.

Ironworkers Local 86 is one of the many apprenticeship programs that expanded and have attracted more students and more diverse students through our Career Connect program.

One of these students is Robert Arce, who moved to Washington to make a better life for himself and his fiancée. He was homeless for a time. And he never used a drill or a hammer. With Local 86 Robert received boots, tools, hands-on knowledge and experience that set him up for success. This experience he said has been everything to him and his family. Today, he's two years into a four-year apprenticeship in Tukwila and looks forward to a better future for himself and his growing family. Thank you, Robert, for being here and sharing your story. I appreciate that. Congratulations.

Another story comes out of Spokane. Olivia Perkins joined the Production and Manufacturing Academy to learn how to weld. She wanted to create and sell her own metalwork. Greater Spokane Incorporated paired with the Academy to make this career-connected opportunity a reality. She took an hour-and-a-half bus ride each way and then walked a mile and a half each way just to attend class. Because of her efforts, she received a full scholarship to Spokane Community College and will become a professional welder because of her Academy experience. Congratulations Olivia, who is here today, and we wish you the best.

It is really exciting because we are growing registered apprenticeships in entirely new sectors, too, like healthcare. SEIU 1199, in partnership with Kaiser Permanente, built a multi-employer, multi-union healthcare apprenticeship. And it is innovation like this that paves the way for other sectors. Through Career-Connect and mid-career re-training thousands of people are already being helped. And it will be more affordable for students thanks to our expanded Washington college grant.

Our goal is nothing short of meaningful career training for anyone who wants it. We want to be able to welcome all people to the prosperity of Washington. And you can see how important partnerships have been to this success. This is what it's going to take to meet our next big challenge: combating homelessness.

Homelessness reaches all ages, all races, all backgrounds. And we know there is no one cause. This doesn't impact just people experiencing a mental health challenge or chemical dependency problems. Thousands of people know that Washington is the best place to live and work in the country. So, they came here. That's a good thing. And while we're pleased with our economic growth, we also have people who have faced economic problems that put affording a place of their own out of reach, in part because we have not built enough housing for the people who are coming to this state. It's not just people living in tents, or under freeways, in wet cardboard boxes. We have families living in cars. Veterans who need help staying in their apartment. Single parents facing financial struggles. High school students sleeping on other people's couches when they can find one. Too many people are one financial crisis away from being homeless each year, we know. In the past decade, we've done more to address homelessness and housing affordability. We've doubled our state's investment in homelessness response since the recession and I thank you for your leadership on that regard. We've combated several causes of homelessness, like opioid addiction and mental illness. We've laid a strong foundation. But I've seen this growing crisis firsthand. I've seen it all over this state. I've seen how it affects Centralia, Bellingham, Spokane, Tacoma and Bremerton. I believe we have an obligation to help solve this problem. Our compassion will not allow us to look the other way. To be successful, our response level must match the scope of this crisis. Homelessness is a statewide problem and it demands a statewide response this year. Responding to homelessness can't simply mean moving people down the road, to someone else's city or to the next bridge. It's about giving them the tools and resources they need to get back on their feet. It's about prevention, it's about rent assistance and it's about supportive housing for our most vulnerable individuals.

I've met so many people who, once they've been given the opportunities to improve their lives, have done it and have established a whole new life. I think of Jayson Chambers, who I met a few months ago. Jayson is a former resident of Tacoma's Stability Site, where one big tent shelters smaller, individual tents in the Dome District in Tacoma. This temporary sheltering approach serves as a transitional step from experiencing homelessness to getting into a more permanent housing solution.

Jayson was one of the first folks there when that facility opened. He told me something pretty profound: he simply said that that Stability Site saved his life. Because the resources there helped him work through a chemical dependency problem and get an apartment in Puyallup. And he is using this success now to help others in the same situation. When I met him that day, he was checking in on other residents at the site and is using his experience to help others. I want to thank Jayson for his leadership and for being here today.

Now I know our patience and compassion for this topic can become strained. But we cannot grow cynical or discouraged. The immediate need for many on the streets is a safe place to lay their head while they work to improve their lives. Our goal over the next two years is to find safe, warm shelter for half the Washingtonians now living under freeways and bridges and sleeping bags and cardboard boxes. This should not come at the expense of building more affordable housing. Some of you may have a different goal on this. And some may want to fund it a different way. And I look forward to working with you on those ideas. But I can't imagine that there is anyone here today who doesn't believe we need to act, and act now, to help the most vulnerable in Washington. And I will gauge our success not on where the money comes from, but how many people we can move to safe housing. We know we need to create navigation centers, temporary shelters and necessary support services to successfully move thousands of people out of dangerous, unhealthy campsites. We can house homeless youth through programs like the Anchor Community Initiative, envisioned by homeless youth advocate Jim Theofelis. I thank Trudi for her work on this with Jim and everything you do for the state of Washington, thank you very much. And while we implement this new sheltering plan, we will insist on tracking progress with strong accountability and transparency measures to know we're actually delivering results. We're going to make sure this works. My plan will require financial participation from cities and counties but gives them flexibility to create local solutions to boost shelter capacity the way they plan it. I know this is a big challenge. But we do not shy away from those. Let's bring Washingtonians in from the cold this year.

There's another big step, necessary step, we can take this year: and that's establishing a clean fuel standard for the state of Washington. We know the science, and our love for our state, require us to do more to fight climate change. We've done much. You can rightfully be proud for passing some of the best clean energy laws in the United States. But for those who doubt that we need to do more, look at Australia today. That is all of our futures, not just Australia's. We want to thank the Speaker's brother for the work fighting fires in Australia right now. A few days ago, I was reading the morning paper and I was really struck by a photograph of a small boy who was receiving Australia's highest honor on behalf of his father who died battling those devastating fires. And just the look on that young boy's face, as he got that medal, it just caught me right here. It was a picture from a long ways away, but it just caught me. Something spoke to the grandfather in me about this boy who represents why we're here today and sometimes you find a moment that harkens back to what we need to do. That moment did it for me. Picture that boy represents everything we are fighting for here. We don't want such a devastating personal loss to become more common as the ravages of climate change rise each year. The science has shown we have to act more quickly and with greater commitment. That's why we need to fight for all our children's future. This will take many tools and hard efforts. Because, unless we act, here's the truth I need to share with my fellow leader in the state of Washington: Even with the tremendous work that we've done

together, we will still fall 30 percent short of our 2035 statutory requirement that we put in law if we don't continue our clean transportation efforts. Because while we've made progress, we still haven't addressed the nearly half of our emissions that come from the transportation sector. This is a huge hole in our mutual efforts. Now, there is an extremely effective tool available to us to reduce transportation emissions, and that's the clean fuel standard. We need what the rest of the West Coast has already built: a clean fuel standard that calls upon the oil and gas industry to give Washington consumers cleaner fuels. Let me just say this: Washingtonians deserve cleaner fuels and I want to make sure they get them. That standard, all up and down the West Coast, has been in place for years now. It has had little impact on fuel costs and significant impact on carbon emissions. Now, there's good news here. We already have a lot of the cleanest transportation fuels you can find. We have some of the cleanest electricity in the country today from our renewable energy, including hydropower and wind power. It's fueling our electric transportation.

We are also creating clean biofuels. Here's a story, Klickitat County PUD has implemented an advanced, one of the first, cryogenic nitrogen removal systems in the world, that allows them to scrub methane from the landfill over in Roosevelt. Methane that otherwise pollutes the planet they put into a pipeline and ship it to California where it replaces dirty and dangerous diesel in trucks. This Eastern Washington enterprise that has created jobs in a small town using the best of Washington's innovative thinking. That's from one small PUD. Think about what the impact could be across our entire state. But, right now, the clean fuel generated in Roosevelt doesn't stay in Washington. It goes to California instead of to our drivers because California has a clean fuel standard.

We need to tackle this challenge with the same gusto and belief in inevitable success that has powered our previous triumphs. It can be done. Let's do right by those who have the honor to call themselves Washingtonians in the coming decades. Because, we know this: Washington state is not a state of climate denial. It is a state of climate science acceptance. And for those who say that we should not take action, I say that climate inaction is just as deadly as climate denial. This is the year for climate action. It is time to pass a Washington law, for Washington jobs, for Washington drivers and Washington children, and let's bring this success home.

These aren't our only tasks this year. We also need to make sure more children get early learning opportunities; that we address diversity and equity, especially in the workplace; that we pass common-sense gun safety measures; that we continue to make investments in K-12, including special education; that we protect our kids from tobacco and vaping, and help foster care children earlier and more frequently and provide them with more beds.

And we need to accelerate our efforts to recover salmon and save the Southern Resident orcas. We stand together, in these endeavors, we stand together with tribal governments who inspire us with their stewardship.

The good news is we can do these things. We can because we are the state that embraces the biggest ideas and tries the newest things.

Our ambitions can sound daunting. But we know the path to get there. Look what we have done in the state of Washington. We've made something that is indisputable. We've made something that's inspiring. We've created a spark that ignites our innovation, our collaboration, our communities, our partnerships and the big ideas we fit into this state. We experience the best of Washington when we come together.

And one of our own soccer players knows this well. She stands for strength, spirit and the best of who we are — of course I'm talking about Megan Rapinoe. It really spoke to me when she said the following in her speech after the World Cup victory at the parade. She said, 'This is my charge to everyone here. Every single person who agrees and doesn't agree. It's our responsibility to make this world a better place.'

I couldn't say it any better. So, let's get to work. Thank you."

The President thanked the Governor for his remarks.

The President called upon the committee of honor consisting of Senators Bob Hasegawa and Maureen Walsh and Representatives Sherry Appleton and Larry Hoff to escort His Excellency, Governor Inslee from the Rostrum and the Governor retired from the House Chamber.

The President called upon the committee of honor consisting of Senators Annette Cleveland and Brad Hawkins and Representatives Mia Gregerson and Gina Mosbrucker to escort the statewide elected officials from the front of the Chamber and the statewide elected officials retired from the House Chamber.

The President called upon the committee of honor consisting of Senators Sharon Brown and Lisa Wellman and Representatives Robert Sutherland and Javier Valdez to escort the Supreme Court Justices from the front of the Chamber and the Supreme Court Justices retired from the House Chamber.

The President thanked the Speaker for her hospitality and congratulated her once more for her historic election.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker (Representative Jenkins presiding), assumed the chair.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted President of the Senate Habib, Senator Keiser, Senator Becker and Rebecca Saldaña from the Rostrum and members of the Washington State Senate from seats within the Chamber and the Senate retired from the House Chamber.

AFTERNOON SESSION

The Senate was called to order at 1:05 p.m. by President Habib.

MOTION

At 1:06 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 15, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

THIRD DAY**MORNING SESSION**Senate Chamber, Olympia
Wednesday, January 15, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Riley Spade and Mr. Max Milgard III, presented the Colors. Page Miss Hailey McCulloch led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Bruce Kadden of Temple Beth El, Tacoma.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 14, 2020

SB 5144 Prime Sponsor, Senator Dhingra: Implementing child support pass-through payments. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Human Services, Reentry & Rehabilitation.

January 14, 2020

SB 5149 Prime Sponsor, Senator Wilson, L.: Monitoring of domestic violence perpetrators. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Law & Justice.

January 14, 2020

SB 5493 Prime Sponsor, Senator Zeiger: Establishing a board of advisors to provide local guidance to community services offices operated by the department of social and health services. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Human Services, Reentry & Rehabilitation.

January 14, 2020

SB 5494 Prime Sponsor, Senator Zeiger: Concerning the baby court initiative. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Human Services, Reentry & Rehabilitation.

January 14, 2020

SB 5744 Prime Sponsor, Senator Dhingra: Concerning commercially sexually exploited children. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Human Services, Reentry & Rehabilitation.

January 14, 2020

SB 6153 Prime Sponsor, Senator Salomon: Concerning driver's license suspensions and revocations. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

SUBCOMMITTEE ON BEHAVIORAL HEALTH
REFERRALS

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

Senate Bill No. 6069;
Senate Bill No. 6070;
Senate Bill No. 6086;
and Senate Bill No. 6109.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 26, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUDITH GINIGER, appointed April 17, 2019, for the term ending August 2, 2020, as Member of the Lottery Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9293.

April 30, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EILEEN SULLIVAN, appointed April 30, 2019, for the term ending August 2, 2024, as Member of the Lottery Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9294.

May 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LARRY BROWN, appointed May 8, 2019, for the term ending June 30, 2022, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9295.

May 29, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PETER M. GAYTON, appointed May 29, 2019, for the term ending January 1, 2025, as Member of the Personnel Resources Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9296.

June 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ISABEL A. COLE, appointed June 18, 2019, for the term ending June 17, 2025, as Member of the Board of Industrial Insurance Appeals.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9297.

June 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LUCERA M. COX, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the The Evergreen State College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9298.

June 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALEX R. HARRINGTON, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the Central Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9299.

June 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GRACE HUANG, reappointed July 1, 2019, for the term ending June 30, 2022, as Member of the Washington State Women's Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on State Government, Tribal Relations & Elections as Senate Gubernatorial Appointment No. 9300.

June 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MIA A. HYDE, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the Eastern Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9301.

June 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HUNTER R. STUEHM, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the Western Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9302.

June 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEANNE K. BENNETT, appointed June 20, 2019, for the term ending September 30, 2021, as Member of the Clark College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9303.

July 1, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SHIV BATRA, reappointed July 1, 2019, for the term ending June 30, 2025, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9304.

July 1, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICK GALLAHER, appointed July 1, 2019, for the term ending January 19, 2020, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9305.

July 1, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROY D. JENNINGS, reappointed July 1, 2019, for the term ending June 30, 2025, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9306.

July 1, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHANNA MAE B. PANTIG, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the Washington State University Board of Regents.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9307.

July 1, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DANIELA H. SUAREZ, appointed July 1, 2019, for the term ending June 30, 2020, as Member of the University of Washington Board of Regents.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9308.

July 2, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUDY GUENTHER, reappointed July 2, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

THIRD DAY, JANUARY 15, 2020

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9309.

July 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BUD E. SIZEMORE, reappointed July 3, 2019, for the term ending June 30, 2025, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9310.

July 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAYTON O. SWINFORD, appointed July 3, 2019, for the term ending June 30, 2020, as Member of the Washington Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9311.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TOM ECKMANN, appointed July 16, 2019, for the term ending September 30, 2020, as Member of the Olympic College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9312.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TENESHA FREMSTAD, appointed July 16, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9313.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

2020 REGULAR SESSION

AMY L. FROST, reappointed July 15, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9314.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JINHUA JOHNSON, appointed July 16, 2019, for the term ending June 30, 2020, as Member of the Bellevue College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9315.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEN A. LARSEN, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing Stability & Affordability as Senate Gubernatorial Appointment No. 9316.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

WENDY L. LAWRENCE, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing Stability & Affordability as Senate Gubernatorial Appointment No. 9317.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN MALLOCH, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Chehalis Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9318.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FLORENCE S. CHANG, appointed August 7, 2019, for the term ending September 30, 2022, as Member of the Bates Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9319.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CRAIG A. RITCHIE, appointed August 7, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9320.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WALLY WEBSTER II, appointed October 1, 2019, for the term ending September 30, 2024, as Member of the Edmonds Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9321.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN A. ZIMMERMAN, appointed August 2, 2019, for the term ending September 30, 2023, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9322.

August 13, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GUADALUPE GAMBOA, reappointed June 18, 2019, for the term ending June 17, 2024, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9323.

August 13, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MOLLY F. LINVILLE, appointed July 22, 2019, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9324.

August 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAMES R. ANDERSON, appointed July 22, 2019, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9325.

August 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CANDELARIO GONZALEZ, appointed August 20, 2019, for the term ending September 30, 2023, as Member of the Olympic College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9326.

September 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SOPHIA DANENBERG, appointed September 16, 2019, for the term ending December 31, 2020, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9327.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

I have the honor to submit the following reappointment, subject to your confirmation.

LOUISE CHERNIN, reappointed September 18, 2019, for the term ending September 30, 2024, as Member of the Seattle College District Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9328.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

URIEL R. INIGUEZ, reappointed September 18, 2019, for the term ending September 30, 2025, as Member of the Eastern Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9329.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHARMILA SWENSON, appointed September 18, 2019, for the term ending September 30, 2024, as Member of the Highline College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9330.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFF VINCENT, appointed September 18, 2019, for the term ending June 30, 2023, as Member of the Washington Student Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9331.

September 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MEGHAN B. QUINT, appointed September 19, 2019, for the term ending September 30, 2024, as Member of the Cascadia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9332.

September 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROLINA T. SUN-WIDROW, appointed September 18, 2019, for the term ending June 30, 2024, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9333.

September 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ADRIANNE WAGNER, appointed September 20, 2019, for the term ending September 30, 2023, as Member of the Edmonds Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9334.

September 26, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUANITA D. RICHARDS, appointed October 1, 2019, for the term ending September 30, 2024, as Member of the Big Bend Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9335.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

WENDY K. BOHLKE, reappointed October 3, 2019, for the term ending September 30, 2024, as Member of the Whatcom Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9336.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HARRIETTE C. BRYANT, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Olympic College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9337.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRISTIN M. RAY, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Pierce College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9338.

October 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MEGAN S. O'BRYAN, reappointed October 7, 2019, for the term ending September 30, 2024, as Member of the Skagit Valley College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9339.

October 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EBEN POBEE, appointed October 8, 2019, for the term ending September 30, 2024, as Member of the Shoreline Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9340.

October 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

COLLEEN F. PONTO, appointed October 7, 2019, for the term ending September 30, 2020, as Member of the Cascadia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9341.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICHARD G. FUKUTAKI, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Bellevue College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9342.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ANNE E. HAMILTON, reappointed October 10, 2019, for the term ending September 30, 2024, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9343.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL D. WILSON, reappointed October 10, 2019, for the term ending September 30, 2024, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9344.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SARA I. CATE, reappointed October 17, 2019, for the term ending September 30, 2024, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9345.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CONSTANCE W. RICE, appointed October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents.

Sincerely,
JAY INSLEE, Governor

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9346.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROGELIO RIOJAS, reappointed October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9347.

October 25, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHELLE LIBERTY, appointed October 25, 2019, for the term ending September 30, 2024, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9348.

October 30, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JERRY J. MENINICK, appointed October 30, 2019, for the term ending June 12, 2023, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9349.

November 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

F. MARIBEL VILCHEZ, appointed November 19, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9350.

November 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WESLEY HENSON, appointed November 20, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9351.

November 22, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ZABRINA M. JENKINS, appointed November 22, 2019, for the term ending September 30, 2024, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9352.

November 25, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WARREN P. ROCKEFELLER, appointed November 25, 2019, for the term ending July 15, 2023, as a Chair of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9353.

November 25, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEROMY C. SULLIVAN, reappointed November 25, 2019, for the term ending July 15, 2023, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9354.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NORRIS "NORRIE" GREGOIRE, appointed December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9355.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DONA PONEPINTO, appointed December 4, 2019, for the term ending September 30, 2024, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9356.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STANLEY RUMBAUGH, appointed December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9357.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRISTIE E. SKOORSMITH, appointed December 4, 2019, for the term ending October 1, 2022, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Economic Development & Trade as Senate Gubernatorial Appointment No. 9358.

December 5, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JENNIFER R. ALBRIGHT, reappointed December 5, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9359.

December 12, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROL MITCHELL, appointed December 12, 2019, for the term ending September 30, 2024, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9360.

December 12, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MIGUEL PEREZ-GIBSON, appointed December 12, 2019, for the term ending September 30, 2025, as Member of the The Evergreen State College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9361.

December 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

YONA MAKOWSKI, reappointed December 16, 2019, for the term ending December 31, 2022, as Member of the Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9362.

December 17, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JENNIFER G. ACUNA, appointed December 17, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9363.

January 3, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JASON R. HAMILTON, appointed January 3, 2020, for the term ending December 26, 2021, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9364.

January 3, 2020

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NANCY L. ISSERLIS, appointed January 3, 2020, for the term ending December 31, 2024, as Member of the Public Disclosure Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on State Government, Tribal Relations & Elections as Senate Gubernatorial Appointment No. 9365.

January 8, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT HAND, appointed January 20, 2020, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9366.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6287 by Senators Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, and Wilson, C.

AN ACT Relating to guardianships and conservatorships; amending RCW 11.130.185, 11.130.190, 11.130.195, 11.130.205, 11.130.210, 11.130.215, 11.130.220, 11.130.225, 11.130.230, 11.130.240, 11.130.245, 11.130.250, 11.130.915, 13.34.062, 13.34.110, 13.34.136, 13.34.145, 13.34.155, 13.34.210, 13.50.100, 11.130.285, 11.130.290, 11.130.320, 11.130.330, 11.130.335, 11.130.340, 11.130.345, 11.130.360, 11.130.365, 11.130.370, 11.130.385, 11.130.390, 11.130.410, 11.130.415, 11.130.420, 11.130.425, 11.130.430, 11.130.435, 11.130.505, 11.130.515, 11.130.520, 11.130.530, 11.130.550, 11.130.670, 11.130.010, 11.130.040, 11.130.100, 11.130.105, 11.130.115, 11.130.140, 11.130.265, 11.130.280, 11.130.380, 11.130.605, 11.130.080, 11.130.120, 11.130.295, 11.130.625, 11.130.610, 11.130.615, 2.72.005, 2.72.020, 2.72.030, 11.28.120, 11.90.020, 11.90.230, 11.90.250, 11.90.400, 11.90.410, 2.56.150, 4.16.190, 7.28.090, 7.36.020, 9.35.005, 9A.44.010, 11.02.005, 11.28.185, 11.76.080, 11.86.021, 11.90.210, 11.96A.050, 11.96A.080, 11.96A.120, 11.96A.130, 11.96A.150, 11.96A.220, 11.103.030, 11.107.060, 11.120.140, 11.125.400,

11.125.410, 13.32A.160, 13.34.270, 25.15.131, 29A.08.515, 70.58A.010, 70.97.040, 71.05.360, 71.32.020, 71A.16.030, 73.36.050, 74.34.020, 74.34.067, 74.34.135, 74.34.163, and 74.42.430; reenacting and amending RCW 13.34.030, 2.72.010, 7.70.065, and 18.20.020; adding new sections to chapter 11.130 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6288 by Senators Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña

AN ACT Relating to the Washington office of firearm violence prevention; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6289 by Senators Dhingra, Kuderer, Lovelett, Darneille, Carlyle, Wilson, C., Das and Frockt

AN ACT Relating to the restoration of the right to possess a firearm; reenacting and amending RCW 9.41.040 and 9.41.047; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law & Justice.

SB 6290 by Senators Short, Mullet, and Wilson, C.

AN ACT Relating to contributions to and eligibility for school employee benefit plans; and amending RCW 41.05.050 and 41.05.740.

Referred to Committee on Ways & Means.

SB 6291 by Senators Van De Wege, Rolfes, Walsh, Hasegawa, Hunt, Keiser, Randall, Stanford, and Wilson, C.

AN ACT Relating to requiring coverage for hearing instruments for children and adolescents; amending RCW 48.43.0128; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6292 by Senators Salomon, Nguyen, Wilson, C., Van De Wege, Rolfes, Lovelett, Carlyle, Hasegawa and Randall

AN ACT Relating to water rights sales; amending RCW 90.42.100; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6293 by Senators Salomon, Kuderer, Lovelett, Wilson, C., Mullet, Randall, Keiser, Wellman, Das and Nguyen

AN ACT Relating to civil liability for materially aiding domestic terrorism; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6294 by Senators Salomon, Kuderer, Pedersen, Wellman, Wilson, C., Carlyle and Nguyen

AN ACT Relating to concealed pistol license training requirements; reenacting and amending RCW 9.41.070; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6295 by Senators Salomon, Pedersen, Carlyle, Kuderer, Wilson, C., Randall and Nguyen
AN ACT Relating to false reporting of a crime or emergency; amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6296 by Senators Padden, Pedersen, Holy, Wellman, Wagoner, Wilson, C. and Mullet
AN ACT Relating to health care benefits for public school employees; and amending RCW 41.05.740.

Referred to Committee on Ways & Means.

SB 6297 by Senators Padden, Wellman, Wagoner, Wilson, C., Hawkins, Billig and Zeiger
AN ACT Relating to recognizing the experience of existing early learning providers to meet educational requirements; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6298 by Senators Padden, O'Ban and Wagoner
AN ACT Relating to the department of corrections; amending RCW 72.09.010, 9.94A.480, 9.94A.585, 9.94A.704, and 9.94A.704; adding a new section to chapter 9.94A RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6299 by Senators Nguyen, Liias, and Wilson, C.
AN ACT Relating to creating a business and occupation tax deduction for certain amounts received by zoological facilities; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6300 by Senators Rivers, Pedersen, Zeiger, Kuderer, Frock and Lovelett
AN ACT Relating to animal welfare; amending RCW 16.08.100, 16.52.011, 16.52.085, 16.52.095, 16.52.200, 16.52.205, 16.52.207, 16.54.020, and 16.54.030; repealing RCW 16.08.020, 16.08.030, 16.52.110, and 16.52.165; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6301 by Senators Van De Wege, Warnick, Salomon, Lovelett, Carlyle, Walsh, Hobbs, Rolfes, Hasegawa, and Wilson, C.
AN ACT Relating to public interest considerations in the transfer or change of surface water rights; amending RCW 90.03.380 and 90.03.380; adding a new section to chapter 82.45 RCW; adding a new section to chapter 43.21A RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6302 by Senators Rolfes, Saldaña, Randall, Takko, Das, Hasegawa, Hunt, Lovelett, Nguyen, and Wilson, C.
AN ACT Relating to prohibiting local governments from limiting the number of unrelated persons occupying a home; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

SB 6303 by Senators Liias, Cleveland, Randall, Pedersen, Wilson, C., Frock, Lovelett, Saldaña and Stanford
AN ACT Relating to testing and treatment for sexually transmitted infections; adding new sections to chapter 70.24 RCW; adding a new section to chapter 48.43 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

SB 6304 by Senators Liias, King, Darneille, Saldaña, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Stanford, Wilson, C. and Zeiger
AN ACT Relating to assisting homeless individuals in obtaining Washington state identicards; amending RCW 46.20.117; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Transportation.

SB 6305 by Senators Liias, Braun, Wagoner, and Wilson, C.
AN ACT Relating to library districts; and amending RCW 27.12.222 and 27.15.020.

Referred to Committee on Local Government.

SB 6306 by Senators Liias, Van De Wege, Warnick, Rolfes, Short, Nguyen, Das, Lovelett, Randall, Saldaña, and Wilson, C.
AN ACT Relating to creating the Washington soil health initiative; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6307 by Senators Liias, Kuderer, Dhingra, Saldaña, Pedersen, Frock, and Wilson, C.
AN ACT Relating to communicating mass violence threats; amending RCW 9A.46.060; reenacting and amending RCW 9.41.040 and 9.94A.515; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6308 by Senators Zeiger, O'Ban, Padden and Wagoner
AN ACT Relating to conducting a study of data systems used by the department of corrections and county jails; adding a new section to chapter 72.09 RCW; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

SB 6309 by Senators Lovelett, Wagoner, Nguyen, Walsh, Das, Salomon, Randall, Billig, Dhingra, Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to expanding access to nutritious food; amending RCW 43.70.700; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6310 by Senators Keiser, Conway, Wellman, Saldaña, Stanford, Nguyen, and Wilson, C.

AN ACT Relating to a report of employers with employees receiving certain public assistance programs; adding a new section to chapter 49.46 RCW; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6311 by Senators Zeiger, O'Ban, Dhingra and Wagoner

AN ACT Relating to persons with substance use disorders; adding new sections to chapter 71.24 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6312 by Senators Zeiger, O'Ban and Rolfes

AN ACT Relating to making the nonprofit and library fundraising exemption permanent; amending RCW 82.12.225; and creating a new section.

Referred to Committee on Ways & Means.

SB 6313 by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, and Wilson, C.

AN ACT Relating to increasing opportunities for young voters; amending RCW 29A.08.210, 29A.08.230, 29A.08.330, 29A.08.810, 29A.08.355, 46.20.155, 28A.230.094, 29A.40.160, 29A.32.031, 29A.32.241, 29A.04.061, 29A.08.110, 29A.08.170, 29A.08.172, 29A.08.174, 29A.08.359, 29A.84.140, 46.20.156, and 29A.08.140; adding a new section to chapter 29A.40 RCW; creating new sections; and providing effective dates.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6314 by Senators Holy, King, O'Ban, Liias, Wagoner, Wilson, C. and Zeiger

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Ways & Means.

SB 6315 by Senators Holy, Padden, Short, Schoesler, Wagoner, and Wilson, L.

AN ACT Relating to enforcement of the policies of the department of ecology; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 6316 by Senators Holy, Pedersen, Padden, Dhingra, Hasegawa and Lovelett

AN ACT Relating to prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer; adding a new section to chapter 46.64 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6317 by Senators Holy, Takko, Short and Padden

AN ACT Relating to the taxation of concrete pumping services; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Ways & Means.

SB 6318 by Senators Liias, Lovelett, and Wilson, C.

AN ACT Relating to extending the electric marine battery incentive; amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

SB 6319 by Senators Takko, Short, Dhingra, Lovelett, and Wilson, C.

AN ACT Relating to administration of the senior property tax exemption program; and amending RCW 84.36.387 and 84.36.385.

Referred to Committee on Ways & Means.

SB 6320 by Senators O'Ban, Zeiger, Honeyford, Mullet, Wagoner, Wilson, C., and Wilson, L.

AN ACT Relating to the ability of a minor to operate a lemonade business on an occasional basis; amending RCW 70.05.060; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6321 by Senators O'Ban and Zeiger

AN ACT Relating to the compliance of certain national transportation safety board recommendations; adding a new section to chapter 81.04 RCW; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 6322 by Senators O'Ban, Padden and Wagoner

AN ACT Relating to addressing the department of corrections early release and inmate medical care errors; amending RCW 43.06C.010, 43.06C.020, 43.06C.040, 43.06C.060, 49.60.210, and 43.131.426; adding new sections to chapter 43.06C RCW; creating new sections; and repealing RCW 43.06C.030.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6323 by Senator Van De Wege

AN ACT Relating to the board of engineers and land surveyors' appointment of its director and agreement with

the department of licensing; and amending RCW 18.43.035 and 18.43.200.

Referred to Committee on Labor & Commerce.

SB 6324 by Senators Takko and Carlyle

AN ACT Relating to special purpose district financial reporting; amending RCW 43.09.230, 36.96.010, 36.96.030, and 36.96.070; adding a new section to chapter 36.96 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Local Government.

SB 6325 by Senators Takko and Mullet

AN ACT Relating to creating a new on-premises endorsement for domestic wineries, domestic breweries, and microbreweries; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6326 by Senator Warnick

AN ACT Relating to municipal conflicts of interest; and amending RCW 42.23.030.

Referred to Committee on Local Government.

SB 6327 by Senator Warnick

AN ACT Relating to issuing temporary permits in lieu of certificates of competency to electricians from other states; and amending RCW 19.28.231.

Referred to Committee on Labor & Commerce.

SB 6328 by Senators Warnick, Hawkins, Kuderer, Zeiger, Fortunato, and Wilson, C.

AN ACT Relating to creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts; and adding a new chapter to Title 39 RCW.

Referred to Committee on Housing Stability & Affordability.

SB 6329 by Senator Warnick

AN ACT Relating to misbranding of meat and poultry products; amending RCW 15.130.110; and adding a new section to chapter 15.130 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6330 by Senators Keiser, Rivers, Becker, Randall, Short, Conway, and Wilson, C.

AN ACT Relating to health carriers offering dental only coverage; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SB 6331 by Senators Mullet, and Wilson, L.

AN ACT Relating to captive insurers; amending RCW 48.14.020, 48.14.095, 48.15.160, and 82.04.320; adding a new chapter to Title 48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6332 by Senators Salomon, Nguyen, Carlyle, Holy and Randall

AN ACT Relating to the potency of marijuana products; amending RCW 69.50.375 and 69.50.325; reenacting and amending RCW 69.50.357 and 69.50.101; creating a new section.

Referred to Committee on Labor & Commerce.

SB 6333 by Senators Salomon, Carlyle, Kuderer, Nguyen, and Wilson, C.

AN ACT Relating to reducing youth access to products intended for consumption only by adults age twenty-one and over; amending RCW 69.50.369, 70.345.020, 70.345.180, 28A.210.310, and 70.345.150; reenacting and amending RCW 70.345.010; adding new sections to chapter 70.345 RCW; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6334 by Senators Salomon, Nguyen, Das, and Wilson, C.

AN ACT Relating to urban housing supply; amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW 36.70A.030; creating a new section; and providing an expiration date.

Referred to Committee on Housing Stability & Affordability.

SB 6335 by Senators Salomon, Wilson, C., Nguyen, Das and Lovelett

AN ACT Relating to addressing climate change through growth management; amending RCW 36.70A.020, 36.70A.480, 36.70A.130, 36.70A.210, 36.70A.100, and 47.80.030; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

SB 6336 by Senators Hunt, Hasegawa, Keiser, Nguyen, and Wilson, C.

AN ACT Relating to allowing the use of parental leave after a pregnancy disability is resolved; and amending RCW 41.04.655.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6337 by Senators Hunt, and Wilson, C.

AN ACT Relating to early retirement reduction factors for certain members of the teachers retirement system and the public safety employees retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6338 by Senators Wagoner, Hobbs and Randall

AN ACT Relating to veterans' scoring criteria status in examinations; and amending RCW 41.04.010.

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

Referred to Committee on State Government, Tribal Relations & Elections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6339 by Senators Hunt, Holy, Wellman, Wilson, L. and Mullet

AN ACT Relating to creating a computer science grant program; adding a new section to chapter 28A.300 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6346 by Senators Takko, McCoy, Saldaña, Darneille, Hunt, Lovelett, Wilson, C. and Zeiger

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6340 by Senators Conway, King, Hunt, Mullet, Saldaña, Stanford and Zeiger

AN ACT Relating to preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer; amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW.

Referred to Committee on Labor & Commerce.

SB 6347 by Senators Wagoner, Lovelett, Hobbs, Holy, Muzzall and Randall

AN ACT Relating to extending the expiration date for a concealed pistol license; and reenacting and amending RCW 9.41.070.

Referred to Committee on Law & Justice.

SB 6341 by Senators Stanford and King

AN ACT Relating to requiring the liquor and cannabis board to provide written interpretations of liquor statutes and rules; adding a new section to chapter 66.08 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6348 by Senators Keiser, Conway, Schoesler, Padden and King

AN ACT Relating to granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language; amending RCW 50.12.200, 50.20.190, 50.29.021, 50.50.070, and 50A.05.070; creating a new section; and repealing RCW 50.29.020.

Referred to Committee on Labor & Commerce.

SB 6342 by Senators Dhingra, Das, Lovelett, Mullet, Stanford, and Wilson, C.

AN ACT Relating to chemical contaminants in drinking water; amending RCW 70.142.050; and adding new sections to chapter 70.142 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 6349 by Senators Keiser, King and Conway

AN ACT Relating to paid family and medical leave; amending RCW 50A.05.010, 50A.10.010, 50A.10.040, 50A.15.020, 50A.15.060, 50A.15.080, 50A.15.100, 50A.25.070, 50A.30.010, 50A.30.035, 50A.40.010, 50A.40.020, 50A.40.030, 50A.50.010, and 26.23.060; adding new sections to chapter 50A.40 RCW; and adding a new section to chapter 50A.05 RCW.

Referred to Committee on Labor & Commerce.

SB 6343 by Senators Nguyen, Darneille, and Wilson, C.

AN ACT Relating to the abatement of child support for incarcerated obligors; amending RCW 26.23.050, 74.20A.055, 74.20A.056, 74.20A.059, and 26.09.170; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6350 by Senators Fortunato and Braun

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355 and 46.17.323; reenacting and amending RCW 46.17.350; adding a new section to chapter 46.17 RCW; creating new sections; repealing RCW 46.17.365 and 46.68.415; and declaring an emergency.

Referred to Committee on Transportation.

SB 6344 by Senators Lovelett, and Wilson, C.

AN ACT Relating to school district enrichment levies; and amending RCW 84.52.0531.

Referred to Committee on Early Learning & K-12 Education.

SB 6351 by Senators Nguyen, Hasegawa, Kuderer, Lovelett, Wilson, C., Darneille, Frockt and Saldaña

AN ACT Relating to working connections child care eligibility; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6345 by Senators Honeyford and Warnick

AN ACT Relating to establishing the water infrastructure program; adding a new chapter to Title 90 RCW; adding a new chapter to Title 43 RCW; providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people.

SB 6352 by Senator Warnick

AN ACT Relating to eliminating expedited processing of alternative energy resource facilities before the energy

facility site evaluation council; amending RCW 80.50.075; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 6353 by Senators Holy, Hunt, Padden, Salomon, Lovelett and Mullet

AN ACT Relating to fiscal notes for supreme court decisions; and amending RCW 43.88A.010, 43.88A.020, 43.88A.030, 43.132.020, 43.132.040, 43.132.810, and 28A.300.0401.

Referred to Committee on Ways & Means.

SB 6354 by Senators King, Cleveland, Keiser and Honeyford

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6355 by Senators Van De Wege, Short, Takko, King, Mullet, Salomon, Zeiger, Conway, Sheldon, Liias, Warnick, Honeyford and Wagoner

AN ACT Relating to recognizing the contributions of the state's forest products sector as part of the state's global climate response; amending RCW 70.235.005 and 43.330.060; adding a new section to chapter 70.235 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6356 by Senators Padden, Kuderer, Holy, Dhingra, Wilson, L., Hasegawa, O'Ban and Wagoner

AN ACT Relating to requiring training on human trafficking; amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6357 by Senators Conway and King

AN ACT Relating to increasing the dollar limit of pull-tabs; and amending RCW 9.46.110.

Referred to Committee on Labor & Commerce.

SB 6358 by Senators Randall, Short, and Wilson, C.

AN ACT Relating to requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 6359 by Senators Short and Randall

AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area; and amending RCW 70.127.040.

Referred to Committee on Health & Long Term Care.

SB 6360 by Senators Van De Wege, Cleveland, Mullet, Saldaña and Rolfes

AN ACT Relating to eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam; amending RCW 70.75A.020; reenacting and amending RCW 70.75A.005; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

SB 6361 by Senators Kuderer, Hunt, and Wilson, C.

AN ACT Relating to the administration of election campaign activities and reporting statements of financial affairs; amending RCW 42.17A.005, 42.17A.100, 42.17A.105, 42.17A.700, 42.17A.710, and 42.17A.785; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6362 by Senators Randall, and Wilson, C.

AN ACT Relating to services for children with multiple handicaps; and repealing RCW 74.26.010, 74.26.020, 74.26.030, 74.26.040, 74.26.050, and 74.26.060.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6363 by Senators Takko and Warnick

AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

SB 6364 by Senators Zeiger and Mullet

AN ACT Relating to incentivizing smaller, more affordable single-family home development through impact fee schedule modifications; and amending RCW 82.02.060.

Referred to Committee on Housing Stability & Affordability.

SB 6365 by Senators Warnick and Van De Wege

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6366 by Senators Mullet, Rivers, Kuderer, Zeiger, Saldaña, Lovelett and Nguyen

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing Stability & Affordability.

SB 6367 by Senators Conway, Hasegawa and Liias

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

AN ACT Relating to changing the definition of public employee for public employees' collective bargaining; and amending RCW 41.56.030.

Referred to Committee on Labor & Commerce.

SB 6368 by Senators Nguyen, Lovelett, Darneille, Stanford, Das, Dhingra, Hunt, Saldaña, and Wilson, C.

AN ACT Relating to sick leave for K-12 employees; amending RCW 28A.400.300; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6369 by Senators Nguyen, Darneille, Stanford, Das, and Wilson, C.

AN ACT Relating to individuals serving community custody terms; amending RCW 9.94A.737, 9.94A.631, and 9.94A.716; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6370 by Senators Nguyen, Padden, Dhingra, Darneille, Stanford, Das, Lovelett, and Wilson, C.

AN ACT Relating to individuals under the department of corrections' jurisdiction; amending RCW 9.94A.589 and 9.94B.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6371 by Senators Hunt, Warnick, Saldaña, Liias, Brown, Wilson, L., Das, Van De Wege and Nguyen

AN ACT Relating to school library information and technology programs; amending RCW 28A.150.260 and 28A.320.240; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.320 RCW; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SB 6372 by Senators King, Braun and Schoesler

AN ACT Relating to structured settlements; and amending RCW 51.04.063.

Referred to Committee on Labor & Commerce.

SB 6373 by Senators King, Braun and Schoesler

AN ACT Relating to allowing self-insurers to accept certain industrial insurance claims; and amending RCW 51.14.130.

Referred to Committee on Labor & Commerce.

SB 6374 by Senators Holy, Mullet, Padden, Wilson, L., and Wilson, C.

AN ACT Relating to apprenticeship materials for dual credit scholarship programs; and amending RCW 28B.76.730.

Referred to Committee on Higher Education & Workforce Development.

SB 6375 by Senators Nguyen, Darneille, Takko, Hunt, Wilson, C., Das, Dhingra, Hasegawa, Randall, Keiser, Van De Wege, Lovelett, Pedersen and Stanford

AN ACT Relating to private detention facilities; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6376 by Senators Frockt, Mullet, Rolfes and Honeyford

AN ACT Relating to forecasting state debt capacity; amending RCW 82.33.010; reenacting and amending RCW 82.33.020; adding a new section to chapter 82.33 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6377 by Senators Zeiger, Becker, Holy, Schoesler, Erickson, Warnick, Fortunato, Walsh, O'Ban, Rivers, and Wilson, L.

AN ACT Relating to employment opportunity training programs in restaurants; adding a new section to chapter 49.46 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6378 by Senators Kuderer, Darneille, Das and Lovelett

AN ACT Relating to residential tenant protections; amending RCW 59.18.057, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency.

Referred to Committee on Housing Stability & Affordability.

SB 6379 by Senators Kuderer, Darneille, Das, Keiser, Lovelett and Saldaña

AN ACT Relating to providing protections to residential tenants; amending RCW 59.18.220, 59.18.250, 59.18.230, 61.24.060, and 59.12.030; reenacting and amending RCW 59.18.030 and 59.18.200; adding a new section to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Housing Stability & Affordability.

SB 6380 by Senator Erickson

AN ACT Relating to examining the costs and benefits of making changes to the Hiram M. Chittenden locks, Skagit river hydroelectric project, and Ravenna creek; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 6381 by Senator Erickson

AN ACT Relating to reducing the property tax; amending RCW 84.52.065 and 84.55.010; and creating a new section.

Referred to Committee on Ways & Means.

SB 6382 by Senators Erickson and Takko

AN ACT Relating to state-inspected commercial custom meat facilities; amending RCW 16.49.005, 16.49.015, 16.49.045, 16.49.095, and 16.49.125; adding new sections to chapter 16.49 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6383 by Senators Conway, Schoesler and Mullet

AN ACT Relating to the retirement strategy funds in the plan 3 and the deferred compensation programs; and amending RCW 41.34.060, 41.34.140, 41.50.770, and 41.50.780; and creating a new section.

Referred to Committee on Ways & Means.

SB 6384 by Senators Becker, Cleveland, O'Ban, Frockt, Braun and Keiser

AN ACT Relating to establishing a statewide tracking system for difficult to discharge patients; adding a new section to chapter 43.371 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health & Long Term Care.

SB 6385 by Senators Zeiger, Kuderer, O'Ban, Nguyen, Lovelett, and Wilson, C.

AN ACT Relating to jobs training for homeless individuals; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6386 by Senators Zeiger and Kuderer

AN ACT Relating to reducing impact fees for low-income housing; and amending RCW 82.02.060.

Referred to Committee on Housing Stability & Affordability.

SB 6387 by Senator Zeiger

AN ACT Relating to accelerating housing infrastructure investments by adjusting impact fee timelines; and amending RCW 82.02.080.

Referred to Committee on Housing Stability & Affordability.

SB 6388 by Senator Zeiger

AN ACT Relating to impact fees for multifamily and single-family housing; and amending RCW 82.02.060.

Referred to Committee on Housing Stability & Affordability.

SJM 8017 by Senators Hasegawa, Hunt, Billig, Saldaña, Stanford, and Wilson, C.

Addressing compacts of free association.

Referred to Committee on State Government, Tribal Relations & Elections.

SJR 8215 by Senators Padden, Holy, Brown, Wagoner and Zeiger
Amending the state Constitution so that justices of the supreme court are elected by qualified electors of a supreme court judicial district.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6378 which had been designated to the Committee on Housing Stability & Affordability and was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION 8658

By Senator Rolfes

WHEREAS, Military spouses and caregivers embody the courage, sense of duty, and love of country that inspire every American; and

WHEREAS, Military spouses make tremendous sacrifices, including enduring long separations, assuming household responsibilities, and caring for children while their loved ones are away; and

WHEREAS, Military spouses and caregivers act with patience, selflessness, and compassion while serving as the frontline of this country's conscience to ensure the appropriate care of soldiers returning from duty; and

WHEREAS, Many military spouses and primary caregivers of veterans care for those with serious conditions, including traumatic brain injuries and posttraumatic stress disorder; and

WHEREAS, Many military spouses and caregivers are also volunteers in their communities who serve the needs of other military families; and

WHEREAS, Our communities are stronger when military spouses and families are afforded adequate employment, child care, and educational opportunities; and

WHEREAS, The nation benefits from the sacrifices of military families and is inspired by their courage, strength, and leadership; and

WHEREAS, Throughout the year, we honor the commitment military spouses and caregivers have made to their loved ones, our country, and our freedom;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize military spouses and caregivers for their service, sacrifice, and dedication to their families and their country.

Senators Rolfes, O'Ban, Hobbs, Wilson, L., Conway, Becker, Lovelett, Wagoner, Darneille and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

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

MOTIONS

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

On motion of Senator Liias, and without objection, the names of all members were added as co-sponsors of Senate Resolution No. 8658.

At 10:40 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:26 a.m. by President Habib.

MOTIONS

On motion of Senator Liias, Senate Bill No. 6317 was referred to the Committee on Ways & Means and the Committee on Ways & Means was relieved of further consideration of Senate Bill No. 6378 and the measure was referred to the Committee on Housing Sustainability and Affordability.

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

THIRD READING

SENATE BILL NO. 5811, by Senators Nguyen, Rolfes, Wilson, C., Liias, Das, Hunt, Kuderer and Saldaña

Reducing emissions by making changes to the clean car standards and clean car program.

The bill was read on Third Reading.

Senator Nguyen spoke in favor of passage of the bill.

Senators Ericksen, Fortunato and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5947, by Senate Committee on Ways & Means (originally sponsored by McCoy, Schoesler, Palumbo, King, Salomon and Warnick)

Establishing the sustainable farms and fields grant program.

The bill was read on Third Reading.

Senators McCoy, Rolfes and Lovelett spoke in favor of passage of the bill.

Senators Schoesler and Ericksen spoke against passage of the bill.

Senator Warnick spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5947.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)

Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.

The bill was read on Third Reading.

Senator Das spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

MOTION

On motion of Senator Wilson, L., Senator Zeiger was excused.

Senators Fortunato and Walsh spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5323.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5323 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen,

Randall, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Wagoner, Walsh, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5887, by Senators Short, Keiser and Nguyen

Concerning health carrier requirements for prior authorization standards.

The bill was read on Third Reading.

MOTION

On motion of Senator Short, the rules were suspended and Engrossed Senate Bill No. 5887 was returned to second reading for the purpose of amendment.

MOTION

Senator Short moved that the following striking amendment by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to facilitate patient access to appropriate therapies for newly diagnosed health conditions while recognizing the necessity for health carriers to employ reasonable utilization management techniques.

Sec. 2. RCW 48.43.016 and 2019 c 308 s 22 are each amended to read as follows:

(1) A health carrier or its contracted entity that imposes different prior authorization standards and criteria for a covered service among tiers of contracting providers of the same licensed profession in the same health plan shall inform an enrollee which tier an individual provider or group of providers is in by posting the information on its web site in a manner accessible to both enrollees and providers.

(2)(a) A health carrier or its contracted entity may not require utilization management or review of any kind including, but not limited to, prior, concurrent, or postservice authorization for an initial evaluation and management visit and up to six ((consecutive)) treatment visits with a contracting provider in a new episode of care ((of chiropractic)) for each of the following: Chiropractic, physical therapy, occupational therapy, acupuncture and Eastern medicine, massage therapy, or speech and hearing therapies ((that meet the standards of medical necessity and)). Visits for which prior authorization is prohibited under this section are subject to quantitative treatment limits of the health plan. Notwithstanding RCW 48.43.515(5) this section may not be interpreted to limit the ability of a health plan to require a referral or prescription for the therapies listed in this section.

(b) For visits for which prior authorization is prohibited under this section, a health carrier or its contracted entity may not:

(i) Deny or limit coverage on the basis of medical necessity or appropriateness; or

(ii) Retroactively deny care or refuse payment for the visits.

(3) A health carrier shall post on its web site and provide upon the request of a covered person or contracting provider any prior authorization standards, criteria, or information the carrier uses for medical necessity decisions.

(4) A health care provider with whom a health carrier consults regarding a decision to deny, limit, or terminate a person's covered health care services must hold a license, certification, or registration, in good standing and must be in the same or related health field as the health care provider being reviewed or of a specialty whose practice entails the same or similar covered health care service.

(5) A health carrier may not require a provider to provide a discount from usual and customary rates for health care services not covered under a health plan, policy, or other agreement, to which the provider is a party.

(6) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(7) For purposes of this section:

(a) "New episode of care" means treatment for a new ~~((or recurrent))~~ condition or diagnosis for which the enrollee has not been treated by ~~((the))~~ a provider of the same licensed profession within the previous ninety days and is not currently undergoing any active treatment.

(b) "Contracting provider" does not include providers employed within an integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW."

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 48.43.016; and creating a new section."

Senators Short and Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Short to Engrossed Senate Bill No. 5887.

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

MOTION

On motion of Senator Short, the rules were suspended, Second Engrossed Senate Bill No. 5887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5887.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5887 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De

THIRD DAY, JANUARY 15, 2020

2020 REGULAR SESSION

Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND READING

Voting nay: Senator Schoesler
Excused: Senator Das

SECOND ENGROSSED SENATE BILL NO. 5887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE JOINT MEMORIAL NO. 8014, by Senators McCoy and Salomon

Concerning logging and mining in the upper Skagit watershed.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators McCoy and Lovelett spoke in favor of passage of the bill.

Senators Warnick and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8014 and the memorial passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Das

SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5450 was not substituted for Senate Bill No. 5450 and the substitute bill was not adopted.

SENATE BILL NO. 5450, by Senators Rivers, and Wilson, L.

Concerning superior court judges.

The measure was read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 903 by Senator Rivers be adopted:

On page 2, line 26, after "than" strike "January" and insert "July"

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 903 by Senator Rivers on page 2, line 26 to Senate Bill No. 5450.

The motion by Senator Rivers carried and floor amendment no. 903 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Pedersen, Short, Padden and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Das

ENGROSSED SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:23 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 noon, Thursday, January 16, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 16, 2020

The Senate was called to order at 12:05 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2020

SB 5680 Prime Sponsor, Senator Liias: Concerning the creation of parks benefit districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Local Government.

January 15, 2020

SB 5717 Prime Sponsor, Senator Saldaña: Concerning employer and employee scheduling. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Wagoner and Wilson, L.

Referred to Committee on Labor & Commerce.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6389 by Senator Fortunato

AN ACT Relating to evaluating school safety drills and monitoring school safety plans and programs; amending RCW 28A.300.645; adding new sections to chapter 43.101

RCW; creating new sections; recodifying RCW 28A.300.645; and making an appropriation.

Referred to Committee on Early Learning & K-12 Education.

SB 6390 by Senators Fortunato, Rivers, Wilson, L., Ericksen and Becker

AN ACT Relating to making the nonprofit and library fundraising exemption permanent; amending RCW 82.12.225; and creating new sections.

Referred to Committee on Ways & Means.

SB 6391 by Senators Fortunato and Padden

AN ACT Relating to tracking abortion statistics; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Health & Long Term Care.

SB 6392 by Senators Van De Wege, King, Walsh, Warnick, Rolfes, Honeyford, and Wilson, C.

AN ACT Relating to the creation of a local wine industry association license; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6393 by Senators Conway, Saldaña, Keiser, Hasegawa, Van De Wege, Wilson, C. and Nguyen

AN ACT Relating to cannabis industry workplace standards; amending RCW 69.50.325; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Labor & Commerce.

SB 6394 by Senators Saldaña, Conway, McCoy, Stanford, Hobbs, Das, Wilson, C., Zeiger, O'Ban, Hasegawa, Van De Wege, Hunt, Nguyen, Holy, Fortunato and Sheldon

AN ACT Relating to authorizing sports wagering subject to the terms of tribal-state gaming compacts; amending RCW 9.46.070, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6395 by Senators Cleveland, Hasegawa and Saldaña

AN ACT Relating to sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority; and amending RCW 74.09A.020.

Referred to Committee on Health & Long Term Care.

SB 6396 by Senators O'Ban, Cleveland, Becker, Darneille, Hasegawa and Short

AN ACT Relating to ensuring the continued viability of skilled nursing facilities; amending RCW 74.46.561; creating new sections; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

FOURTH DAY, JANUARY 16, 2020

2020 REGULAR SESSION

SB 6397 by Senators Frockt, Rolfes and Keiser

AN ACT Relating to nonparticipating providers; and amending RCW 74.09.522.

Referred to Committee on Ways & Means.

SB 6398 by Senators Saldaña, Nguyen, Lovelett, Liias, and Wilson, C.

AN ACT Relating to transportation policy goals; amending RCW 47.04.280; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6399 by Senators Liias, Nguyen, Carlyle, Lovelett, Kuderer, Stanford, Wellman, Billig, Saldaña, Das, Wilson, C. and Hunt

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70.120.010 and 70.94.015; and adding new sections to chapter 70.120 RCW.

Referred to Committee on Transportation.

SB 6400 by Senators Randall, Cleveland, Keiser, Kuderer, Wilson, C., Hunt, Van De Wege, Dhingra, Das, Lovelett, Nguyen, Conway and Saldaña

AN ACT Relating to mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health & Long Term Care.

SB 6401 by Senators Warnick and Saldaña

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, and 17.10.890.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6402 by Senators Rivers, Padden, Wilson, L., Schoesler and Becker

AN ACT Relating to the use of a stolen firearm; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6403 by Senators Warnick, Van De Wege, Short and Takko

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

SB 6404 by Senators Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña

AN ACT Relating to reducing barriers to patient care through appropriate use of prior authorization and adoption of appropriate use criteria; amending RCW 41.05.074 and

74.09.758; adding new sections to chapter 48.43 RCW; and adding a new section to chapter 70.250 RCW.

Referred to Committee on Health & Long Term Care.

SB 6405 by Senators Stanford, Liias, Wilson, C., Hasegawa, Hunt, Nguyen, Randall, Frockt and Saldaña

AN ACT Relating to supporting student success at community and technical colleges by increasing full-time faculty and stabilizing the use of part-time faculty; adding a new section to chapter 28B.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 6406 by Senators Wilson, L., Holy, Becker, Padden, Wagoner, Muzzall, Short, Schoesler, Warnick, Ericksen, Braun, Brown, Honeyford, O'Ban and Rivers

AN ACT Relating to firearms; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6407 by Senators Van De Wege and Rivers

AN ACT Relating to spinal manipulation endorsement requirements for physical therapists; repealing 2014 c 116 s 2; repealing 2014 c 116 s 7 (uncodified); and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6408 by Senators Wilson, L., Mullet, Short, Becker, Takko, King, Zeiger, Brown, Schoesler, Frockt, Hasegawa, Rolfes, Honeyford, Walsh, Van De Wege and Braun

AN ACT Relating to agency responsibilities to regulated businesses and professions; adding a new chapter to Title 18 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6409 by Senator King

AN ACT Relating to providing an exemption from electrical licensing, certification, and inspection for industrial equipment; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Labor & Commerce.

SB 6410 by Senators King and Nguyen

AN ACT Relating to possessory liens on motor vehicles that an auction company stores; amending RCW 46.70.330; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6411 by Senators Das, Zeiger, Cleveland, Wilson, C., Lovelett, Nguyen, Braun, Keiser, Mullet, Hunt, Liias and Randall

AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas; amending RCW 84.14.007, 84.14.010,

84.14.020, 84.14.040, 84.14.060, and 84.14.100; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

SB 6412 by Senators Zeiger, Mullet, Wilson, L., King, O'Ban, Fortunato and Schoesler

AN ACT Relating to election security; amending RCW 29A.40.091, 29A.60.235, 29A.04.611, 29A.60.125, 29A.60.170, 29A.60.185, 29A.64.011, 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050, 29A.64.070, 29A.64.090, and 29A.60.165; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.32 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.84 RCW; adding new sections to chapter 29A.60 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6413 by Senators Cleveland, O'Ban, Keiser, Rivers and Hasegawa

AN ACT Relating to establishing the primary care collaborative; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6414 by Senators Stanford and Dhingra

AN ACT Relating to waiving utility connection charges for certain properties; amending RCW 23.86.400, 24.06.600, 36.94.140, and 54.24.080; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Local Government.

SB 6415 by Senators Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig

AN ACT Relating to allowing a permanent fire protection district benefit charge with voter approval; and amending RCW 52.18.050.

Referred to Committee on Local Government.

SB 6416 by Senators Cleveland, Rivers, Wellman, Wilson, C., Das and Randall

AN ACT Relating to providing telehealth services at schools; creating a new section; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6417 by Senators Holy and Van De Wege

AN ACT Relating to allowing retirees to change their survivor option election after retirement; and amending RCW 41.26.460.

Referred to Committee on Ways & Means.

SB 6418 by Senators Holy, Van De Wege and Conway

AN ACT Relating to the definition of period of war for pensions; and amending RCW 41.26.030, 41.26.520, 41.26.160, and 41.26.510.

Referred to Committee on Ways & Means.

SB 6419 by Senators Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon

AN ACT Relating to implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6420 by Senators Takko and Short

AN ACT Relating to underground utilities and safety committee; amending RCW 19.122.050 and 19.122.130; and reenacting and amending RCW 19.122.020.

Referred to Committee on Local Government.

SB 6421 by Senators Muzzall, Hunt, Warnick, Takko, Schoesler, Wagoner, Padden, Hasegawa and Saldaña

AN ACT Relating to extending the farm internship program; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.16 RCW; and providing expiration dates.

Referred to Committee on Labor & Commerce.

SB 6422 by Senators Darneille, Zeiger, Dhingra, Frockt, Walsh, Wilson, C., Kuderer, Hasegawa, Hunt, Nguyen, Das and Saldaña

AN ACT Relating to establishing the family connections program; amending RCW 2.70.060, 2.70.070, 2.70.080, 2.70.090, and 74.13.802; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6423 by Senators Cleveland, Darneille, and Wilson, C.

AN ACT Relating to reports alleging child abuse and neglect; and amending RCW 26.44.050 and 26.44.060.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6424 by Senators Wilson, C., Hunt, Lias, Das, Nguyen and Saldaña

AN ACT Relating to room and board for college bound scholarship students; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6425 by Senators Stanford, Lovelett, McCoy, Wilson, C., Nguyen, Hunt, Takko, Sheldon, Van De Wege, Lias, Das, Hasegawa and Saldaña

AN ACT Relating to establishing the American Indian cultural study grant; adding a new chapter to Title 28B RCW; and creating a new section.

FOURTH DAY, JANUARY 16, 2020

2020 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development.

SB 6426 by Senators Cleveland, King, Nguyen, Lovelett, Kuderer, Randall, Frockt, Zeiger, Saldaña, Das, Darneille, Wilson, C., Keiser, Hasegawa and Becker
AN ACT Relating to implementing an identicard program to provide individuals a Washington state issued identicard; adding a new section to chapter 43.185C RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6427 by Senators Cleveland, Nguyen, Wilson, C., Das and Saldaña
AN ACT Relating to providing funding for medical evaluations of suspected victims of child abuse; adding new sections to chapter 7.68 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6428 by Senators Cleveland, Nguyen, Wilson, C., Das and Saldaña
AN ACT Relating to providing funding for medical evaluations of suspected victims of child abuse; adding new sections to chapter 7.68 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6429 by Senators Brown, Walsh, Schoesler, Rivers, Van De Wege and Becker
AN ACT Relating to providing a designation on a driver's license or identicard that a person has a developmental disability; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6430 by Senators Brown, Rolfes, Frockt, Warnick, Das and Hasegawa
AN ACT Relating to establishing a statewide industrial waste coordination program; reenacting and amending RCW 42.56.270; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 6431 by Senators Hunt and Das
AN ACT Relating to exempting personal demographic details of state employees from public disclosure; and reenacting and amending RCW 42.56.250.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6432 by Senators Rolfes, Carlyle, Randall, Takko, Stanford, Hunt, Lovelett, Darneille, Wilson, C., Das, Keiser and Van De Wege
AN ACT Relating to offshore oil extraction; and amending RCW 90.58.020, 90.58.160, 43.143.010, and 43.143.020.

Referred to Committee on Environment, Energy & Technology.

SB 6433 by Senators Rolfes, Wilson, L., Randall, Darneille, Wilson, C. and Becker
AN ACT Relating to creating Washington state women veterans special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 6434 by Senators Randall, Nguyen, Keiser, Rolfes, Warnick, Das, Hasegawa, Zeiger, Lias and Frockt
AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; reenacting and amending RCW 43.20.025; adding new sections to chapter 43.20 RCW; adding a new section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6435 by Senators Frockt, Nguyen, Brown, Das and Hasegawa
AN ACT Relating to promoting the development of the Washington state bioeconomy; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 6436 by Senators Rolfes, O'Ban, Randall, and Wilson, C.
AN ACT Relating to the conditional release of sexually violent predators to less restrictive alternatives; amending RCW 4.24.550, 71.09.092, 71.09.096, and 71.09.345; reenacting and amending RCW 71.09.020; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6437 by Senator Zeiger
AN ACT Relating to the use of automatic renewal provisions in business contracts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law & Justice.

SB 6438 by Senators Van De Wege, Schoesler, Hunt, Warnick, Wagoner and Becker
AN ACT Relating to applying the public records act to all courts and offices within the judicial branch; and amending RCW 42.56.010.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6439 by Senators Randall, Van De Wege, Keiser, Stanford, Kuderer, Hunt, Dhingra, Lias, Wilson, C., Frockt, Das, Hasegawa and Saldaña
AN ACT Relating to addressing sexual misconduct at postsecondary educational institutions; adding new sections

to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6440 by Senators Stanford, Hunt, Keiser, McCoy, Das and Conway

AN ACT Relating to industrial insurance medical examinations; amending RCW 51.32.110 and 51.36.070; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Labor & Commerce.

SB 6441 by Senators Stanford, Keiser, Das, Hasegawa, Conway and Saldaña

AN ACT Relating to allowing unemployment insurance benefits for certain workers due to a lockout; and amending RCW 50.20.010.

Referred to Committee on Labor & Commerce.

SB 6442 by Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das

AN ACT Relating to private detention facilities; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6443 by Senators Kuderer, Das, Darneille, Wilson, C. and Nguyen

AN ACT Relating to convictions for offenses that were committed at age sixteen or seventeen and placed in exclusive jurisdiction of the juvenile court in 2018; adding a new section to chapter 13.04 RCW; adding a new section to chapter 9.94A RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6444 by Senators Kuderer, Das, Darneille, Wilson, C., Nguyen and Saldaña

AN ACT Relating to juvenile records; and amending RCW 13.50.260 and 13.50.270.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6445 by Senators Kuderer, Das, Wilson, C., Hunt, Nguyen and Saldaña

AN ACT Relating to eliminating a business and occupation tax deduction for financial institutions to fund affordable housing; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.04.29005 and 82.04.4292; and providing an effective date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6446 by Senators Kuderer, Pedersen, Das, Wilson, C. and Hunt

AN ACT Relating to lodging taxes for affordable housing; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Housing Stability & Affordability.

SB 6447 by Senators Liias, Kuderer, Rivers, Dhingra, Randall, Wilson, C. and Saldaña

AN ACT Relating to requiring a coprescription of opioid overdose reversal medication; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 6448 by Senators McCoy, Liias, Salomon, Lovelett, Stanford, Zeiger and Saldaña

AN ACT Relating to protection of archaeological and cultural sites by state agencies, local governments, and all recipients of state revenue; adding a new section to chapter 27.53 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SJM 8018 by Senators Brown, Schoesler, Honeyford, Lovelett and Short

Concerning a federal nuclear waste repository.

Referred to Committee on Environment, Energy & Technology.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6445 which had been designated to the Committee on Housing Stability & Affordability and was referred to the Committee on Financial Institutions, Economic Development & Trade.

MOTION

At 12:07 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 17, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 17, 2020

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Dhingra, Pedersen and Zeiger.

The Sergeant at Arms Color Guard consisting of Pages Mr. Kaleb Johnson and Miss Madison Sotomayor, presented the Colors. Page Miss Chloe Barney led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Evan Clendenis of St. John's Episcopal Church, Olympia.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 11, 2020

SB 5481 Prime Sponsor, Senator Warnick: Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining, including interest arbitration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5481 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Becker.

Referred to Committee on Ways & Means.

January 16, 2020

SB 6028 Prime Sponsor, Senator Pedersen: Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 16, 2020

SB 6029 Prime Sponsor, Senator Pedersen: Concerning the uniform directed trust act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 16, 2020

SB 6037 Prime Sponsor, Senator Pedersen: Concerning business corporations. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 16, 2020

SB 6048 Prime Sponsor, Senator Das: Addressing the group-wide supervision of internationally active insurance groups. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6048 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun and Hobbs.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6074 Prime Sponsor, Senator Dhingra: Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

January 16, 2020

SB 6096 Prime Sponsor, Senator Keiser: Preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Schoesler; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 16, 2020

SB 6170 Prime Sponsor, Senator Keiser: Concerning plumbing. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6181 Prime Sponsor, Senator Padden: Concerning compensation for parents of minor victims of crime. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6181 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

January 16, 2020

SGA 9287 CHARLES CLARK, appointed on April 1, 2019, for the term ending at the governors pleasure, as Director of the Department of Financial Institutions - Agency Head. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

SUBCOMMITTEE ON BEHAVIORAL HEALTH REFERRALS

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 6258;
SENATE BILL NO. 6259;
SENATE BILL NO. 6274;
and SENATE BILL NO. 6311.

MOTION

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

MESSAGES FROM THE HOUSE

January 16, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
SECOND ENGROSSED HOUSE BILL NO. 1056,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1264,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1272,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1565,

SUBSTITUTE HOUSE BILL NO. 1826,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 16, 2020

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6449 by Senators Wellman, Wagoner, Takko, Walsh, Hunt, Zeiger, Cleveland, Kuderer, Nguyen, Das, Frockt, Hasegawa, Saldaña, Van De Wege, and Wilson, C.

AN ACT Relating to requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6450 by Senators Padden, Salomon, Warnick and Short

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

AN ACT Relating to establishing the warm water fishing advisory group; and amending RCW 77.44.010 and 77.44.040.

Referred to Committee on Ways & Means.

SB 6451 by Senators Frockt, Lovelett, Hunt, Keiser, Salomon, Darneille, Randall, Hasegawa, Nguyen, Wellman, Kuderer, Das, Lias, Conway, Saldaña, Van De Wege, and Wilson, C.

AN ACT Relating to funding for individuals who are not eligible for federal insurance subsidies and for foundational public health services; reenacting and amending RCW 43.84.092; adding a new section to chapter 48.43 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6452 by Senators Billig, Zeiger, Cleveland, Lias, Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to including health in the state transportation system policy goals; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

SB 6453 by Senators Salomon, Nguyen, McCoy, Lias, Keiser, Hunt, Wilson, C., Cleveland, Das, Hasegawa, Kuderer and Saldaña

AN ACT Relating to tackling climate change as a goal of the growth management act; and amending RCW 36.70A.020 and 36.70A.480.

Referred to Committee on Local Government.

SB 6454 by Senators Salomon, Lias, Nguyen, McCoy, Wilson, C., Das and Hasegawa

AN ACT Relating to local salmon habitat recovery planning in critical areas; amending RCW 36.70A.050, 36.70A.172, and 36.70A.130; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

SB 6455 by Senators Lias, King, Billig, Nguyen, Cleveland, Hunt, Saldaña, Van De Wege, and Wilson, C.

AN ACT Relating to default beverages for children's meals; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Health & Long Term Care.

SB 6456 by Senators Conway, Hasegawa, Van De Wege, and Wilson, C.

AN ACT Relating to interest arbitration for department of corrections employees; and amending RCW 41.80.200.

Referred to Committee on Labor & Commerce.

SB 6457 by Senators Fortunato, Zeiger, Warnick and O'Ban

AN ACT Relating to promoting housing affordability by incentivizing the construction of American dream homes; adding a new section to chapter 36.70A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6458 by Senator Fortunato

AN ACT Relating to protecting persons with behavioral health disorders who manifest self-neglect; reenacting and amending RCW 71.05.020 and 71.34.020; and creating new sections.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 6459 by Senator Fortunato

AN ACT Relating to compassionate and effective strategies to address the homelessness crisis; adding a new section to chapter 36.01 RCW; adding a new section to chapter 9A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Housing Stability & Affordability.

SB 6460 by Senator Fortunato

AN ACT Relating to criminal sentences requiring the removal of graffiti; adding a new section to chapter 9A.48 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6461 by Senators Fortunato, Zeiger and Warnick

AN ACT Relating to permit timelines; amending RCW 36.70B.080 and 36.70B.140; and creating a new section.

Referred to Committee on Local Government.

SB 6462 by Senators O'Ban, Braun, Padden, Mullet, Zeiger, Cleveland, Sheldon, Schoesler, Brown, Warnick, Takko, Honeyford, Walsh, Wilson, L., Holy, Ericksen, Becker, Short and Wagoner

AN ACT Relating to reaffirming the prohibition of the imposition of a local income tax; adding a new section to chapter 84.52 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6463 by Senators Wilson, L., Brown, Muzzall and Becker

AN ACT Relating to eliminating environmental analysis and mitigation requirements on projects within the comprehensive plan; amending RCW 36.70B.030; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6464 by Senators Wilson, L., Becker, Rivers and Van De Wege

AN ACT Relating to state building code council membership; and amending RCW 19.27.070.

Referred to Committee on Local Government.

SB 6465 by Senators Wilson, L., Brown, Becker, Rivers, Takko and Hunt

AN ACT Relating to occupational licensing; amending RCW 18.04.180, 18.08.400, 18.16.130, 18.39.130, 18.43.100, 18.96.100, 18.140.120, 18.210.180, 18.220.100, and 18.280.180; reenacting and amending RCW 18.145.080; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Labor & Commerce.

SB 6466 by Senators Randall, Saldaña, Wilson, C., Nguyen, Zeiger and Das

AN ACT Relating to traffic control signals; and amending RCW 46.61.055.

Referred to Committee on Transportation.

SB 6467 by Senators Liias, Walsh, Wilson, C., Kuderer, Keiser, Conway, Saldaña and Van De Wege

AN ACT Relating to providing integrated services between the paid family and medical leave program and a statewide family resource, referral, and linkage system; adding a new section to chapter 50A.05 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6468 by Senators Randall, Frockt, Saldaña, and Wilson, C.

AN ACT Relating to the legislative advisory committee to the committee on advanced tuition payment; amending RCW 28B.15.067; and repealing RCW 28B.95.170.

Referred to Committee on College & Workforce Development.

SB 6469 by Senators Randall, O'Ban, Nguyen, Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to improving access to behavioral health treatment in certified crisis facilities; amending RCW 71.05.750, 71.05.755, 71.24.045, and 71.24.490; reenacting and amending RCW 71.05.020 and 71.24.037; adding new sections to chapter 71.05 RCW; and creating a new section.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 6470 by Senators Fortunato, Zeiger and Warnick

AN ACT Relating to reducing unnecessary paperwork to promote development; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 6471 by Senators Randall, King, Honeyford, Liias, Hasegawa, and Wilson, C.

AN ACT Relating to establishing an air operations branch; amending RCW 47.68.380 and 47.68.020; and adding a new section to chapter 47.68 RCW.

Referred to Committee on Transportation.

SB 6472 by Senators Lovelett, Darneille, Nguyen, Wilson, C., Stanford, Keiser, Kuderer and Saldaña

AN ACT Relating to standardizing definitions of homelessness to improve access to services; amending RCW 43.185C.220, 43.216.505, 74.08A.010, 74.13.802, 26.44.020, and 46.20.117; reenacting and amending RCW 43.216.135 and 13.34.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6473 by Senators Stanford, Frockt, Conway, Keiser, Hasegawa, Liias, Van De Wege, Billig, Hunt and Saldaña

AN ACT Relating to asbestos-containing building materials; amending RCW 70.310.020; adding new sections to chapter 70.310 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6474 by Senators Das, Zeiger, Mullet, Keiser and Liias

AN ACT Relating to replacing the streamlined sales tax mitigation program with sales tax diversification awards for certain eligible cities; amending RCW 82.14.505, 82.14.510, 39.104.020, and 39.104.050; and creating a new section.

Referred to Committee on Ways & Means.

SB 6475 by Senators Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to establishing the identification assistance and support pilot program to assist individuals experiencing homelessness with locating

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

the documentation necessary to qualify for certain forms of identification; adding a new chapter to Title 13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6476 by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña

AN ACT Relating to increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities; amending RCW 72.09.015; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6477 by Senators Lovelett and Saldaña

AN ACT Relating to limitations on school district enrichment levies; and amending RCW 84.52.0531.

Referred to Committee on Early Learning & K-12 Education.

SB 6478 by Senators Nguyen, Darneille, Stanford, Saldaña, Dhirga, Das and Hasegawa

AN ACT Relating to revising economic assistance programs by updating standards of need, revising outcome measures and data collected, and reducing barriers to participation; amending RCW 74.04.770 and 74.08A.010; reenacting and amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6479 by Senators Wellman, Wilson, L., Hobbs, Schoesler, Nguyen, Saldaña, Hunt, Ericksen, and Wilson, C.

AN ACT Relating to optional benefits offered by school districts; amending RCW 28A.400.280; and creating a new section.

Referred to Committee on Ways & Means.

SB 6480 by Senators Mullet and Hasegawa

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter 28A.320 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SB 6481 by Senators Cleveland, Wilson, L. and Rivers

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

SB 6482 by Senators Wilson, C. and Darneille

AN ACT Relating to licensing by the department of children, youth, and families; amending RCW 43.216.255, 43.216.305, 43.216.395, 72.40.250, 72.40.280, 74.15.125, and 43.216.015; and reenacting and amending RCW 43.216.010.

Referred to Committee on Ways & Means.

SB 6483 by Senators Wilson, C. and Nguyen

AN ACT Relating to rating requirements for child care providers; amending RCW 43.216.515; and reenacting and amending RCW 43.216.135.

Referred to Committee on Early Learning & K-12 Education.

SB 6484 by Senators Frockt, Liias, Hunt and Saldaña

AN ACT Relating to allowing counties to seek voter approval for a property tax levy to fund community and technical college districts; amending RCW 84.52.010 and 29A.36.210; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6485 by Senators Takko and Short

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6486 by Senators Rivers, Short, Brown and Becker

AN ACT Relating to expanding medicaid coverage for individuals with a rare disease; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6487 by Senators Liias, Saldaña, and Wilson, C.

AN ACT Relating to the legislative youth advisory council; amending RCW 28A.300.801; adding a new section to chapter 43.15 RCW; and recodifying RCW 28A.300.801.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6488 by Senators Rolfes, Saldaña and Van De Wege

AN ACT Relating to aerial herbicides in forestlands; adding a new section to chapter 76.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6489 by Senators Saldaña, Keiser, Nguyen, and Wilson, C.

AN ACT Relating to possession of vapor, vapor products, tobacco, and tobacco products by persons under the age of twenty-one; amending RCW 70.155.110 and 70.345.160; creating a new section; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6490 by Senators Darneille, Das, Kuderer, Lovelett, Nguyen, Saldaña, and Wilson, C.

AN ACT Relating to addressing housing concerns for individuals impacted by the criminal justice system; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6491 by Senator Mullet

AN ACT Relating to exempting electric boat motors from sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6479 which had been designated to the Committee on Early Learning & K-12 Education and was referred to the Committee on Ways & Means.

MOTION

At 10:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Billig announced a meeting of the Democratic Caucus immediately.

The Senate was called to order at 10:47 a.m. by President Habib.

PERSONAL PRIVILEGE

Senator Wagoner: "Thank you Mr. President. We all know that the state had a lot of snow in the past week and it has affected different communities in different ways. In my district on State Route 2, up in the mountains, up around towns like Skykomish and Grotto and Baring, they really got a sucker punch by Mother Nature. So, State Route 2 has feet of snow on it. It was closed

and impassable for days. Scores of trees were down across roads and driveways. There was no power. People didn't have any way in or any way out. They haven't had access to clean drinking water, to medical care, to food, to fuel for their generators, to heat for their homes. I want to recognize their predicament today, which is ongoing by the way, it is not over yet. And commend the community itself for the work they did and also to give credit to where credit is due for emergency providers. I want to say it has been a traumatic experience for that community. And emotions run high. I haven't been on the ground out there in my district because I have been here with all of you and I don't know every personal experience and what they have been going through. So, I can't really speak for them. But, I do know this, a lot of brave and dedicated emergency management providers and organizations like our Washington State Patrol, like the King County and Snohomish County Sheriff's Departments, Fire Departments, county officials, city officials have worked very hard within the limits of their resources to help people. But, the real heroes, the true heroes of this catastrophe, were the community members themselves. And it is a sad truth, well, maybe it is not sad, but it is just true. The real first responders were the community members themselves, and neighbors helping neighbors, friends helping friends. They plowed roads; they shoveled; they pushed cars out. They took care of themselves first, as you would, and their families first but they didn't stop at their own front door. They went out in the community and they organized convoys. They hiked into neighbors who were living far from the road and checked on them -- shared resources, food and groceries, and, presumably, hope as well, in frigid homes. So, I want to say again, the real heroes of this catastrophe are the residents themselves. And, as a state, we didn't get this one hundred percent right. And we can do better and I know that all of you will help me after this is all over, because it is not over yet, to follow up and see where we can do better for those communities and help them in different ways so that they have fuel supplies, maybe, up there in the future. And I wanted to give Senator Hobbs my thanks. When I was worrying about this and making phone calls to the community, it was nice to have somebody in our caucus who was willing to take off his senator shoes and put on his National Guard boots and do a little liaising with our adjutant general and educate me on what was possible and how things worked. Ultimately, the National Guard was not called in but I really appreciate the fact that he was willing to help me with that matter. Thank you, Mr. President."

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Jane Rushford, Senate Gubernatorial Appointment No. 9031, be confirmed as a member of the Liquor and Cannabis Board.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF JANE RUSHFORD

The President declared the question before the Senate to be the confirmation of Jane Rushford, Senate Gubernatorial Appointment No. 9031, as a member of the Liquor and Cannabis Board.

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

The Secretary called the roll on the confirmation of Jane Rushford, Senate Gubernatorial Appointment No. 9031, as a member of the Liquor and Cannabis Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Wilson, L.

Excused: Senators Dhingra, Pedersen and Zeiger

Jane Rushford, Senate Gubernatorial Appointment No. 9031, having received the constitutional majority was declared confirmed as a member of the Liquor and Cannabis Board.

MOTION

On motion of Senator Mullet, Senators Dhingra and Pedersen were excused.

MOTION

On motion of Senator Rivers, Senator Zeiger was excused.

THIRD READING

ENGROSSED SENATE BILL NO. 5165, by Senators Saldaña, Hasegawa, Wellman, Darneille, Keiser, Nguyen, and Wilson, C.

Concerning discrimination based on citizenship or immigration status.

The bill was read on Third Reading.

Senators Saldaña, Liias, Kuderer and Hasegawa spoke in favor of passage of the bill.

Senators Padden, Ericksen, Fortunato, Walsh, Schoesler, Warnick and Wagoner spoke against passage of the bill.

Senator Salomon spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5165.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Dhingra, Pedersen and Zeiger

ENGROSSED SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mullet, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5740 was returned to second reading for the purpose of amendment.

MOTION

Senator Mullet moved that the following striking amendment by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. This act may be known and cited as the secure choice retirement savings program act.

NEW SECTION. Sec. 4. The legislature finds: That large numbers of households in this state have no or inadequate retirement savings and many of those households do not have access to any savings plan at work; that this lack of retirement savings and coverage is more prevalent among low-income households; and that it is well-established that most workers will save for retirement if they are offered a workplace savings program using an opt-out approach. Washington state is deeply concerned about the retirement prospects of its citizens and the strain that large numbers of ill-prepared retirees may impose on taxpayer-financed elderly assistance programs for housing, food, medical care, and other necessities. Accordingly, this act will facilitate voluntary retirement savings by workers in this state by establishing an IRA savings program with automatic enrollment ("auto-IRA") and requiring employers in this state that do not offer a retirement plan to make the program available to their employees.

NEW SECTION. Sec. 5. The definitions in this section apply throughout sections 2 through 13 of this act unless the context clearly requires otherwise.

(1) "Administrative fee" means the amount deducted from the investment fund of a covered employee and used to pay the costs associated with administering the program.

(2) "Administrative fund" means the secure choice retirement savings administrative fund established under section 7 of this act.

(3) "Commissioner" means the commissioner of the employment security department.

(4) "Compensation" means compensation within the meaning of section 219(f)(1) of the internal revenue code that is received by a covered employee from a covered employer or a professional employer organization, as such term is defined in RCW 50.04.298.

(5) "Contribution rate" means the percentage of a covered employee's compensation that is withheld from his or her compensation and paid to the IRA established for the covered employee under the program.

(6) "Covered employee" means any individual who is eighteen years of age or older, who is in the employment of a covered employer, and who has compensation that is allocable to the state. For purposes of the investment, fee, withdrawal, transfer, rollover, or other distribution of an IRA, the term covered employee also includes the beneficiary of a deceased covered employee and an "alternate payee" under state domestic relations law. For purposes of sections 2 through 13 of this act, a covered employee, as defined in this subsection, who is performing

services for a client employer that has entered into a professional employer agreement with a professional employer organization, as such terms are defined in RCW 50.04.298, must be treated as in the employment of the client employer and not by the professional employer organization.

(7) "Covered employer" means an employer that either:

(a) Satisfies the following requirements:

(i) Has been in business for at least five years;

(ii) Has not sponsored, maintained, or contributed to a retirement plan under sections 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the internal revenue code, including such a plan sponsored or maintained by a professional employer organization with which the employer has a professional employer agreement, as such terms are defined in RCW 50.04.298, at any time during the preceding two calendar years and does not currently sponsor, maintain, or contribute to a retirement plan; and

(iii) Has more than five individuals in employment. For purposes of this subsection (7)(a)(iii), the size of the employer for a calendar year shall be determined by averaging the number of employees reported by the employer pursuant to RCW 50A.20.030 over the four completed quarters immediately preceding July 1st in the immediately previous year; or

(b) Elects to be a covered employer if and as permitted in accordance with rules and procedures established by the commissioner.

(8) "Employer" means a person or entity engaged in a business, profession, trade, or other enterprise in the state, whether for profit or not for profit; provided that a federal or state entity, agency, or instrumentality, or any political subdivision thereof, is not an employer.

(9) "Employment" has the same meaning as in RCW 50A.05.010.

(10) "Internal revenue code" means the federal internal revenue code of 1986, as amended.

(11) "Investment adviser" means:

(a) An investment adviser registered under the federal investment advisers act of 1940; or

(b) A bank or other institution exempt from registration under the federal investment advisers act of 1940.

(12) "Investment fund" means each investment portfolio established by the commissioner within the trust for investment purposes.

(13) "IRA" means either an individual retirement account or individual retirement annuity established under section 408 or 408A of the internal revenue code.

(14) "Program" means the secure choice retirement savings program established under sections 2 through 13 of this act.

(15) "Trust" means the IRA retirement trust or annuity contract established under section 8 of this act.

(16) "Trustee" means the trustee of the trust, including an insurance company issuing an annuity contract, selected by the commissioner under section 8 of this act.

NEW SECTION. Sec. 6. (1) The commissioner has the following powers and duties:

(a) To design, establish, and operate the program in accordance with the requirements set forth in sections 2 through 13 of this act;

(b) To collect administrative fees to defray the costs of administering the program;

(c) To enter into contracts necessary or desirable for the establishment and administration of the program;

(d) To hire, retain, and terminate other state or nonstate entities as the commissioner deems necessary or desirable for all or part of the services necessary for the management of the program including, but not limited to, consultants, investment advisers,

trustees, custodians, insurance companies, recordkeepers, administrators, actuaries, counsel, auditors, and other professionals; provided that each service provider must be authorized to do business in this state;

(e) To determine the type or types of IRAs to be offered; the default contribution rate, provided that the default contribution rate is no less than three percent and no more than ten percent of a covered employee's compensation; and the automatic escalation rate provided that the contribution rate is no more than ten percent;

(f) To employ a program director and such other individuals as the commissioner determines to be necessary or desirable to administer the program and the administrative fund;

(g) To develop and implement an outreach plan to gain input and disseminate information regarding the program and retirement and financial education in general, to employees, employers, and other constituents in the state;

(h) To prescribe the records covered employers must maintain, and to inspect and make copies of such records at any reasonable time and as often as may be necessary;

(i) To develop and implement a marketing strategy for the program that includes outreach to communities of color and encourages small business engagement;

(j) To determine the number of days by which an eligible employer must make the program available to a covered employee upon first becoming an eligible employer or covered employee;

(k) To adopt rules and procedures for the establishment and operation of the program and to take such other actions necessary or desirable to establish and operate the program in accordance with sections 2 through 13 of this act.

(2) The commissioner shall use the following principles in the design and operation of the program:

(a) Operate with reasonable costs but sufficient to ensure that the program is sustainable;

(b) Structure the program so that covered employees are automatically enrolled and covered employer participation is required;

(c) Ensure that the program does not conflict with or be preempted by federal law, including the employee retirement income security act of 1974;

(d) Provide customer service processes to any and all pertinent persons and disseminate program information to covered employers and covered employees;

(e) Monitor the investment adviser's financial management policies, processes, and performance.

(3) Other state agencies must provide appropriate and reasonable assistance to the commissioner as needed, including gathering data and information, in order for the commissioner to carry out the purpose of sections 2 through 13 of this act. The commissioner may reimburse the other state agencies from the administrative fund established in section 7 of this act for reasonable expenses incurred in providing appropriate and reasonable assistance.

(4) The commissioner shall not impose any obligations on the state, nor may it pledge the credit of the state.

(5) The commissioner, in consultation with the legislature, has the discretion to establish an advisory board of individuals with experience in investments or retirement plan oversight and management.

(6) The commissioner, in consultation with the state investment board and the department of financial institutions, has discretion to establish and maintain the program by: Contracting with another state to use that state's auto-IRA program, partnering with one or more states to create a joint auto-IRA program that includes the program, or forming a consortium with one or more

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

other states in which certain aspects of each state's program are combined for administrative convenience and efficiency, provided that in any such case, the auto-IRA program used, the joint program, or the consortium otherwise satisfies the requirements of this chapter.

NEW SECTION. Sec. 7. (1) The commissioner, the trustee, and each investment adviser or other person which has discretionary control of the assets of the trust shall be a fiduciary with respect to the trust and IRAs established and maintained under the program.

(2) Each covered employer is required to provide covered employees with such information as the commissioner directs. No employer acting as such is a fiduciary with respect to the trust or an IRA or has fiduciary responsibilities under sections 2 through 13 of this act.

(3) Each fiduciary shall discharge its duties with respect to the program solely in the interests of covered employees and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

NEW SECTION. Sec. 8. The secure choice retirement savings program must be designed, established, and operated in accordance with the following:

(1) Each covered employer is required to offer to each covered employee an opportunity to contribute to an IRA established under the program for the benefit of the covered employee through withholding from his or her compensation. No employer is permitted to contribute to the program or to endorse or otherwise promote the program.

(2) Unless the covered employee chooses otherwise, he or she shall be automatically enrolled in the program and contributions shall be withheld from such covered employee's compensation at a rate set by the commissioner unless the covered employee elects not to contribute or to contribute at a different rate.

(3) The contribution rate of each covered employee shall be increased at such rate and at such intervals as from time to time established by the commissioner, unless the covered employee elects not to have such automatic increases apply.

(4) The contribution rate of each covered employee shall be applied whenever a covered employer compensates a covered employee. A covered employer may not withhold contributions in lump sums from a covered employee.

(5) An individual who no longer meets the definition of a covered employee solely because the number of individuals in the employment of the individual's employer is reduced from more than five to five or less must be permitted to continue to contribute to the IRA established for the individual's benefit without the participation of the individual's employer.

(6) The IRAs are intended to qualify for favorable federal income tax treatment under section 408 or 408A of the internal revenue code.

(7) The commissioner may establish intervals after which a covered employee must reaffirm elections, including opt-out elections, with regard to participation or escalation.

(8) Each covered employer shall deposit covered employees' withheld contributions under the program with the trustee in such manner as is determined by the commissioner, provided that the employer shall deliver the amounts withheld to the trustee in good order within ten business days after the date such amounts otherwise would have been paid to the covered employee.

(9) The commissioner shall determine the rules and procedures for withdrawals, distributions, transfers, and rollovers of IRAs and for the designation of IRA beneficiaries.

(10) The commissioner shall report annually to the governor and the legislature outlining the commissioner's activities and the program's operations.

(11) The commissioner shall cause to be furnished to each covered employer and may provide directly to covered employees:

(a) Information regarding the program;

(b) Required disclosures to be furnished to covered employees. Such disclosures must include:

(i) A description of the benefits and risks associated with making contributions under the program;

(ii) Instructions about how to obtain additional information about the program;

(iii) A description of the tax consequences of an IRA, which may consist of or include the disclosure statement required to be distributed by the trustee under the internal revenue code and the treasury regulations thereunder;

(iv) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make under sections 2 through 13 of this act;

(v) A statement that the program is not an employer-sponsored retirement plan;

(vi) A statement that neither the program nor the covered employee's IRA established under the program is guaranteed by the state;

(vii) A statement that neither a covered employer nor the state will monitor or has an obligation to monitor the covered employee's eligibility under the internal revenue code to make contributions to an IRA or to monitor whether the covered employee's contributions to the IRA established for the covered employee under the program exceed the maximum permissible IRA contribution; that it is the covered employee's responsibility to monitor such matters; and that the state, the program, and the covered employer have no liability with respect to any failure of the covered employee to be eligible to make IRA contributions or any contribution in excess of the maximum IRA contribution;

(c) Information, forms, and instructions to be furnished to covered employees at such times as the commissioner determines that provide the covered employee with the procedures for:

(i) Making contributions to the covered employee's IRA established under the program, including a description of the automatic enrollment rate, the automatic escalation rate and frequency, and the right to elect to make no contribution or to change the contribution rate under the program;

(ii) Making an investment election with respect to the covered employee's IRA established under the program, including a description of the default investment fund;

(iii) Making transfers, rollovers, withdrawals, and other distributions from the covered employee's IRA.

(12) Each covered employer shall deliver or facilitate the delivery of the items set forth in subsection (11)(b) and (c) of this section to each covered employee at such time and in such manner as determined by the commissioner.

(13) The program must be designed and operated in a manner that will cause it not to be an employee benefit plan within the meaning of section 3(3) of the employee retirement income security act of 1974. If any provision of this act is found to be in conflict with federal law or regulations, including the employee retirement income security act of 1974, the conflicting provision of this act is declared to be inoperative solely to the extent of the conflict, and that finding or determination shall not affect the operation of the remainder of this act.

(14) Nothing in sections 2 through 13 of this act prohibits a covered employer from contracting with a third party, such as a payroll service provider or a professional employer organization, to assist such employer with the tasks required of a covered employer under sections 2 through 13 of this act.

NEW SECTION. Sec. 9. (1) The secure choice retirement savings administrative fund is hereby established in the custody of the state treasurer as a nonappropriated account separate and apart from the trust. The commissioner shall use moneys in the administrative fund to pay for administrative expenses it incurs in the performance of its duties under sections 2 through 13 of this act. The administrative fund may receive any grants or other moneys designated for the administrative fund from the state, or any unit of federal or local government, or any other person. Any interest earnings that are attributable to moneys in the administrative fund must be deposited into the administrative fund. Only the commissioner may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The fund is authorized to maintain a cash deficit in the fund for a period of no more than eight fiscal years after the implementation of the secure choice retirement savings program to defray its initial program administration costs. By January 1, 2021, the commissioner shall establish a program administration spending plan and an administrative fee schedule to discharge any projected cash deficit to the fund. The legislature may make appropriations into the fund for the purpose of reducing program administration costs.

(3) Administrative fees may be used to contract with another state to use that state's program or to create a joint program or consortium with one or more states offering an existing program. No other state funds may be used to contract or partner with one or more other states.

NEW SECTION. Sec. 10. There is hereby created as an instrumentality of the state a trust to be known as the secure choice retirement savings trust.

(1) The commissioner shall appoint an institution qualified to act as trustee of IRA trusts or insurance company issuing annuity contracts under section 408 of the internal revenue code and licensed to do business in the state to act as trustee.

(2) The assets of IRAs established for covered employees must be allocated to the trust and combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and maintaining, and managing investments, of the IRAs and the trust, including the expenses of the commissioner under this act.

(3) The commissioner shall establish within the trust one or more investment funds, each pursuing an investment strategy and policy established by the commissioner. The underlying investments of each investment fund shall be diversified, to the extent the commissioner determines to be appropriate, so as to minimize the risk of large losses under the circumstances. The commissioner may, at any time and from time to time, add, replace, or remove any investment fund.

(4) The commissioner may allow covered employees to allocate assets of their IRAs among such investment funds and in such case, the commissioner also may designate an investment fund as a default investment for the IRAs of covered employees who do not make an investment choice.

(5) Subject to subsection (6) of this section, the commissioner, in consultation with such third-party professional investment advisers, managers, or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual

funds and exchange-traded funds, publicly traded equity, and fixed-income securities, and other investments available for investment by the trust. No investment fund may invest in any bond, debt instrument, or other security issued by this state.

(6) The commissioner may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the commissioner's ongoing review and oversight.

(7) The trustee is subject to directions of the commissioner under subsection (5) of this section or an investment adviser under subsection (6) of this section and otherwise has no responsibility for the selection, retention, or disposition of trust investments or assets.

(8) The assets of the trust must at all times be preserved, invested, and expended solely for the purposes of the trust and no property rights therein shall exist in favor of the state or any covered employer. Trust assets may not be transferred or used by the state for any purposes other than the purposes of the trust or funding the expenses of operating the program, including the expenses of the commissioner. Amounts deposited with the trustee are not property of the state and may not be commingled with state funds and the state has no claim to or against, or interest in, the trust assets.

(9) The assets of the trust shall at all times be held separate and apart from the assets of the state. None of the state, the program, the commissioner, nor any employer may guaranty any investment, rate of return, or interest on amounts held in the trust, an investment fund, or any IRA. None of the state, the program, the commissioner, or any employer is liable for any losses incurred by trust investments or otherwise by any covered employee or other person as a result of participating in the program except for any liability that arises out of such person's breach of fiduciary duty under section 5 of this act. The state, the program, the commissioner, or any employer is not liable for the payment of benefits earned by participating employees.

(10) Any security issued, managed, or invested by the commissioner within the secure choice retirement savings trust on behalf of an individual participating in the program is exempt from RCW 21.20.140.

(11) The trust is authorized to engage in trust business under Title 30B RCW and is exempt from the requirement to obtain a certificate of authority from the department of financial institutions under Title 30B RCW.

(12) If the commissioner determines to exercise his or her discretion under section 4(6) of this act to establish the program by using another state's auto-IRA program, establishing a joint program, or a consortium with one or more other states, then the trust may be established by adopting the trust established under such other state's program or as a master trust or similar arrangement with such other states, provided that such trust, master trust, or similar arrangement otherwise satisfies the requirements of this section.

NEW SECTION. Sec. 11. (1) If the commissioner determines to exercise his or her discretion under section 4(6) of this act:

(a) Only the secure choice retirement savings administrative fund may be used to contract with another state to use that state's program or to create a joint program or consortium with one or more states offering an existing program.

(b) The rate of the administrative fee for covered employees may not exceed the rate charged to employees of another state participating in the same program.

(2) If the commissioner determines to not exercise his or her authority under section 4(5) of this act, the rate of the administrative fee for covered employees may not exceed one and five-hundredths percent.

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 12. (1) The commissioner may establish a pilot program for covered employers to auto enroll employees into an IRA by January 1, 2021. The commissioner may also provide for a staggered rollout of the program so that covered employers are initially required to offer the program to covered employees in stages based on employee headcount or such other criteria as may be established by the commissioner.

(2) The commissioner shall make the secure choice retirement savings program available to all covered employees no earlier than January 1, 2022, and no later than January 1, 2023.

NEW SECTION. Sec. 13. (1) Any information or records concerning an individual or employer obtained by the commissioner pursuant to the administration of this act shall be private and confidential, except as otherwise provided in this section.

(2) If information provided to the commissioner by another governmental agency is held private and confidential by state or federal law, the commissioner may not release such information, unless otherwise provided by this section.

(3) Information provided to the commissioner by another governmental entity conditioned upon privacy and confidentiality under a provision of law is to be held private and confidential according to the agreement between the commissioner and the other governmental agency unless otherwise provided by this section.

(4) If the commissioner determines to exercise his or her discretion under section 4(5) of this act to establish the program by using another state's auto-IRA program, establishing a joint program, or a consortium with one or more other states, then the laws of the state that is most protective of individual and employer confidentiality shall govern.

(5) The commissioner may disclose information or records deemed private and confidential under this chapter to any private person or organization, including the trustee, and by extension, the agents of any private person or organization, when the disclosure is necessary to permit private contracting parties to assist in the operation, management, and implementation of the program. The private person or organization shall use the information or records solely for the purpose for which the information was disclosed and are bound by the same rules of privacy and confidentiality as the commissioner.

(6) An individual shall have access to all records and information concerning that individual held by the commissioner unless the information is exempt from disclosure under RCW 42.56.410.

(7) An employer shall have access to its own records relating to any audit conducted or penalty assessed by the commissioner under this chapter.

(8) No decision by the commissioner or the appeals tribunal shall be deemed private and confidential under this section unless the decision is based on information obtained in a closed hearing.

(9) Information or records deemed private and confidential under this section shall be available to parties to judicial or formal administrative proceedings only upon a written finding by the presiding officer that the need for the information or records in the proceeding outweighs any reasons for the privacy and confidentiality of the information or records.

(10) Nothing in this chapter shall prevent the disclosure of information or records deemed private and confidential under this section if all details identifying an individual or employer are deleted so long as the information or records cannot be foreseeably combined with other publicly available information to reveal the identity of an individual or employer.

(11)(a) All private persons, governmental agencies, and organizations authorized to receive information from the

commissioner under this chapter have an affirmative obligation to take all reasonable actions necessary to prevent the disclosure of confidential information.

(b) The disclosure of any records or information by a private person, governmental agency, or organization that obtained the records or information from the commissioner under this section is prohibited unless expressly permitted by this section.

(c) If misuse or an unauthorized disclosure of confidential records or information occurs, all parties who are aware of the violation must inform the commissioner immediately and must take all reasonably available actions to rectify the disclosure to the commissioner's standards.

(d) The misuse or unauthorized release of records or information deemed private and confidential under this chapter by any private person, governmental agency, or organization to which access is permitted by this section shall subject the person, governmental agency, or organization to a civil penalty of up to twenty thousand dollars in the first year of the program and annually adjusted by the commissioner based on changes in the United States consumer price index for all urban consumers. Other applicable sanctions under state and federal law also apply.

(e) Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the secure choice retirement savings administrative fund established in section 7 of this act. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

(12) This section does not contain a rule of evidence.

NEW SECTION. Sec. 14. (1) A covered employer who fails, without reasonable cause, as defined by the commissioner in rule, to facilitate the enrollment of eligible employees in the program, shall pay a penalty for each employee for each year or portion of a year the employer failed to facilitate the enrollment of the employee. The penalty shall start at two hundred fifty dollars for each employee for which the employer has failed to facilitate the enrollment of the employee for the first year of the program and shall be annually adjusted by the commissioner based on changes in the United States consumer price index for all urban consumers.

(2) The commissioner shall have the same rights to collect penalties charged pursuant to this chapter as those contained in chapter 50A.45 RCW, so long as the employer is offered the same rights to appeal any order and notice of assessment as those contained in chapter 50A.50 RCW. The remedies provided in chapter 50A.50 RCW for determining the justness or correctness of the penalties charged shall be exclusive and no court shall entertain any action to enjoin an assessment or require a refund or adjustment except in accordance with the provisions of chapter 50A.50 RCW.

(3) Penalties charged pursuant to this chapter shall be deposited in the secure choice retirement savings administrative fund established in section 7 of this act.

(4) The commissioner shall not assess penalties to covered employers until July 1, 2025.

NEW SECTION. Sec. 15. (1) The commissioner must develop an implementation plan that details how the employment security department will design, establish, operate, and market the program under sections 2 through 10 of this act.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the commissioner must submit a report to the appropriate committees of the legislature describing the implementation plan.

(3) Beginning on December 1st of the first year after fully implementing the program, the commissioner must report annually on administrative fees. The report shall include:

(a) A financial update on the status of the secure choice retirement savings administrative fund;

(b) The administrative fee cost basis assigned to each state participating in the program;

(c) The uses of administrative fees; and

(d) A plan to reduce the administrative fee cost basis for covered employees as the assets under management in the secure choice retirement savings trust increase over time.

NEW SECTION. Sec. 16. RCW 43.330.730 (Finding—2015 c 296) is decodified.

Sec. 17. RCW 43.330.732 and 2015 c 296 s 2 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this chapter to participate in the marketplace.

(2) "Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings. The fund generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

(3) "Eligible employer" means a self-employed individual, sole proprietor, or an employer with ~~((fewer than))~~ at least one ~~((hundred))~~ qualified employee(s) at the time of enrollment.

(4) "Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the Washington small business retirement marketplace.

(5) ~~((("myRA" means the myRA retirement program administered by the United States department of the treasury that is available to all employers and employees with no fees or no minimum contribution requirements. A myRA is a Roth IRA option and investments in these accounts are backed by the United States department of the treasury.~~

~~((6)))~~ "Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the Washington small business retirement marketplace who chooses to participate in the marketplace and offers approved plans to employees for voluntary enrollment.

~~((7)))~~ (6) "Private sector financial services firms" or "financial services firms" mean persons or entities licensed or holding a certificate of authority and in good standing by either the department of financial institutions or the office of the insurance commissioner and meeting all federal laws and regulations to offer retirement plans.

~~((8)))~~ (7) "Qualified employee" means those workers who are defined by the federal internal revenue service to be eligible to participate in a specific qualified plan.

~~((9)))~~ (8) "Target date or other similar fund" means a hybrid mutual fund that automatically resets the asset mix of stocks, bonds, and cash equivalents in its portfolio according to a selected time frame that is appropriate for a particular investor. A target date is structured to address a projected retirement date.

~~((10)))~~ (9) "Washington small business retirement marketplace" or "marketplace" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings.

Sec. 18. RCW 43.330.735 and 2017 c 69 s 1 are each amended to read as follows:

(1) The Washington small business retirement marketplace is created.

(2) Prior to connecting any eligible employer with an approved plan in the marketplace, the director shall design a plan for the operation of the marketplace.

(3) The director shall consult with the Washington state department of retirement systems, the Washington state

investment board, and the department of financial institutions in designing and managing the marketplace.

(4) The director shall approve for participation in the marketplace all private sector financial services firms that meet the requirements of RCW 43.330.732~~((7)))~~ (6).

(5) A range of investment options must be provided to meet the needs of investors with various levels of risk tolerance and various ages. The director must approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including but not limited to life insurance plans that are designed for retirement purposes, and plans for eligible employer participation such as: (a) A SIMPLE IRA-type plan that provides for employer contributions to participating enrollee accounts; and (b) a payroll deduction individual retirement account type plan or workplace-based individual retirement accounts open to all workers in which the employer does not contribute to the employees' account.

(6)(a) Prior to approving a plan to be offered on the marketplace, the department must receive verification from the department of financial institutions or the office of the insurance commissioner:

(i) That the private sector financial services firm offering the plan meets the requirements of RCW 43.330.732~~((7)))~~ (6); and

(ii) That the plan meets the requirements of this section excluding subsection (9) of this section which is subject to federal laws and regulations.

(b) If the plan includes either life insurance or annuity products, or both, the office of the insurance commissioner may request that the department of financial institutions conduct the plan review as provided in (a)(ii) of this subsection prior to submitting its verification to the department.

(c) The director may remove approved plans that no longer meet the requirements of this chapter.

(7) The financial services firms participating in the marketplace must offer a minimum of two product options: (a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement and (b) a balanced fund. ~~((The marketplace must offer myRA.))~~

(8) In order for the marketplace to operate, there must be at least two approved plans on the marketplace; however, nothing in this subsection shall be construed to limit the number of private sector financial services firms with approved plans from participating in the marketplace.

(9) Approved plans must meet federal law or regulation for internal revenue service approved retirement plans.

(10) The approved plans must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the Washington small business retirement marketplace.

(11) Financial services firms selected by the department to offer approved plans on the marketplace may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees and must provide information about their product's historical investment performance. Financial services firms may charge enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department and financial services firms. The director shall limit plans to those with total fees the director considers reasonable based on all the facts and circumstances.

(12) Participation in the Washington small business retirement marketplace is voluntary for both eligible employers and qualified employees.

(13) Enrollment in any approved plan offered in the marketplace is not an entitlement.

FIFTH DAY, JANUARY 17, 2020

2020 REGULAR SESSION

Sec. 19. RCW 43.79A.040 and 2019 c 448 s 10, 2019 c 363 s 21, 2019 c 295 s 225, 2019 c 282 s 7, 2019 c 266 s 26, and 2019 c 157 s 4 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse

racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the secure choice retirement savings administrative fund, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 20. RCW 30B.04.040 and 2019 c 389 s 4 are each amended to read as follows:

A person is exempt from the requirement of a certificate of authority or approval under this title if the person is:

(1) An individual, sole proprietor, or general partnership or joint venture composed of individuals;

(2) Engaging in business in Washington state (a) as a national banking association or (b) as a federal mutual savings bank, federal stock savings bank, or federal savings and loan association under authority of the office of the comptroller of the currency;

(3) Acting in a manner otherwise authorized by law and within the scope of authority as an agent of a trust institution with respect to an activity which is not an unauthorized trust activity;

(4) Acting as a fiduciary solely by reason of being appointed by a court to perform the duties of a trustee, guardian, conservator, or receiver;

(5) While holding oneself out to the public as an attorney-at-law, law firm, or limited license legal technician, performing a service customarily performed as an attorney-at-law, law firm, or limited license legal technician in a manner approved and authorized by the supreme court of the state of Washington;

(6) Acting as an escrow agent pursuant to the escrow agent registration act, chapter 18.44 RCW, or in one's capacity as an authorized title agent under Title 48 RCW;

(7) Acting as trustee under a deed of trust delivered only as security for the payment of money or for the performance of another act;

(8) Receiving and distributing rents and proceeds of sale as a licensed real estate broker on behalf of a principal in a manner authorized by the Washington department of licensing;

(9) Engaging in a commodities or securities transaction or providing an investment advisory service in the capacity of a registered broker-dealer, investment ~~((adviser))~~ adviser, or registered representative thereof, provided the activity is regulated by the department, the United States commodities

futures trading commission, or the United States securities and exchange commission;

(10) Engaging in the sale and administration of an insurance product by an insurance company or agent licensed by the office of the insurance commissioner to the extent that the activity is regulated by the office of the insurance commissioner;

(11) Acting as trustee under a voting trust as provided by Washington state law;

(12) Acting as trustee by a public, private, or independent institution of higher education or a university system authorized under Washington state law, including its affiliated foundations or corporations, with respect to endowment funds or other funds owned, controlled, provided to, or otherwise made available to such institution with respect to its educational or research purposes;

(13) Acting as a private trust or private trust company to the extent exempt from regulation of the department as set forth in chapter 30B.64 RCW; ((or))

(14) The trust created in section 8 of this act, or a trustee of such trust; or

(15) Engaging in other activities expressly excluded from the application of this title by rule of the director.

NEW SECTION. Sec. 21. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 22. Sections 2 through 13 of this act are each added to chapter 43.330 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.330.732, 43.330.735, and 30B.04.040; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; creating new sections; decodifying RCW 43.330.730; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Mullet to Engrossed Second Substitute Senate Bill No. 5740.

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

MOTION

On motion of Senator Mullet, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5740.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5740 and the bill

passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting ye: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Dhingra, Pedersen and Zeiger

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:33 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, January 20, 2020.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon adjournment.

Senator Warnick announced a meeting of the Republican Caucus immediately upon adjournment.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 20, 2020

The Senate was called to order at 12:08 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Alexander Scott and Miss Sofia Vigil, presented the Colors. Page Miss Lilly Wyborne led the Senate in the Pledge of Allegiance.

"Lift Every Voice and Sing," known as the Black National Anthem was performed by Ms. Michelle Lang, Mr. Isaiah Banks, and Miss Sydney Coleman representing Seattle's Teen Summer Musical program sponsored by the City of Seattle's Department of Parks and Recreation.

The prayer was offered by Reverend Ms. Troy Lynn Carr of Grace United Methodist Church, Seattle.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Rosa Franklin, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow former Senator Rosa Franklin to address the Senate.

REMARKS BY FORMER SENATOR FRANKLIN

Former Senator Franklin: "Well, thank you Lieutenant Governor. It is indeed a deep honor to be back. It's overwhelming really. And to be in this body, and to see that you came to see me. When Senator Hunt, who sits over there, called me several months ago, and said that the Legislative Oral History Committee has voted for you to tell your story, I thought maybe he was kidding. You can't be that, that can't be true. And then, of course, you, knowing me, I started talking. He reassured me that it was true. So, I am here for that. And, as you, of course, read the story of my life and the work her in this august body, each time I come onto this campus and see what is happening, it is a humbling experience and I know that it is sort of a heavy load but I say everybody should do it once. They will know what it is all about. And so, I would say thank you so much for this honor and as Nancy Pelosi says, 'Yes, I'm praying for you,' because I know what your load is. Thank you so much and it is so great to see you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Pastor Richmond Johnson, from Mount Zion Missionary Baptist Church in Bremerton, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Pastor Richmond Johnson to address the Senate and recite "*I've Been to the Mountaintop*," a speech given by the Reverend Dr. Martin Luther King Jr.'s speech in Memphis, April 3, 1968.

REMARKS BY PASTOR RICHMOND JOHNSON

Pastor Richmond Johnson: "Good evening to each of you. Give honor to God, to my Lord and Savior Jesus Christ. Thanking God for Lieutenant Governor Cyrus Habib, all the senators who are

here. I'm really happy to have Senator Christine Rolfes as our representative in Kitsap County-Bremerton area along with Senator Emily Randall and our wise guru that's been around for quite a while, Senator Timothy Sheldon, who represents Kitsap County. Also, happy my wife is here with me today up in the balcony somewhere, my high school sweetheart Arnetter. I learned her name with the phrase *I need her*. And, I have my granddaughter, the lovely Jenea.

Go with me to Memphis, Tennessee where Dr Martin Luther King delivered his last message. It was on April the third 1968, at the Mason Temple. The next day Dr. King was assassinated. Dr. King realized that his message could be effective when he had an audience that was united with him in conversation. This is referred to as participatory proclamation. The message engages the people by inviting them to be a part of the message. And so, when you participate you invest in the experience you, you put your cell phones off, you Facebook, stop Facebooking and then you collapse sometimes, you shout, you laugh. Our feelings are released in voice.

Dr. King: 'I'm delighted to see each of you here today in spite of a storm warning. You reveal that you are determined to go on anyhow. Something is happening in Memphis. Something is happening in our world. If I was standing at the beginning of time, with the possibility of taking account of general panoramic view of the whole of human history up to now, and the Almighty said to me, '*Martin King, which age would you like to live in?*'

I would take my mental flight by Egypt and I would watch God's children as they journeyed from the dark dungeons of slavery across the Red Sea through the wilderness on into the Promised Land. But I wouldn't stop there. I would move on by Greece and take my mind to Mount Olympus. And I would watch Plato and Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon. And I would watch them gathered around the Parthenon as they discussed the great and moral issues of reality. But I wouldn't stop there.

I would even go by the way of the man for whom I am named had his habitat. And I would watch Martin Luther as he nailed his ninety-five theses on the church door at Wittenberg. But I wouldn't stop there.

I would even come on up to 1863, and I would watch a strategic thinking President by the name of Abraham Lincoln finally come to the conclusion that he had to sign the Emancipation Proclamation. But I wouldn't stop there.

I would even come up to the early thirties, and I would see a man grappling with the problems of bankruptcy of his nation. And come with the eloquent cry that 'we have nothing to fear but fear itself.' But I wouldn't stop there.

I would turn to the Almighty, and I would say, if you would allow me to live just a few years in the second half of the 20th century, I would be happy.

Now that's a strange statement to make, the world is all messed up. Things are going crazy. But I know that somehow, only when it is dark enough can you see the stars. And I see God working in a mighty way, even today. And I'm happy to live in this period because we've been forced to a point where we to the face the sickness in America, the sickness called racism. Racism is still that hound of hell which dogs the tracks of our civilization. And we got to deal with it.

Now, what does that mean in this great period of history? It means that we've got to stay together. We've got to stay together and maintain unity. You know, whenever Pharaoh wanted to

prolong the period of slavery in Egypt, he had a familiar formula for doing it. What was that? He kept the slaves fighting among themselves. Because whenever slaves get together, that's the beginning of getting out of slavery. So, we've got to maintain unity. We don't want to just remember the Alamo; we want to remember slavery. In 1863, the Negro was granted freedom from physical slavery through the Emancipation Proclamation. But he was not given land to make that freedom meaningful. And, at the same time our government was giving away millions of acres of land in the Midwest and the West, which meant that the nation was willing to undercut the white people from Europe and refusing to do it for the black people from Africa who were held in slavery for nearly 244 years. And that is why Frederick Douglass would say, 'Emancipation for the black man was freedom to hunger, freedom without roofs to cover their head, it was freedom without bread to eat, without land to cultivate. It was freedom and famine at the same time. And it is a miracle that the black people have survived.' We've never made any gain in civil rights without constant, persistent, legal and non-violent pressure. Power is not conceded without demand.

While certain communities celebrate capitalism, others of us have no capital. And those that have don't seem to remember that capitalism was built on the back of black slaves. So, I always say to America, is, 'Be true to what you said on paper.' If I lived in China or Russia, or any totalitarian country, maybe I could understand some of these illegal injunctions. Maybe I could understand the denial of certain basic First Amendment privileges, because they haven't committed themselves to that over there. But somewhere I read of the freedom of assembly. Somewhere I read of the freedom of speech. Somewhere I read of the freedom of the press. Somewhere I read that the greatness in America is the right to protest for right. And so just as I say, we aren't going to let dogs or water hoses turn us around, we're not going to let any injunction or racism turn us around. We are going to need all of you.

We need to be concerned about our brother. It's called empathy. Empathy. Now, you do understand empathy. It happened in a third-grade class. A nine-year-old boy was sitting at his desk, when all of a sudden there was a puddle between his legs. He didn't know how it happened. The front of his pants was wet, water going down his legs, and he began to cry. This had never happened to him before. Once the boys found out about him, they would pick on him the rest of his life. Once the girls found out they would never speak to him again. Once the teacher told his mama, she wasn't going to believe it, dad was going to whoop him. The boy started crying. Put his head on his desk and began to pray. He said 'God, this is an emergency. I need help, now. A few minutes from now it will be too late.' He picked up his head, the teacher was walking toward him and he began to say in his mind she done saw the puddle. And as she was walking toward him, one of his classmates named Susie, came in front of the teacher, tripped and dumped a bowl of water from a fishbowl in his lap. And the students started trying to clean up the water and the boy acted like he was upset, but deep down in his heart he was so happy. He was saying, 'Thank you, Lord!' Now the opportunity for him to be embarrassed was changed it was sympathy from the students. The teacher took him downstairs, got him some gym shorts, they cleaned up the mess, saved the fish, but poor Susie. She was looked at with disdain. They didn't even want her to help. Clumsy Susie. And at the end of the day, when they got on the bus nobody would sit by Susie. The little boy went over and sat by Susie and whispered in her ear, 'You did that on purpose, didn't you?' And she whispered back in his ear, 'I wet my pants once too.' Empathy. We've got to come to that point in our lives where we realize that it could be us outside. It could be us, no home and no shelter. So, empathy is what we need. We

need to develop a dangerous kind of empathy. Nothing would be more tragic than for us to stop at this point in history.

One day a man came to Jesus, and he wanted to raise some questions about some vital matters in life. At points, he wanted to trick Jesus and show Jesus he knew a little more than Jesus knew. And so, he asked the question, 'who is my neighbor?' Now, that question could have easily ended up in a theological debate, but Jesus immediately snatched that question out of mid-air and placed it on a dangerous curve between Jerusalem and Jericho and he talked about a certain man who fell among thieves. Some of you all remember a priest and a Levite who passed by, looked at him, didn't stop to help him but another man, from another race, came by, looked at the man, got down from his camel. Administered first aid to him. Put the man on his camel. Took him to an innkeeper. Gave him some money and said I've taken him as far as I can, here is some money, take him a little further, help him a little more and when I come back if I owe you something, I will pay you again. Jesus went on to say this was the good man. This was the great man because he had compassion for his brother. While many have used their imaginations to try to figure out why the priest and the Levite didn't stop. At times they said they were too busy, they had to hurry up and get to church, they didn't want to be late., But I am going to tell you what my imagination is telling me. It's possible that those men were afraid, because the Jericho road was a dangerous road. I remember when Mrs. King and I first visited Jerusalem. We were in a car and we drove down from Jerusalem to Jericho. And as soon as we got on that road I turned to my wife and said I can see why Jesus used this as a setting for his parable It's a winding meandering road and it's really conducive for ambushing. You start out in Jerusalem which is about twelve hundred feet above sea level and by the time you get to Jericho, fifteen or twenty minutes later, you are about twenty-two hundred feet below sea level. That's a dangerous road and the days of Jesus it became known as the bloody path. And so, it's possible that the priest and the Levite looked at that man on the side of the road and wondered were the robbers are still around. It's possible that they thought they were hiding in a dark spot so they could jump on them and rob them. And so the first question that the priest asked was if I stop to help this man what will happen to me? But then the good Samaritan came by and reversed the question 'if I do not stop to help this man, what will happen to him?' And that's the question before you tonight. Not 'if I stop to help the homeless what will happen to me?', but 'if I do not stop to help those in need what will happen to them?' That's the question so let us rise for the greater readiness. Let us stand with a greater determination. We have the opportunity to make America a better nation.

And I want to thank the Lord once more, for allowing me to be here with you. You know several years ago I was in New York City, autographing the first book that I had written. And while I sit there autographing books a black woman came up to me and all I heard was from her was, 'Are you Martin Luther King?' And as I kept my head down writing, I said, 'Yes.' The next thing I remember was a beating on my chest and before I realized that I had been stabbed by this demented woman. It was a dark Saturday afternoon. The blade had went through. I was rushed to the Harlem Hospital. X-rays revealed that the tip of the blade was on my aorta, the main artery, and once this is punctured you drown in your own blood. And that's the end of you. Well, it came out the next morning in the *New York Times* if I had merely sneezed, I would have died. Well about four days later, after the operation, after my chest had been opened up, after the blade had been taken out, I was allowed to move around in a wheelchair in the hospital. I was allowed to read letters that came in from all over the country, all over the world. Kind

EIGHTH DAY, JANUARY 20, 2020

2020 REGULAR SESSION

letters came in. I read a few. But one of them I will never forget. I received one for the President and the Vice President, but I have forgotten what those letters said. I received a letter and a visit from the Governor of New York, but I have forgotten what that letter said. But there was another letter, it came from a little girl, a young girl who was a student at the White Plains High School. I looked at that letter and I'll never forget it. It stated simply:

'Dear Dr. King, I am a ninth-grade student at the White Plains High School. And while it should not matter, I would like to mention that I'm a white girl. I read in the paper of your misfortune, and your suffering. And I read that if you had sneezed, you would have died. Well I'm writing you simply to say I'm so happy that you didn't sneeze.'

And I want to say to you today that I too am happy that I didn't sneeze. Because if I had sneezed, I wouldn't have been around here in 1960, when students all over the South started sitting-in at lunch counters. because I knew that while they were sitting in, they were really standing up and taking us back to understand the American Dream means all of us are created equally human. If I had sneezed, I wouldn't have been here in 1963, when the brothers, the black folk, the black people in Birmingham, Alabama, aroused the conscience of this nation, and brought into being the Civil Rights Bill. If I had sneezed, I wouldn't have been around here later on that year, to tell America about a dream I had. Yes, I'm so happy that I did not sneeze.

I don't know what's going to happen now. I left Atlanta this morning, and we arrived here in Memphis and the some began to talk about the threats that were out on my life. Well, I don't know what's going to happen now. We have some difficult days ahead. But I am not concerned about that now because I've been to the mountaintop. And I don't mind. Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And seen the Promised Land. I may not get there with you. But I know as a people we'll get to the promised land!

Mine eyes have seen the Glory of the coming of the Lord. Halleluiah.

Thank God for Dr. King. Thank God for our Champions of Justice, sister Rosa Franklin, thank God for each of you and God Bless America."

REMARKS BY THE PRESIDENT

President Habib: "I just don't know. I think I speak for all of us when I say I don't think that I have ever had an experience quite as special here in this Washington State Senate Chamber. Was that not unbelievable? It was unbelievable. It was unbelievable. We are so blessed, we are so blessed, I think we will always, all of us, remember that feeling. It gives me chills. Thank you, Pastor. Thank you to everyone who participated in this very special opening ceremony."

MOTION

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

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I add to your thanks and I want to especially thank Senator Becker. She's the one that reminded us that we'd had the pastor before, before I served in the Senate. And, I want to thank my aide, Curt

Kohlwes and the rostrum staff for the interim long search until we finally laid eyes on the Reverend and got him back here to be with us. So, thank you to Senator Becker and the whole team that got him here for us as well. What a great way to start the ceremony."

MOTION

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

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION

8660

By Senators Saldaña, Darneille, Billig, Brown, Salomon, Liias, Randall, Schoesler, Wilson, C., Takko, Sheldon, Stanford, Hobbs, Van De Wege, Conway, Hasegawa, Braun, Warnick, Hawkins, Rivers, Short, Cleveland, Das, Hunt, Frockt, Mullet, Carlyle, McCoy, Kuderer, Wellman, Nguyen, Rolfes, Lovelett, Becker, Dhingra, Ericksen, Fortunato, Holy, Honeyford, Keiser, King, Muzzall, O'Ban, Padden, Pedersen, Wagoner, Walsh, Wilson, L., and Zeiger

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King, Jr., who became a beacon of hope for actualizing racial equality in our nation; and

WHEREAS, 2020 marks the fifty-second anniversary of Dr. King's untimely death; and

WHEREAS, Dr. King used his gift of oration to awaken America to the struggles of disenfranchised communities, particularly African Americans, through nonviolent means; and

WHEREAS, Dr. Martin Luther King, Jr. encouraged others through his dedication to achieving equality. Dr. King once said, "Life's most persistent and urgent question is: What are you doing for others?"; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped transform America; and

WHEREAS, Dr. King's steadfast pursuit of fairness encouraged others, as exemplified in his famous "Letter from Birmingham Jail," in which he said, "Injustice anywhere is a threat to justice everywhere."; and

WHEREAS, Dr. King believed that a person's worth should be measured not by his or her color, culture, or class but rather by his or her commitment to making life better for all through service rendered to each other;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King, Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by condemning racism in all its forms and advancing a more perfect union where all people experience fair treatment under our laws.

Senators Saldaña, Becker, Walsh, Kuderer, O'Ban, Darneille, Fortunato, Randall and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

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

MOTION

On motion of Senator Liias and without objection, the names of all senators were added as co-sponsors to Senate Resolution No. 8660.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8659

By Senator Liias

WHEREAS, The Senate adopted permanent rules for the 2019-2021 biennium under Senate Resolution 8601, as amended by Senate Resolution 8657; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Rule 49 is amended as follows:

"**Rule 49.** All bills reported by a committee or subcommittee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Senate Rules 63 and 64.) A bill may not be referred to the committee on rules for second reading unless a standing committee or subcommittee has held a public hearing on the bill."

Senators Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

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

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

January 17, 2020

SB 6408 Prime Sponsor, Senator Wilson, L.: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Referred to Committee on Financial Institutions, Economic Development & Trade.

January 17, 2020

SB 6464 Prime Sponsor, Senator Wilson, L.: Concerning state building code council membership. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant

Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hawkins and Takko.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Local Government.

January 17, 2020

SGA 9289 FRED JARRETT, appointed on April 15, 2019, for the term ending December 31, 2023, as Member of the Public Disclosure Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 6447;
SENATE BILL NO. 6458;
and SENATE BILL NO. 6469.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6492 by Senators Pedersen, Rolfes, and Wilson, C.

AN ACT Relating to addressing workforce education investment funding through business and occupation tax reform; amending RCW 28C.18.200, 43.79.195, 82.04.290, and 82.04.4451; reenacting and amending RCW 82.32.045; creating new sections; repealing RCW 82.04.299; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6493 by Senators Liias, King, Hobbs, Billig, Saldaña, and Wilson, C.

AN ACT Relating to the Cooper Jones active transportation safety council; adding a new section to chapter 43.59 RCW; and repealing RCW 43.59.155.

Referred to Committee on Transportation.

SB 6494 by Senators Rolfes, Van De Wege, Warnick and McCoy

AN ACT Relating to trust water rights; amending RCW 90.42.005, 90.42.010, 90.42.030, 90.42.040, 90.42.080,

EIGHTH DAY, JANUARY 20, 2020

2020 REGULAR SESSION

90.42.100, 90.42.110, 90.42.130, 90.42.150, 90.42.160, and 90.80.055; reenacting and amending RCW 90.42.020; adding new sections to chapter 90.42 RCW; and repealing RCW 90.42.120.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6495 by Senator Walsh

AN ACT Relating to essential needs and housing support eligibility; and amending RCW 74.04.805.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6496 by Senators Lovelett, Hasegawa, Kuderer, Nguyen, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to the electrification of homes and buildings; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 6497 by Senators Hobbs and Saldaña

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.370, 47.12.340, 82.32.385, and 46.68.320; amending 2019 c 416 ss 103, 105, 108, 109, 201-205, 207-223, 301, 304-311, 401-406, 408, 521-523, 528, 529, 702, and 718 (uncodified); and adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 6498 by Senators Braun, Takko, Rolfes, Wagoner, Becker and Mullet

AN ACT Relating to valuing the carbon in forest riparian easements; amending RCW 76.13.120; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6499 by Senators Schoesler, Hunt, Kuderer, Becker, Conway and Hasegawa

AN ACT Relating to protecting the confidentiality of retirement system files and records relating to health information; amending RCW 42.56.360; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6500 by Senators Padden, Darneille, Nguyen, and Wilson, C.

AN ACT Relating to foster care licensing following a foster-family home licensee's move to a new location; amending RCW 74.15.100; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6501 by Senator Padden

AN ACT Relating to the unlawful disposition of human remains; amending RCW 68.50.130; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6502 by Senators Fortunato and Zeiger

AN ACT Relating to persistent property offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law & Justice.

SB 6503 by Senators Nguyen, Lovelett, Wilson, C., Das and Pedersen

AN ACT Relating to odd-numbered year elections; amending RCW 29A.04.321, 29A.04.330, 29A.04.420, 29A.92.110, 36.105.090, 35.17.020, 35.18.270, 35.23.051, 35.27.090, 35.30.080, 35.61.050, 35A.02.050, 36.32.030, 36.32.0554, 36.69.070, 36.105.050, 36.105.060, 36.69.090, 36.93.051, 36.93.061, and 36.93.063; reenacting and amending RCW 29A.92.050; creating a new section; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6504 by Senators Darneille, Conway, Lovelett, Hasegawa, Nguyen, and Wilson, C.

AN ACT Relating to clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act; amending RCW 36.70A.200; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

SB 6505 by Senators Mullet, Wellman, Hunt, Braun, Holy, Pedersen, Wagoner, Rolfes, Salomon, Padden, McCoy, Liias, Wilson, C., Hawkins, Rivers, Conway, Nguyen and Van De Wege

AN ACT Relating to expanding access to dual credit opportunities by eliminating direct costs to students and families; amending RCW 28A.600.290 and 28A.600.290; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SB 6506 by Senators Hunt, Holy, Mullet, and Wilson, C.

AN ACT Relating to creating a retail liquor license for restaurants operated in connection with a course offered by postsecondary institutions; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor & Commerce.

SB 6507 by Senators Nguyen, Darneille, and Wilson C.

AN ACT Relating to improving legislative reporting requirements for certain department of children, youth, and families programs; and amending RCW 43.216.015, 13.06.050, 43.216.089, 43.216.075, 43.216.020, and 13.40.212.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6508 by Senator Rivers

AN ACT Relating to low-proof alcoholic beverages; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Labor & Commerce.

SB 6509 by Senators Rivers, Van De Wege, Short, Ericksen, Hasegawa, and Wilson, L.

AN ACT Relating to increasing the abundance of salmonids in Washington waters; amending RCW 77.95.320; and creating new sections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6510 by Senators Cleveland, Rivers, Wagoner, Wellman, Honeyford and King

AN ACT Relating to local effort assistance for small school districts and small remote and necessary plants; and amending RCW 28A.500.015.

Referred to Committee on Early Learning & K-12 Education.

SB 6511 by Senators Carlyle, Wilson, C., Hunt, Hasegawa, Nguyen and Zeiger

AN ACT Relating to equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education; amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.300.8001.

Referred to Committee on Early Learning & K-12 Education.

SB 6512 by Senators Rolfes, Kuderer, Sheldon, Lovelett, Hasegawa, and Wilson, C.

AN ACT Relating to the provision of housing for school district employees; amending RCW 28A.335.240, 28A.335.250, 28A.335.130, and 82.29A.130; creating a new section; and repealing RCW 28A.335.270.

Referred to Committee on Early Learning & K-12 Education.

SB 6513 by Senators Frockt, Hunt, Nguyen, Billig, Hasegawa, Kuderer, and Wilson, C.

AN ACT Relating to restricting the use of deepfake audio or visual media in campaigns for elective office; amending RCW 42.17A.005 and 42.17A.340; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6514 by Senators Schoesler and Hunt

AN ACT Relating to irrigation district elections; amending RCW 84.56.020, 87.03.031, 87.03.032, 87.03.033, 87.03.075, and 87.03.085; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on Local Government.

SB 6515 by Senators Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, and Wilson, C.

AN ACT Relating to the medicaid payment methodology for skilled nursing facilities; amending RCW 74.46.561; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6516 by Senators Nguyen, Hasegawa, Stanford and Saldaña

AN ACT Relating to reducing the workweek to thirty-two hours unless the employee receives compensation for employment in excess of these hours at a rate not less than one and one-half times their regular rate; and amending RCW 49.46.130.

Referred to Committee on Labor & Commerce.

SB 6517 by Senators Nguyen, and Wilson, C.

AN ACT Relating to adult entertainers; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SB 6518 by Senators Rolfes, Van De Wege, and Wilson, C.

AN ACT Relating to reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides; adding a new section to chapter 17.21 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6519 by Senators McCoy, Conway, Liias, Lovelett, Salomon, Stanford, Wilson, C. and Zeiger

AN ACT Relating to protection of archaeological and cultural sites by state and local governments and all recipients of state appropriations; adding a new section to chapter 27.53 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6520 by Senators Schoesler, Becker, Mullet and Ericksen

AN ACT Relating to establishing a tax credit for contributions to student scholarship organizations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 83.100 RCW; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6521 by Senators Wellman, Hunt, Mullet, and Wilson, C.

AN ACT Relating to creating an innovative learning pilot program; adding a new section to chapter 28A.300 RCW; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6522 by Senators Wellman, Darneille, Nguyen, Hunt, Das, Hasegawa, Kuderer, Pedersen, and Wilson, C.

EIGHTH DAY, JANUARY 20, 2020

2020 REGULAR SESSION

AN ACT Relating to the courts open to all act; adding new sections to chapter 2.28 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 35.20 RCW; and creating new sections.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 1:29 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, January 21, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, January 21, 2020

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 2020

SB 6034 Prime Sponsor, Senator Keiser: Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Braun and Schoesler.

Referred to Committee on Rules for second reading.

January 20, 2020

SB 6038 Prime Sponsor, Senator Rivers: Concerning acupuncture and Eastern medicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

January 20, 2020

SB 6062 Prime Sponsor, Senator Becker: Concerning direct primary care oversight. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

January 20, 2020

SB 6143 Prime Sponsor, Senator Cleveland: Concerning the podiatric medical board. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

January 20, 2020

SB 6169 Prime Sponsor, Senator Keiser: Training on the prevention of harassment, discrimination, and retaliation. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Braun and Schoesler.

Referred to Committee on Ways & Means.

January 20, 2020

SB 6229 Prime Sponsor, Senator Kuderer: Streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member; Zeiger, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

January 20, 2020

SB 6232 Prime Sponsor, Senator Kuderer: Concerning the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

MOTION

NINTH DAY, JANUARY 21, 2020

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LAURA WATSON, appointed January 8, 2020, for the term ending at the governor's pleasure, as a Director of the Department of Ecology - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9367.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JERRIE L. ALLARD, reappointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9368.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TERI L. FERREIRA, reappointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9369.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICK L. GALLAHER, appointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

2020 REGULAR SESSION

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9370.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN ASHBY, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9371.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAUL T. FRANCIS, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9372.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GUADALUPE GAMBOA, appointed January 15, 2020, for the term ending June 17, 2024, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9373.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TONY F. GOLIK, reappointed January 15, 2020, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9374.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM LYNE, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9375.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSAN MULLANEY, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9376.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TERRI (THERESA) A. STANDISH-, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9377.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAN YOSHIWARA, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9378.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DEREK M. YOUNG, appointed January 15, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9379.

January 16, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KATHRYN GARDOW, reappointed January 16, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9380.

January 16, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HENRY HIX, appointed January 16, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9381.

January 16, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICH NAFZIGER, appointed January 16, 2020, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Economic Development & Trade as Senate Gubernatorial Appointment No. 9382.

January 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL MEOTTI, appointed January 17, 2020, for the term ending June 30, 2022, as Member of the Workforce Education Investment Accountability & Oversight Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9383.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

NINTH DAY, JANUARY 21, 2020

2020 REGULAR SESSION

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

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MESSAGE FROM THE HOUSE

January 20, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1422,

SECOND SUBSTITUTE HOUSE BILL NO. 1783,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6523 by Senators Takko, Rivers, Walsh and Lovelett

AN ACT Relating to the local government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

SB 6524 by Senators Stanford and Schoesler

AN ACT Relating to modifying Washington state horse racing commission provisions; and amending RCW 67.16.100.

Referred to Committee on Labor & Commerce.

SB 6525 by Senators Carlyle, Darneille, and Wilson, C.

AN ACT Relating to modifying six-month trial return home in child welfare dependency proceedings; and amending RCW 13.34.138 and 13.34.145.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6526 by Senators Cleveland, Hasegawa, Keiser, Van De Wege, and Wilson, C.

AN ACT Relating to the reuse and donation of unexpired prescription drugs; and amending RCW 18.64.005 and 69.70.050.

Referred to Committee on Health & Long Term Care.

SB 6527 by Senators Frockt, Padden, Rivers, Van De Wege, Darneille, Dhingra, and Wilson, C.

AN ACT Relating to collecting information regarding police use of deadly force; and adding new sections to chapter 36.28A RCW.

Referred to Committee on Law & Justice.

SB 6528 by Senators Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, and Wilson, C.

AN ACT Relating to the prevention of derelict vessels; amending RCW 79.100.160, 79.100.150, 79.100.170, 88.02.380, and 79.10.130; creating new sections; making appropriations; and providing an expiration date.

SB 6529 by Senators Nguyen, Hunt, McCoy, Das, and Wilson, C.

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 80.28.300, 43.155.120, 70.146.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6530 by Senators Dhingra, and Wilson, C.

AN ACT Relating to postconviction review by the clemency and pardons board; amending RCW 9.94A.728 and 9.94A.880; reenacting and amending RCW 9.94A.885; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6531 by Senators Braun, Takko and Schoesler

AN ACT Relating to the performance of personal services by a craft distillery, distiller, spirits certificate of approval holder, or distributor; and amending RCW 66.28.310.

Referred to Committee on Labor & Commerce.

SB 6532 by Senators Dhingra, and Wilson, C.

AN ACT Relating to the field of behavior analysis; amending RCW 18.380.010, 18.380.020, 18.380.030, 18.380.050, 18.380.060, 18.380.070, 18.380.100, and 18.380.110; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6533 by Senators Lovelett, Nguyen and Van De Wege

AN ACT Relating to school district levies; and amending RCW 84.52.0531.

Referred to Committee on Early Learning & K-12 Education.

SB 6534 by Senator Cleveland

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6535 by Senators Conway, Hasegawa and Nguyen

AN ACT Relating to prohibiting funds available to port districts from being allocated for the purchase of fully automated marine container cargo handling equipment; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Transportation.

SB 6536 by Senators Das, Wilson, C. and Kuderer
AN ACT Relating to creating more housing options in traditionally single-family zones; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 6537 by Senators McCoy, Hasegawa, Dhingra, and Wilson, C.
AN ACT Relating to the membership of the criminal justice training commission; and amending RCW 43.101.030.

Referred to Committee on Law & Justice.

SB 6538 by Senators Wilson, L., Becker, Braun, Takko and Warnick
AN ACT Relating to the collection of survey data pursuant to nurse licensure; and amending RCW 18.79.160.

Referred to Committee on Health & Long Term Care.

SB 6539 by Senators Becker, Hunt, Rivers, Short, Padden, O'Ban, Wilson, L., Schoesler and King
AN ACT Relating to protecting health care information in the possession of legislators in the conduct of their official duties; and amending RCW 42.56.360.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 1023 by House Committee on Health Care & Wellness (originally sponsored by Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jinkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves)
AN ACT Relating to allowing certain adult family homes to increase capacity to eight beds; amending RCW 70.128.010 and 70.128.060; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long Term Care.

2EHB 1056 by Representatives Mosbrucker, Orwall, Sells, Appleton, Jinkins, Macri, Wylie, Bergquist, Doglio, Stanford and Reeves
AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates.

Referred to Committee on Labor & Commerce.

ESHB 1264 by House Committee on Appropriations (originally sponsored by Ortiz-Self, Orwall, Bergquist, Santos, Dolan, Lovick, Peterson, Reeves, Sells, Stanford, Appleton, Callan, Wylie and Pollet)
AN ACT Relating to secondary traumatic stress in public school staff; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 1272 by House Committee on Appropriations (originally sponsored by Thai, Harris, Slatter, Ryu, Riccelli, Kilduff, Caldier, Paul, Peterson, Stonier, Shewmake, Appleton, Orwall, Wylie, Gregerson and Pollet)
AN ACT Relating to promoting student health and success through adequate school lunch durations; amending RCW 28A.235.150; adding new sections to chapter 28A.235 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

2ESHB 1565 by House Committee on Health Care & Wellness (originally sponsored by Robinson, Tharinger, Klippert and Lovick)
AN ACT Relating to certain providers sharing background checks; amending RCW 43.43.830; and reenacting and amending RCW 43.43.832.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1826 by House Committee on Civil Rights & Judiciary (originally sponsored by Leavitt, Kilduff and Morgan)
AN ACT Relating to the disclosure of certain information during the discharge planning process; amending RCW 71.05.365; adding a new section to chapter 71.05 RCW; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

ESHB 2099 by House Committee on Civil Rights & Judiciary (originally sponsored by Irwin and Jinkins)
AN ACT Relating to the use of video technology under the involuntary treatment act; amending RCW 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.235, and 71.05.310; reenacting and amending RCW 71.05.020; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 22, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 22, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Tessa Alford and Miss Ria Sinha, presented the Colors. Page Miss Jordan Codington led the Senate in the Pledge of Allegiance. The prayer was offered by Assistant Pastor Chris Rule, Orting Community Baptist Church.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 21, 2020

SB 5059 Prime Sponsor, Senator Hasegawa: Allowing the legislative gift center to sell products produced in Washington by craft distillers and microbreweries. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Second Substitute Senate Bill No. 5059 be substituted therefor, and the second substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Schoesler; Walsh and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6046 Prime Sponsor, Senator Takko: Concerning special purpose district commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6052 Prime Sponsor, Senator Mullet: Concerning life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of

death of the insured. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das and Hobbs.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6078 Prime Sponsor, Senator Mullet: Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Wilson, L., Ranking Member; Braun; Das and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6131 Prime Sponsor, Senator Mullet: Repealing the debenture company laws from the securities act of Washington. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das and Hobbs.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6237 Prime Sponsor, Senator Kuderer: Authorizing and encouraging cities to notify the department of children, youth, and families of conditions at family day-care provider facilities that could cause harm to a child's health, welfare, or safety. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6305 Prime Sponsor, Senator Liias: Concerning library districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6326 Prime Sponsor, Senator Warnick: Concerning municipal conflicts of interest. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 6475 Prime Sponsor, Senator Hasegawa: Assisting homeless individuals with obtaining identification. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 21, 2020

SB 6484 Prime Sponsor, Senator Frockt: Allowing counties to seek voter approval for a property tax levy to fund community and technical college districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Higher Education & Workforce Development.

January 21, 2020

SGA 9298 LUCERA M. COX, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 21, 2020

SGA 9299 ALEX R. HARRINGTON, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 21, 2020

SGA 9301 MIA A. HYDE, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the Eastern Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 21, 2020

SGA 9307 JOHANNA MAE B. PANTIG, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 21, 2020

SGA 9308 DANIELA H. SUAREZ, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 21, 2020

SGA 9311 PAYTON O. SWINFORD, appointed on July 3, 2019, for the term ending June 30, 2020, as Member of the Washington Student Achievement Council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

TENTH DAY, JANUARY 22, 2020

2020 REGULAR SESSION

SB 6540 by Senators Wilson, C., Wellman, Dhingra, Hasegawa, Kuderer and Saldaña

AN ACT Relating to working connections child care payment authorizations; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6541 by Senators Wagoner, Nguyen, Schoesler, Takko, Sheldon, McCoy, Das, Becker, Conway, Salomon, and Wilson, L.

AN ACT Relating to establishing recreational target shooting areas on public lands; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6542 by Senators Liias, Holy, Randall, Stanford, Carlyle, Dhingra, Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to adopting a uniform statewide automatic admissions policy at the four-year institutions of higher education; adding new sections to chapter 28B.77 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 6543 by Senators Short, Hunt, and Wilson, L.

AN ACT Relating to penalties against agencies which subsequently discover and produce additional responsive records after the close of an initial public records production; and amending RCW 42.56.520.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6544 by Senators Zeiger, Warnick, Takko, Fortunato and Becker

AN ACT Relating to encouraging the success of agriculture on agricultural land; and amending RCW 36.70A.020, 36.70A.177, and 36.70A.190.

Referred to Committee on Local Government.

SB 6545 by Senators Zeiger, Takko, Warnick, Fortunato, Becker and Hasegawa

AN ACT Relating to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Local Government.

SB 6546 by Senators Zeiger, Fortunato and Warnick

AN ACT Relating to incentivizing shared housing; and amending RCW 43.185.050.

Referred to Committee on Housing Stability & Affordability.

SB 6547 by Senators Wellman, Wilson, C., Billig and Saldaña

AN ACT Relating to completing the transfer of the early support for infants and toddlers program from the office of

the superintendent of public instruction to the department of children, youth, and families; amending RCW 28A.155.065, 28A.150.390, 43.216.020, 43.216.576, 28A.225.225, 28A.225.270, and 43.216.015; adding a new section to chapter 43.216 RCW; creating a new section; recodifying RCW 28A.155.065; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6548 by Senators Braun, Becker, King, Schoesler, Wagoner and Warnick

AN ACT Relating to allowing employee choice and flexibility in the executive, administrative, and professional exception to the minimum wage act; amending RCW 49.46.010; adding a new section to chapter 49.46 RCW; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6549 by Senators O'Ban and Becker

AN ACT Relating to the psychology interjurisdictional compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Health & Long Term Care.

SB 6550 by Senators Mullet, Braun, Hobbs, Rivers, Takko, Padden, Becker, Holy, and Wilson, L.

AN ACT Relating to local effort assistance for charter schools; and amending RCW 28A.500.015.

Referred to Committee on Early Learning & K-12 Education.

SB 6551 by Senators Stanford, Saldaña, Darneille, Dhingra, Frockt, Hasegawa, and Wilson, C.

AN ACT Relating to integrating international medical graduates into Washington's health care delivery system; amending RCW 18.71.051 and 18.71.095; adding new sections to chapter 18.71 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6552 by Senators Stanford and Hasegawa

AN ACT Relating to eliminating the three-day waiting period for receiving industrial insurance compensation; and amending RCW 51.32.090.

Referred to Committee on Labor & Commerce.

SB 6553 by Senators Frockt, Dhingra, Keiser, Liias, Van De Wege, Cleveland, Darneille, Das, Hasegawa, Kuderer, Lovelett, Saldaña, Salomon, and Wilson, C.

AN ACT Relating to facilitating access to appropriate mental health treatment for victims of gun violence; adding a new section to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SB 6554 by Senators Padden, Warnick, Becker, Hasegawa, and Wilson, L.

AN ACT Relating to exempting dietary supplements from sales and use tax; amending RCW 82.08.0293 and 82.12.0293; creating new sections; and repealing RCW 82.08.925 and 82.12.925.

Referred to Committee on Health & Long Term Care.

SB 6555 by Senators Muzzall, Rivers, Holy, Sheldon, Padden, Wagoner, Becker, O'Ban, Warnick, and Wilson, L.

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, and 46.61.504; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6556 by Senators Cleveland, Darneille, and Wilson, C.

AN ACT Relating to expanding reporting options for mandated reporters of child abuse and neglect; adding a new section to chapter 26.44 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6557 by Senators Saldaña, Nguyen, Hasegawa, Kuderer, and Wilson, C.

AN ACT Relating to adding individual tax identification number filers to the working families tax credit; amending RCW 82.08.0206; creating a new section; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6558 by Senators Nguyen, Darneille, Dhingra, Hasegawa, Saldaña, and Wilson, C.

AN ACT Relating to contracting with private correctional facilities for the transfer or placement of offenders; amending RCW 72.68.040, 72.68.010, and 72.68.001; reenacting and amending RCW 72.09.050; adding a new section to chapter 72.68 RCW; creating a new section; and repealing RCW 72.68.012.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6559 by Senators Conway, Holy, Randall, and Wilson, C.

AN ACT Relating to increasing the maximum Washington college grant award at independent institutions of higher education; and amending RCW 28B.92.030.

Referred to Committee on Higher Education & Workforce Development.

SB 6560 by Senators Wilson, C., Hunt, Salomon, Saldaña, Liias, Randall, Nguyen, Van De Wege, Das, Hasegawa and Kuderer

AN ACT Relating to studying the feasibility of postsecondary student housing within retirement facilities; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6561 by Senators Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, and Wilson, C.

AN ACT Relating to higher education funding options for dreamers; adding a new chapter to Title 28B RCW; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 6562 by Senators Liias, Frockt, Randall, Keiser, Sheldon, Zeiger, Van De Wege, Carlyle, Hunt, Kuderer, and Wilson, C.

AN ACT Relating to creating Seattle NHL hockey special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6563 by Senators Conway, Zeiger, Hasegawa, and Wilson, C.

AN ACT Relating to creating statutory authorization for school-based health centers; adding a new section to chapter 28A.335 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6564 by Senators Braun, Becker and Zeiger

AN ACT Relating to providing incentives to employers to hire certain hard-to-place job seekers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6565 by Senators Randall, Nguyen, Lovelett, Hasegawa, Das, Saldaña, and Wilson, C.

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

SB 6566 by Senators Randall, Rolfes, and Wilson, C.

AN ACT Relating to amending the schedule for updates to the comprehensive plan of Kitsap county that are required under the growth management act to match the update schedules of other central Puget Sound counties; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

SB 6567 by Senators Frockt, Conway, Short, Pedersen, Cleveland, Kuderer, Randall, Hunt, Saldaña, Takko, Wellman, and Wilson, C.

AN ACT Relating to recognizing the eighteenth day of December as blood donor day; reenacting and amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

TENTH DAY, JANUARY 22, 2020

2020 REGULAR SESSION

SJM 8019 by Senators Liias, Wagoner, Hobbs, Becker, Saldaña, Wellman, Wilson, C. and Zeiger
Requesting Congress to address volcano early warning and monitoring.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Nguyen moved adoption of the following resolution:

SENATE RESOLUTION
8661

By Senators Nguyen, Wagoner, Kuderer, Padden, Das, Wellman, Randall, Billig, Cleveland, Saldaña, and Brown

WHEREAS, On this 25th day of January in 2020, the people of Washington join the celebration of the Lunar New Year, which is observed in many Asian cultures around the world; and

WHEREAS, Asian Americans are an integral component of the diverse fabric of Washington state and are among the fastest growing populations in Washington; and

WHEREAS, The Lunar New Year is an important cultural event when Asian Americans celebrate their customs and traditions with traditional foods, costumes, and spiritual practices; and

WHEREAS, Festivals marking the Lunar New Year take place each year in communities throughout our state, providing opportunities for all to take part in this cultural experience; and

WHEREAS, The current makeup of the Washington State Legislature is the most diverse in our state's history, and therefore a better reflection of the people it serves; and

WHEREAS, This is a time to reflect on our successes and challenges from the past, to learn from those experiences, and create new goals and objectives for the coming year; and

WHEREAS, We commend this Lunar New Year tradition of familial reunion, and hope to reflect these practices as a unified legislative body; and

WHEREAS, In observation of this Lunar New Year, and according to the zodiac calendar observed in many Asian cultures, this year is designated as the Year of the Rat, an animal sign characterized by optimism and energetic qualities that we hope our chamber will strive to emulate;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commemorate the many contributions of Washington state's Asian American people and communities through recognition of the Lunar New Year.

Senators Nguyen, Wagoner and Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

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

MOTION

At 10:16 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 11:21 a.m. by President Habib.

MOTION

On motion of Senator Liias and without objection, Senate Rule No. 56 was suspended for the day and senators allowed to add their name to newly introduced measures until 4:00 p.m., owing to a delay in the distribution of the day's Introduction Report.

EDITOR'S NOTE: Senate Rule No. 56 provides senators the ability to add their names to any measure until 2:00 p.m. on the day of introduction of the measure.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Warnick moved that Jonathan Lane, Senate Gubernatorial Appointment No. 9046, be confirmed as a member of the Big Bend Community College Board of Trustees.

Senator Warnick spoke in favor of the motion.

APPOINTMENT OF JONATHAN LANE

The President declared the question before the Senate to be the confirmation of Jonathan Lane, Senate Gubernatorial Appointment No. 9046, as a member of the Big Bend Community College Board of Trustees.

The Secretary called the roll on the confirmation of Jonathan Lane, Senate Gubernatorial Appointment No. 9046, as a member of the Big Bend Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Jonathan Lane, Senate Gubernatorial Appointment No. 9046, having received the constitutional majority was declared confirmed as a member of the Big Bend Community College Board of Trustees.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt and Kuderer)

Concerning comprehensive sexual health education.

The bill was read on Third Reading.

Senators Wilson, C., Wellman, Darneille, Dhingra and Rolfes spoke in favor of passage of the bill.

Senators Hawkins, Short, Padden, Fortunato, Ericksen and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5389, by Senate Committee on Ways & Means (originally sponsored by Becker, Cleveland, Bailey, Wilson, L., Brown, Walsh and Warnick)

Establishing a telehealth training and treatment program to assist youth.

The bill was read on Third Reading.

MOTION

On motion of Senator Becker, the rules were suspended and Engrossed Substitute Senate Bill No. 5389 was returned to second reading for the purposes of amendment.

MOTION

Senator Becker moved that the following striking floor amendment no. 904 by Senator Becker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 23. The legislature recognizes that unaddressed mental illness is a growing problem in Washington state. Early identification, intervention, and prevention are critical to a student's success in school and life. Other states have demonstrated that students' grades increase and truancy decreases by addressing mental health among students in schools. Future mental health care and housing costs will be reduced by addressing mental health issues early.

NEW SECTION. Sec. 24. A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington, in collaboration with project ECHO (extension for community healthcare outcomes), shall design a training curriculum and training delivery system to train middle, junior high, and high school staff to identify students who are at risk for substance abuse, violence, or youth suicide.

(2) The training curriculum in subsection (1) of this section must:

- (a) Be developed in consultation with mental health providers;
- (b) Align with national best practices; and
- (c) Be designed to assist any school staff in identifying students who:

- (i) May be struggling with mental health issues;
- (ii) Have had thoughts of suicide or harming others; and
- (iii) Have abused, are abusing, or are at risk of abusing alcohol or drugs, including opioids.

(3) The training delivery system in subsection (1) of this section must utilize live teleconference or store-and-forward technology to deliver the trainings to school staff.

(4) Project ECHO shall coordinate with medical schools, hospitals, clinics, and independent providers to develop a directory of psychiatrists licensed to practice in Washington state who have access to telemedicine technology and are able to provide psychiatric teleconsultations to students who are determined to be at risk for substance abuse or committing violence to themselves or others. Project ECHO must update the directory periodically and make the directory available to all middle, junior high, and high schools in the state.

(5) For purposes of this section, "project echo" means the University of Washington school of medicine extension for community healthcare outcomes program.

NEW SECTION. Sec. 25. A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington, in collaboration with project ECHO (extension for community healthcare outcomes), shall seek grants, gifts, and donations to support:

(a) The development of the training curriculum, training delivery system, and directory of psychiatrists required by section 2 of this act; and

(b) The reimbursement for health care services provided by psychiatrists for the provision of psychiatric teleconsultations to students who do not have health insurance coverage.

(2) The University of Washington shall develop:

(a) A system to receive reimbursement requests from, and to distribute reimbursements to, psychiatrists who provide health care services under this section; and

(b) Methodology for determining the amount of a reimbursement paid to a psychiatrist.

(3) For purposes of this section, "project ECHO" means the University of Washington school of medicine extension for community healthcare outcomes program.

TENTH DAY, JANUARY 22, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 26. A new section is added to chapter 28A.210 RCW to read as follows:

(1) If a certificated or classified employee trained under section 7 of this act, or a school counselor, school psychologist, or school social worker, identifies a student who may be at risk for substance abuse, violence, or youth suicide, a school counselor, school psychologist, school social worker, or school nurse must screen the student to determine if the student is at risk for substance abuse, violence, or youth suicide.

(2) If a school counselor, school psychologist, school social worker, or school nurse determines that a student is at risk for substance abuse, violence, or youth suicide, the student's school district must, subject to receiving consent under subsection (4) of this section, schedule a psychiatry teleconsultation for the student within thirty days of the determination, in accordance with the following:

(a) The school district must utilize the directory developed by project ECHO under section 2 of this act to enlist a psychiatrist to provide the student with two psychiatry teleconsultations;

(b) The school district must provide an unoccupied room and the technology necessary for the student to connect with the remote psychiatrist for the teleconsultations; and

(c) The school district must allow the student to participate in the two teleconsultations during normal school hours.

(3) If, following the initial psychiatry teleconsultation as described in subsection (2) of this section, a psychiatrist recommends a second psychiatry teleconsultation then the student's school district must, subject to receiving consent under subsection (4) of this section, schedule a second psychiatry teleconsultation for the student within thirty days of the recommendation, in accordance with subsection (2) of this section.

(4) The school district may not schedule a psychiatry teleconsultation for a student without first receiving authorization from the student, or if the student is a minor under the age of thirteen, written authorization from a parent or person who may consent on behalf of the minor under RCW 7.70.065.

(5) Following a second psychiatric teleconsultation, the school district must work with the psychiatrist to refer the student to any appropriate medical, mental health, or behavioral health services.

(6) Psychiatrists who provide teleconference services in accordance with subsections (2) and (3) of this section may seek reimbursement for the health care services provided from the health plan in which a student is enrolled, including apple health for kids. For students with no health coverage, a psychiatrist may seek reimbursement from the state for any uncompensated health care services provided to the students.

(7) For purposes of this section, "project ECHO" means the University of Washington school of medicine extension for community healthcare outcomes program.

Sec. 27. RCW 28A.410.226 and 2013 c 197 s 2 are each amended to read as follows:

(1) As provided under subsections (2) and (3) of this section, individuals certified by the professional educator standards board as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on identifying and referring students who are at risk for substance abuse, violence, and youth suicide ((screening and referral)), including utilizing teleconsultation, as a condition of certification. The training program must be at least three hours in length. The professional educator standards board must adopt standards for the minimum content of the training in consultation with the office of the superintendent of public instruction and the department of health. In developing the standards, the board must consider training programs listed on the best practices registry of

the American foundation for suicide prevention and the suicide prevention resource center.

(2) This section applies to the following certificates if the certificate is first issued or is renewed on or after July 1, ~~((2015))~~ 2020:

(a) Continuing certificates for school nurses;

(b) Continuing certificates for school social workers;

(c) Continuing and professional certificates for school psychologists; and

(d) Continuing and professional certificates for school counselors.

(3) A school counselor who holds or submits a school counseling certificate from the national board for professional teaching standards or a school psychologist who holds or submits a school psychologist certificate from the national association of school psychologists in lieu of a professional certificate must complete the training program under subsection (1) of this section by July 1, ~~((2015))~~ 2020, or within the five-year period before the certificate is first submitted to the professional educator standards board, whichever is later, and at least once every five years thereafter in order to be considered certified by the professional educator standards board.

(4) The professional educator standards board shall ~~((consider the training program under subsection (1) of this section as approved continuing education under RCW 28A.415.020 and shall))~~ count the training program under subsection (1) of this section toward meeting continuing education requirements for certification as a school nurse, school social worker, school psychologist, or school counselor.

Sec. 28. RCW 28A.410.035 and 2013 c 197 s 3 and 2013 c 10 s 2 are each reenacted and amended to read as follows:

(1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The course must also include the training curriculum created under section 2 of this act. To receive initial certification after August 31, ~~((2014))~~ 2020, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.

NEW SECTION. Sec. 29. A new section is added to chapter 28A.400 RCW to read as follows:

(1) Beginning in the 2021-22 school year, school districts shall require all certificated and classified employees at each school to receive training based on the curriculum developed under section 2 of this act.

(2) The training required under this section may be incorporated within existing training programs and related resources.

NEW SECTION. Sec. 30. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district.

NEW SECTION. Sec. 31. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 28A.410.226; reenacting and amending RCW 28A.410.035; adding new sections to chapter 28B.20 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; and declaring an emergency."

MOTION

Senator Becker moved that the following floor amendment no. 906 by Senator Becker to the striking amendment be adopted:

On page 2, line 3, after "psychiatrists" insert "and psychologists"

On page 2, line 4, after "provide" strike "psychiatric"

On page 2, line 19, after "psychiatrists" insert "and psychologists"

On page 2, line 22, after "psychiatrists" insert "and psychologists"

On page 2, line 22, after "of" strike "psychiatric"

On page 2, line 26, after "psychiatrists" insert "and psychologists"

On page 2, line 29, after "psychiatrist" insert "or psychologist"

On page 3, line 8, after "a" strike "psychiatry"

On page 3, line 12, after "psychiatrist" insert "or psychologist"

On page 3, line 13, after "two" strike "psychiatry"

On page 3, line 16, after "psychiatrist" insert "or psychologist"

On page 3, line 19, after "initial" strike "psychiatry"

On page 3, at the beginning of line 21, insert "or psychologist"

On page 3, line 21, after "second" strike "psychiatry"

On page 3, line 23, after "second" strike "psychiatry"

On page 3, line 26, after "a" strike "psychiatry"

On page 3, line 31, after "second" strike "psychiatry"

On page 3, line 32, after "psychiatrist" insert "or psychologist"

On page 3, line 34, after "Psychiatrists" insert "or psychologists"

On page 3, line 38, after "psychiatrist" insert "or psychologist"

Senators Becker and Cleveland spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 906 by Senator Becker on page 2, line 3 to the striking amendment.

The motion by Senator Becker carried and floor amendment no. 906 as amended was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 904 by Senator Becker as amended to Engrossed Substitute Senate Bill No. 5389.

The motion by Senator Becker carried and striking floor amendment no. 904 as amended was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5167, by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Hasegawa, Saldaña, Darneille, Frockt, Keiser, Nguyen and Mullet)

Addressing the linked deposit program.

The bill was read on Third Reading.

MOTION

On motion of Senator Hasegawa, the rules were suspended and Substitute Senate Bill No. 5167 was returned to second reading for the purposes of amendment.

MOTION

Senator Hasegawa moved that the following striking floor amendment no. 915 by Senator Hasegawa be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 32.** RCW 43.86A.060 and 2009 c 385 s 3 and 2009 c 384 s 1 are each reenacted and amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

TENTH DAY, JANUARY 22, 2020

2020 REGULAR SESSION

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190; or

(iii) That are made to a community development financial institution that is: (A) Certified by the United States department of the treasury pursuant to 12 U.S.C. Sec. 4701 et seq.; and (B) using that loan to make qualifying loans under (c)(i) of this subsection;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer may lower the amount of the preference to ensure that the effective interest rate on the deposit is not less than zero percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) A line of credit issued under the linked deposit program that has a zero balance for twelve or more months must be removed from the program.

(6) The office of minority and women's business enterprises has the authority to adopt rules to prioritize loans that:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime;

(d) Limit the total amount of any one qualified loan made under the linked deposit program; ~~(and)~~

(e) Ensure that loans made by community development financial institutions are qualifying loans under subsection (2)(c)(i) of this section; and

(f) Ensure that when making a qualified loan under the linked deposit program priority is given to loans that:

(i) Create jobs in underserved communities that have inadequate access to capital; and

(ii) Are for applicants that do not currently have loans with other small business lending agencies."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and reenacting and amending RCW 43.86A.060"

Senator Hasegawa spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Rivers, Senators Becker, Ericksen and O'Ban were excused.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 915 by Senator Hasegawa to Substitute Senate Bill No. 5167.

The motion by Senator Hasegawa carried and striking floor amendment no. 915 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5167.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and O'Ban

ENGROSSED SUBSTITUTE SENATE BILL NO. 5167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5792, by Senators Salomon, Wellman, Walsh and Honeyford

Making statutory requirements and policies for cultural access programs the same in all counties of the state.

The bill was read on Third Reading.

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

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5792.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5792 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Becker, Ericksen and O'Ban

SENATE BILL NO. 5792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, by Senate Committee on Ways & Means (originally sponsored by Liias, King, Hunt and Braun)

Modernizing resident distillery marketing and sales restrictions.

The bill was read on Third Reading.

Senator Liias spoke in favor of passage of the bill.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a 5th grade class of Leland P. Brown Elementary School of Olympia, including Andy Gorrell, son of Ms. Jeannie Gorrell, Senate Counsel, and Toby Cushing, son of Ms. Kim Cushing, Staff Counsel, Senate Committee Services, who were seated in the gallery.

Senator King spoke in favor of passage of the bill.

Senator Stanford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5549.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5549 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Darneille, Hasegawa, McCoy, Padden, Stanford and Van De Wege

Excused: Senators Becker, Ericksen and O'Ban

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. My mother, Verna King, is having a birthday today, one hundred and two. Happy Birthday Mom."

The Senate rose in recognition of the 102nd birthday of Mrs. Verna King.

MOTION

At 12:25 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, January 23, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 23, 2020

The Senate was called to order at 12:03 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 22, 2020

SB 5033 Prime Sponsor, Senator Carlyle: Concerning employment after public service in state government. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 5144 Prime Sponsor, Senator Dhingra: Implementing child support pass-through payments. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5144 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 21, 2020

SSB 5164 Prime Sponsor, Committee on Ways & Means: Providing public assistance to certain victims of human trafficking. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5164 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 21, 2020

SSB 5488 Prime Sponsor, Committee on Human Services, Reentry & Rehabilitation: Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5488 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

January 21, 2020

SB 5640 Prime Sponsor, Senator Holy: Concerning youth courts. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6039 Prime Sponsor, Senator Keiser: Enacting the living donor act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6039 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6045 Prime Sponsor, Senator Takko: Concerning vulnerable users of a public way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6087 Prime Sponsor, Senator Keiser: Imposing cost-sharing requirements for coverage of insulin products. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6087 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6102 Prime Sponsor, Senator Wellman: Adjusting stop signal requirements for school buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6113 Prime Sponsor, Senator Keiser: Creating a central insulin purchasing program. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member; Becker and Muzzall.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6115 Prime Sponsor, Senator Takko: Concerning off-road vehicle registrations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko and Wilson, C.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6123 Prime Sponsor, Senator Hunt: Allowing state employee leave for organ donation. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6134 Prime Sponsor, Senator Hunt: Concerning state reimbursement of election costs. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member; Zeiger, Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6158 Prime Sponsor, Senator Dhingra: Concerning model sexual assault protocols for hospitals and clinics. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

Referred to Committee on Rules for second reading.

January 22, 2020

SB 6397 Prime Sponsor, Senator Frockt: Concerning nonparticipating providers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6514 Prime Sponsor, Senator Schoesler: Addressing irrigation district elections. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Local Government.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

ELEVENTH DAY, JANUARY 23, 2020

2020 REGULAR SESSION

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

MESSAGE FROM THE HOUSE

January 22, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1304,
HOUSE BILL NO. 1702,
HOUSE BILL NO. 1755,
HOUSE BILL NO. 1829,
ENGROSSED HOUSE BILL NO. 1948,
HOUSE BILL NO. 2051,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6568 by Senators Mullet and Braun

AN ACT Relating to the application of gambling loss recovery laws to certain online games of chance; amending RCW 4.24.070; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6569 by Senators Lovelett, Nguyen and Das

AN ACT Relating to local options for tabulating votes in an election; amending RCW 29A.60.221, 29A.52.112, 29A.52.210, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, and 28A.343.320; reenacting and amending RCW 29A.36.170; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; creating a new section; repealing RCW 29A.04.127; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6570 by Senators King, Saldaña and Wagoner

AN ACT Relating to law enforcement officer mental health and wellness; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6571 by Senators Hunt, Darneille and Zeiger

AN ACT Relating to expanding powers granted to state historical societies; and amending RCW 27.34.070.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6572 by Senators Fortunato, Ericksen and Honeyford

AN ACT Relating to uniform due process of land use code violations; amending RCW 36.70.670, 35A.63.120, 19.27.050, and 35.63.080; and creating a new section.

Referred to Committee on Local Government.

SB 6573 by Senators Van De Wege and Braun

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal and state forestlands; amending RCW 28A.150.250 and 28A.520.020; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6574 by Senators Takko and Short

AN ACT Relating to clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office; and amending RCW 36.70A.250, 36.70A.252, 36.70A.260, 36.70A.270, and 43.21B.005.

Referred to Committee on Local Government.

SB 6575 by Senators Darneille, Nguyen, Wilson, C., Cleveland and Hasegawa

AN ACT Relating to creating the economic assistance reinvestment account; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6576 by Senators Darneille, Wilson, C., Nguyen, Hasegawa and Cleveland

AN ACT Relating to creating prison to postsecondary education pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6577 by Senators Liias, Nguyen and Das

AN ACT Relating to creating a statewide child savings account program; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6578 by Senators Honeyford, Van De Wege, King and Takko

AN ACT Relating to designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance; amending RCW 43.157.010; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6579 by Senator Keiser

AN ACT Relating to clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products; amending RCW 69.50.342; reenacting and amending RCW

69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SB 6580 by Senator Mullet

AN ACT Relating to organ transport vehicles; amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6581 by Senators Lovelett and Nguyen

AN ACT Relating to funding youth health care access and affordability, housing affordability, and wages for child care providers through a more progressive estate tax rate structure; amending RCW 83.100.040 and 83.100.230; reenacting and amending RCW 83.100.020; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6582 by Senators Hobbs, Stanford, Muzzall, Salomon, McCoy, Wagoner and Liias

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Local Government.

SB 6583 by Senators Zeiger and Padden

AN ACT Relating to moving the manufacture of fentanyl on the drug seriousness level chart from II to III; and amending RCW 9.94A.518.

Referred to Committee on Law & Justice.

SB 6584 by Senators Zeiger, Pedersen, O'Ban and Padden

AN ACT Relating to the unlawful purchase of a firearm; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6585 by Senators Zeiger, Walsh, Darneille and O'Ban

AN ACT Relating to encouraging the use of medication-assisted treatment within jails; and reenacting and amending RCW 71.24.580.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6586 by Senators Saldaña, Hobbs and Liias

AN ACT Relating to implementing a per mile charge on electric and hybrid vehicles; adding a new section to chapter 46.17 RCW; creating a new section; repealing RCW 46.17.324; and providing effective dates.

Referred to Committee on Transportation.

SB 6587 by Senator Zeiger

AN ACT Relating to exempting statewide fairs from state property taxes; amending RCW 84.36.480; adding a new section to chapter 84.55 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 6588 by Senators Darneille, Nguyen, Wilson, C. and Cleveland

AN ACT Relating to revising the name, term, membership, and duties of the children's mental health work group; and amending RCW 74.09.4951.

Referred to Committee on Health & Long Term Care.

SB 6589 by Senator Stanford

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 42.56.380 and 43.23.033; and adding a new chapter to Title 15 RCW.

Referred to Committee on Labor & Commerce.

SB 6590 by Senators Wilson, C., Randall, Kuderer and McCoy

AN ACT Relating to the rights of clients of the developmental disabilities administration of the department of social and health services; and adding a new chapter to Title 71A RCW.

Referred to Committee on Health & Long Term Care.

SB 6591 by Senator Dhirga

AN ACT Relating to establishing a work group to address mental health advance directives; adding a new section to chapter 71.32 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6592 by Senators Holy, Hunt, Takko and Keiser

AN ACT Relating to tourism authorities; amending RCW 35.101.010, 35.101.050, and 35.101.130; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6593 by Senator Cleveland

AN ACT Relating to creating a new health profession for doulas; reenacting and amending RCW 18.130.040; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6594 by Senators Conway, Keiser, Saldaña and Randall

AN ACT Relating to health system transparency; amending RCW 43.70.052, 70.01.040, 70.41.470, and 70.170.060; adding a new section to chapter 70.230 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 6595 by Senators Lovelett and Das

AN ACT Relating to making condominium and homeowner association dues allocated based on the assessed value of each condominium or home as a percentage of the total value of all units or lots in the association; amending RCW 64.34.224 and 64.90.235; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Law & Justice.

ELEVENTH DAY, JANUARY 23, 2020

2020 REGULAR SESSION

ESHB 1422 by House Committee on Civil Rights & Judiciary (originally sponsored by Valdez, Harris, Tharinger, Jinkins, Macri, Kilduff, Van Werven, Doglio, Morgan, Fey and Ormsby)

AN ACT Relating to the protection of vulnerable adults; amending RCW 74.34.020, 74.34.063, 74.34.095, 74.34.110, 74.34.300, 74.39A.056, 13.50.010, and 68.50.105; adding a new section to chapter 74.34 RCW; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 1783 by House Committee on Appropriations (originally sponsored by Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame and Robinson)

AN ACT Relating to creating the Washington state office of equity; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION 8662

By Senator Brown

WHEREAS, The United Nations designated 2019 as the International Year of the Periodic Table of Chemical Elements on December 20, 2017; and in doing so recognized the development of the periodic table of elements as one of the most significant achievements in science and a uniting scientific concept, with broad applications and implications in astronomy, chemistry, physics, biology, and other natural sciences; and

WHEREAS, The International Year of the Periodic Table will coincide with the 150th anniversary of the development of the periodic table of elements by Dmitry Mendeleev in 1869; and

WHEREAS, The periodic table of elements is a unique tool enabling scientists to predict the appearance and properties of matter on Earth and in the Universe; and

WHEREAS, Washington acknowledges that the International Year of the Periodic Table of Chemical Elements will give an opportunity to show how these chemical elements are central to

improving the human condition and addressing the world's great challenges related to water, food, health, security, and energy; and

WHEREAS, It is critical that the brightest young minds continue to be attracted to chemistry and other branches of science in order to ensure the next generation of scientists, engineers, and innovators; and

WHEREAS, The American Chemical Society is committed to improving people's lives through the transforming power of chemistry and advancing the broader chemistry enterprise and chemistry practitioners for the benefits of Earth and its people; and

WHEREAS, The American Chemical Society encourages its members in Washington to work with their colleagues to organize outreach activities to instill public appreciation of the periodic table of elements and its contributions to the betterment of life on this planet;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the International Year of the Periodic Table of Chemical Elements and observe the 150th anniversary of its development.

Senators Brown and Saldaña spoke in favor of adoption of the resolution.

The President announced that the reading of speeches by senators is not allowed under the rules of the senate.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

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

REMARKS BY THE PRESIDENT

President Habib: "I don't think that many of us know that, can name very many items on the periodic table, but I believe that probably ninety percent of those in the state who can live in Senator Brown's district where there are so many brilliant engineers and scientists and researchers. So, wonderful resolution and recognition."

MOTION

At 12:09 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, January 24, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 24, 2020

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators McCoy and Walsh.

The Sergeant at Arms Color Guard consisting of Pages Miss Betty Roberts and Mr. Waylon Menzia, presented the Colors. Page Miss Lily Hubbard led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Saldaña, 37th Legislative District, Seattle which consisted of a brief reading from "*Pedagogy of the Oppressed*" authored by Paulo Freire and a performance of the Senator's favorite hymn, "*Here I am Lord.*"

MOTIONS

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

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Health & Long Term Care was granted special leave to meet during the day's floor session.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 23, 2020

SB 5149 Prime Sponsor, Senator Wilson, L.: Monitoring of domestic violence perpetrators. Reported by Committee on Law & Justice

MAJORITY recommendation: That Second Substitute Senate Bill No. 5149 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 5299 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

January 23, 2020

SB 5676 Prime Sponsor, Senator Takko: Authorizing cities planning under the growth management act to impose certain real

estate excise taxes by councilmanic action. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 5680 Prime Sponsor, Senator Liias: Concerning the creation of parks benefit districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6027 Prime Sponsor, Senator Pedersen: Concerning floating residences. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6027 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6035 Prime Sponsor, Senator Keiser: Concerning liquor license employees. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6071 Prime Sponsor, Senator Van De Wege: Concerning increased deterrence and meaningful enforcement of fish and wildlife violations. Reported by Committee on Agriculture, Water, Natural Resources & Parks

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6071 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Short.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6077 Prime Sponsor, Senator Kuderer: Concerning high capacity magazines. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6090 Prime Sponsor, Senator Warnick: Limiting fire protection service agency liability for the installation of detection devices. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6091 Prime Sponsor, Senator Warnick: Continuing the work of the Washington food policy forum. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6119 Prime Sponsor, Senator Conway: Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6126 Prime Sponsor, Senator Hunt: Allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6147 Prime Sponsor, Senator Salomon: Concerning the replacement of shoreline armoring. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6147 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6155 Prime Sponsor, Senator Cleveland: Concerning the rape of a child. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6155 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6162 Prime Sponsor, Senator Dhingra: Concerning victims of nonfatal strangulation. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6180 Prime Sponsor, Senator Darneille: Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6182 Prime Sponsor, Senator Padden: Concerning closed captioning on televisions in places of public accommodation. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6188 Prime Sponsor, Senator Zeiger: Concerning the consumption of alcohol for certain special events held on agricultural fairgrounds. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Ways & Means.

January 22, 2020

SB 6204 Prime Sponsor, Senator Darneille: Concerning prisoner fatality and near fatality reviews for persons in the custody of the department of corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6204 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6220 Prime Sponsor, Senator Dhingra: Concerning restitution. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6224 Prime Sponsor, Senator Lovelett: Concerning collective bargaining for administrative law judges. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6224 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6280 Prime Sponsor, Senator Nguyen: Concerning the use of facial recognition services. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Rivers and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member Fortunato, Assistant Ranking Member, Environment.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6288 Prime Sponsor, Senator Dhingra: Creating the Washington office of firearm violence prevention. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6288 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6294 Prime Sponsor, Senator Salomon: Concerning concealed pistol license training requirements. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6306 Prime Sponsor, Senator Liias: Creating the Washington soil health initiative. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair;

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6357 Prime Sponsor, Senator Conway: Increasing the dollar limit of pull-tabs. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6406 Prime Sponsor, Senator Wilson, L.: Concerning firearms. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6406 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6420 Prime Sponsor, Senator Takko: Concerning underground utilities and safety committee. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6489 Prime Sponsor, Senator Saldaña: Concerning possession of vapor, vapor products, tobacco, and tobacco products by persons under the age of twenty-one. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Human Services, Reentry & Rehabilitation.

January 23, 2020

SB 6536 Prime Sponsor, Senator Das: Creating more housing options in traditionally single-family zones. Reported by Committee on Local Government

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Housing Stability & Affordability.

January 24, 2020

SB 6553 Prime Sponsor, Senator Frockt: Facilitating treatment for gun violence victims. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair O'Ban, Ranking Member.

Referred to Committee on Health & Long Term Care's Subcommittee on Behavioral Health

January 23, 2020

SGA 9291 GEORGE D. HACKNEY, appointed on April 17, 2019, for the term ending June 17, 2020, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, and without objection, Senate Rule No. 42 was suspended for the purposes of allowing the Committee on Law & Justice to directly re-refer Senate Bill No. 6553 to the Standing Subcommittee on Behavioral Health and all other measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

Children, Youth, and Families, Department of - "*Child Welfare Workplace Culture*" in accordance with Substitute Senate Bill No. 5955;

Commerce, Department of - "*Affordable Housing Cost Data*" in accordance with Substitute House Bill No. 1102; "*Rights of Youth and Young Adults in Residential Programs*", in accordance with Engrossed Substitute House Bill No. 1109;

Corrections, Department of - "*Staff Safety, 2019 Report*", pursuant to 72.09.680 RCW;

Enterprise Services, Department of - "*Glyphosate Usage by State Agencies*", in accordance with Engrossed Substitute House Bill No. 1109;

Fish and Wildlife, Department of - "*Wildlife Trafficking -- Implementing Initiative 1401*", pursuant to 77.15.135 RCW;

Health Care Authority - "*Apple Health Nonpharmacologic Pain Treatment Coverage*", in accordance with Substitute Senate Bill No. 5380; "*Behavioral and Physical Health Integration*", in accordance with Engrossed Substitute House Bill No. 1109; "*Compacts of Free Association (COFA) Islander Health Care*", in accordance with Substitute Senate Bill No. 5683;

Health, Department of - “*Diabetes Epidemic & Action Report*”, pursuant to 70.330.020 RCW; “*Safer Home, Suicide Aware Program Overview*”, in accordance with Engrossed Substitute House Bill No. 1109;

Public Instruction, Office of the Superintendent of “*Children’s Regional Behavioral Health Pilot Program*”, pursuant to 28A.630.500 RCW;

Transportation, Department of “*Green Transportation Capital Grant, 2019-2021 Prioritized Project List*”, in accordance with Engrossed Second Substitute House Bill No. 2042; “*Kingsgate Park and Ride Transit Oriented Development Project*”, in accordance with Engrossed Substitute House Bill No. 1160.

MOTION

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

MESSAGE FROM THE HOUSE

January 23, 2020

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1010,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6596 by Senators Honeyford and Cleveland

AN ACT Relating to school construction assistance program grants for small, rural districts; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6597 by Senators Sheldon and O'Ban

AN ACT Relating to vehicle combinations that may be operated on public highways; and amending RCW 46.44.030 and 46.44.037.

Referred to Committee on Transportation.

SB 6598 by Senators Fortunato, Padden and Short

AN ACT Relating to transparency in reproductive health; amending RCW 9.02.100; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6599 by Senator Nguyen

AN ACT Relating to updating food benefit references; amending RCW 26.19.071, 34.05.482, 41.56.465, 43.20B.620, 43.20B.630, 46.16A.140, 46.20.021, 73.08.005, 74.04.205, 74.04.300, 74.04.380, 74.04.500, 74.04.510, 74.04.515, 74.04.520, 74.04.535, 74.04.750, 74.08.046, 74.08.080, 74.08.331, 74.08A.060, 74.08A.120, 74.25A.045, 80.36.470, and 82.32.330; reenacting and amending RCW 10.101.010, and 13.34.030; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6600 by Senators O'Ban, Becker, Rivers, Walsh, Zeiger and Ericksen

AN ACT Relating to requiring state hospitals to undergo the same licensure and inspection by the department of health as private psychiatric hospitals; reenacting and amending RCW 71.12.455; and adding a new section to chapter 71.12 RCW.

Referred to Committee on Health & Long Term Care.

SB 6601 by Senator Rolfes

AN ACT Relating to authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact; adding new sections to chapter 43.06 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6602 by Senator King

AN ACT Relating to accounting for differences across counties in setting new wage standards; amending RCW 49.46.010; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6603 by Senators Keiser and Walsh

AN ACT Relating to establishing a retail privilege endorsement to a marijuana producer license; amending RCW 69.50.328, 69.50.345, 69.50.366, and 69.50.369; reenacting and amending RCW 69.50.345; adding new sections to chapter 69.50 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6604 by Senators Keiser and Hasegawa

AN ACT Relating to allowing additional marijuana retail licenses for social equity purposes; amending RCW 69.50.345 and 69.50.540; reenacting and amending RCW 69.50.345; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6605 by Senators Holy and Pedersen

AN ACT Relating to annual licensure of security guards; and amending RCW 18.170.040 and 18.170.130.

Referred to Committee on Labor & Commerce.

SB 6606 by Senators Liias, Mullet, Hobbs, Dhingra, Kuderer, Conway, Darneille, Keiser, Wilson, C., McCoy and Das

AN ACT Relating to regional transit authorities; amending RCW 82.44.135; reenacting and amending RCW

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

81.104.160 and 82.44.035; creating a new section; repealing RCW 82.44.038 and 81.112.800; repealing 2020 c 1 ss 9, 10, and 13; repealing 2020 c 1 ss 11 and 16 (uncodified); providing a contingent effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6607 by Senators Billig, Holy, McCoy, Zeiger, Salomon, King, Hunt and Wellman

AN ACT Relating to permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 6608 by Senators Ericksen, Wagoner, Rivers and Honeyford
AN ACT Relating to school choice; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6609 by Senator King

AN ACT Relating to expanding the role of certain pharmacists in the delivery of behavioral health services; amending RCW 71.05.210, 71.05.210, 71.05.215, 71.05.217, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.34.355, 71.34.730, and 71.34.770; reenacting and amending RCW 71.05.020, 71.05.660, 71.05.760, 71.34.020, 71.34.720, and 71.34.720; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 6610 by Senator Kuderer

AN ACT Relating to advisory votes; amending RCW 29A.32.031, 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, and 29A.72.290; creating a new section; repealing RCW 29A.72.283, 29A.72.285, and 43.135.041; and providing an expiration date.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 1304 by House Committee on Appropriations (originally sponsored by MacEwen, Stonier, Santos, Harris, Steele, Griffey, Reeves, Stokesbary, Sells, Dolan, Eslick, Lekanoff, Bergquist, Jinkins, Leavitt, Thai and Wylie)

AN ACT Relating to career and technical education in alternative learning experience programs; reenacting and amending RCW 28A.700.070; adding a new section to chapter 28A.232 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1702 by Representatives Van Werven, Leavitt, Kraft, Entenman, Rude, Sutherland, Dye, Gildon, Slatter, Chambers, Graham, Caldier, Eslick, Mosbrucker, Young, Jinkins, Bergquist, Doglio and Pollet

AN ACT Relating to informing students of low-cost course materials for community and technical college courses; and amending RCW 28B.50.789.

Referred to Committee on Higher Education & Workforce Development.

HB 1755 by Representatives Leavitt, Van Werven, Bergquist, Corry, Ybarra, Volz, Pollet, Dent, Lovick, Doglio, Ormsby and Santos

AN ACT Relating to allowing regional universities to offer doctorate level degrees in education; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education & Workforce Development.

HB 1829 by Representatives Chapman, Goehner and Reeves

AN ACT Relating to veterans' assistance levies; amending RCW 73.08.080, 84.52.043, 84.52.010, and 84.55.005; and creating a new section.

Referred to Committee on Local Government.

EHB 1948 by Representatives Entenman, Stokesbary, Sullivan, Senn, Chambers, Ramos, Callan and Graham
AN ACT Relating to supporting warehousing and manufacturing job centers; adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2051 by Representatives Lovick, Chapman, Griffey and Dent
AN ACT Relating to firefighters and law enforcement officers pension and disability boards; amending RCW 41.16.010, 41.16.020, 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW 41.18.010 and 41.26.110.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

MOTION

On motion of Senator Rivers, Senator Walsh was excused.

MOTION

At 10:12 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:44 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Muzzall moved that Christon C. Skinner, Senate Gubernatorial Appointment No. 9054, be confirmed as a member of the Skagit Valley College Board of Trustees.

Senator Muzzall spoke in favor of the motion.

APPOINTMENT OF CHRISTON C. SKINNER

The President declared the question before the Senate to be the confirmation of Christon C. Skinner, Senate Gubernatorial Appointment No. 9054, as a member of the Skagit Valley College Board of Trustees.

The Secretary called the roll on the confirmation of Christon C. Skinner, Senate Gubernatorial Appointment No. 9054, as a member of the Skagit Valley College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator McCoy

Excused: Senator Walsh

Christon C. Skinner, Senate Gubernatorial Appointment No. 9054, having received the constitutional majority was declared confirmed as a member of the Skagit Valley College Board of Trustees.

MOTION

On motion of Senator Mullet, Senator McCoy was excused.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentlemen: If I can have your attention for just one moment. I want to bring, I want to mention something that I think many of you are aware of already but I just wanted to take a moment here on the floor to recognize a very sad moment for our Senate family, our greater Senate family. You may have heard that former Senator Ken Jacobsen's wife, Rachel Jacobsen, passed away recently. And you may know her in that regard, for those of who served with Jake, you would have known her in that regard but some of us also got to know her in her capacity as Consul for New Zealand and her participation and work in representation of New Zealand and her leadership of the Consular Association of Washington which she chaired and was a very active member of for a long time and did a superb job representing New Zealand where, for example, establishing a relationship between Christchurch and Seattle. And so I just want to ask us to have just a moment of silence in honor of the passing of Rachel Jacobsen and in honor of our condolences we send to Senator Ken Jacobsen, retired, of the

Senate of the 46th Legislative District. Please join me in a moment of silence."

MOMENT OF SILENCE

The Senate rose in observance of a moment of silence in memory of Ms. Rachel Jacobsen, who passed away January 17, 2020.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5720, by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner and Kuderer)

Concerning the involuntary treatment act.

The bill was read on Third Reading.

MOTION

On motion of Senator Dhingra, the rules were suspended and Second Engrossed Second Substitute Senate Bill No. 5720 was returned to second reading for the purpose of amendment.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 909 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 33.** RCW 71.05.010 and 2016 sp.s. c 29 s 203 are each amended to read as follows:

(1) The provisions of this chapter apply to persons who are eighteen years of age or older and are intended by the legislature:

(a) To protect the health and safety of persons suffering from ~~((mental disorders and substance use))~~ behavioral health disorders and to protect public safety through use of the parens patriae and police powers of the state;

(b) To prevent inappropriate, indefinite commitment of ~~((mentally disordered persons and persons with substance use disorders))~~ persons living with behavioral health disorders and to eliminate legal disabilities that arise from such commitment;

(c) To provide prompt evaluation and timely and appropriate treatment of persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(d) To safeguard individual rights;

(e) To provide continuity of care for persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures; and

(g) To encourage, whenever appropriate, that services be provided within the community.

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

Sec. 34. RCW 71.05.012 and 1997 c 112 s 1 are each amended to read as follows:

It is the intent of the legislature to enhance continuity of care for persons with serious ~~((mental))~~ behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle* 107 Wn. 2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the person to or maintain satisfactory functioning.

For persons with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior ~~((mental))~~ history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health or safety.

Therefore, the legislature finds that for persons who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered.

Sec. 35. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals

experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

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

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a ~~((mental))~~ behavioral health disorder~~((or as a result of the use of alcohol or other psychoactive chemicals))~~: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration ~~((in routine functioning))~~ from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court ~~((For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video)) that conforms to the requirements of section 99 of this act;~~

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a ~~((mental)) behavioral health facility((, a long-term alcoholism or drug treatment facility)),~~ or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a ~~((mental disorder or substance use)) behavioral health~~ disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((28) ("Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;~~

~~((29))~~ (29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((30))~~ (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((31))~~ (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public ~~((mental)) behavioral health ((and substance use disorder))~~ service providers under RCW 71.05.130;

~~((32))~~ (31) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((33))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((34))~~ (33) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused ~~((such))~~ harm, substantial pain, or which places another person or persons in reasonable fear of ~~((sustaining such))~~ harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((35))~~ (34) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

~~((36))~~ (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((37))~~ (36) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((38))~~ (37) ~~((Mental)) Behavioral health service provider"~~ means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with ~~((mental disorders or substance use)) behavioral health disorders~~ as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((39))~~ (38) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

((40)) (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

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

((42)) (41) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((43)) (42) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

((44)) (43) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

((45)) (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((46)) (45) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

((47)) (46) "Release" means legal termination of the commitment under the provisions of this chapter;

((48)) (47) "Resource management services" has the meaning given in chapter 71.24 RCW;

((49)) (48) "Secretary" means the secretary of the department of health, or his or her designee;

((50)) (49) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

- (a) Provide the following services:
 - (i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;
 - (ii) Clinical stabilization services;
 - (iii) Acute or subacute detoxification services for intoxicated individuals; and
 - (iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or

involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

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

(c) Be licensed or certified as such by the department of health; ~~((51)) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;~~

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

((53)) (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

((54)) (52) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

((55)) (53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

((56)) (54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for ~~((mental illness))~~ behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

((57)) (55) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

((58)) (56) "Violent act" means behavior that resulted in homicide, attempted suicide, ~~((nonfatal injuries))~~ injury, or substantial loss or damage to property;

(57) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(58) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated

crisis responder. Such orders shall be entered into the Washington crime information center database;

(60) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

Sec. 36. RCW 71.05.025 and 2019 c 325 s 3002 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure ~~((a)) an appropriate continuum of care ((to)) for persons with ((mental illness or who have mental disorders or substance use)) behavioral health~~ disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, behavioral health administrative services organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by designated crisis responders, managed care organizations, evaluation and treatment facilities, secure ~~((detoxification)) withdrawal management and stabilization~~ facilities, and approved substance use disorder treatment programs to assure that determinations to admit, detain, commit, treat, discharge, or release persons with ~~((mental disorders or substance use)) behavioral health~~ disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 37. RCW 71.05.026 and 2019 c 325 s 3003 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into by the authority, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient ~~((mental health care or inpatient substance use)) behavioral health~~ disorder treatment and care.

(3) This section applies to counties, behavioral health administrative services organizations, managed care organizations, and entities which contract to provide behavioral health services and their subcontractors, agents, or employees.

Sec. 38. RCW 71.05.030 and 1998 c 297 s 4 are each amended to read as follows:

Persons suffering from a ~~((mental)) behavioral health~~ disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW, chapter 71.06 RCW, chapter 71.34 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

Sec. 39. RCW 71.05.040 and 2018 c 201 s 3004 are each amended to read as follows:

Persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or ~~((as a result of a mental disorder such condition exists that constitutes)) to present~~ a likelihood of serious harm. However, persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

Sec. 40. RCW 71.05.050 and 2019 c 446 s 3 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a ~~((mental disorder or substance use)) behavioral health~~ disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a ~~((mental disorder or substance use)) behavioral health~~ disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a ~~((mental disorder or substance use)) behavioral health~~ disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 41. RCW 71.05.100 and 2018 c 201 s 3005 are each amended to read as follows:

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

In addition to the responsibility provided for by RCW 43.20B.330, any person, or his or her estate, or his or her spouse, ~~((or the parents of a minor person))~~ who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department of social and health services, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to services and facilities of the department of social and health services shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

Sec. 42. RCW 71.05.120 and 2019 c 446 s 22 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any designated crisis responder, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a ~~((mental))~~ behavioral health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 43. RCW 71.05.132 and 2016 sp.s. c 29 s 209 are each amended to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's ~~((mental health))~~ treatment ~~((information and substance use disorder treatment information))~~ records must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety

would not be enhanced by the sharing of this person's information.

Sec. 44. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two

hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 45. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((a seventy-two-hour))~~ one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 46. RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

accurately assist with obtaining any necessary information is available at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((a seventy-two-hour))~~ one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 47. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take

such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than seventy-two hours as described in RCW 71.05.180.

(2) ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

~~((3))~~(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or
(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder,))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider

shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

Sec. 48. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than ~~((seventy-two))~~ one hundred twenty hours as described in RCW 71.05.180.

~~(2) ((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

~~(3))~~(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder,))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((2))~~ (2) of this section may be held by the facility for a period of up to

twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

Sec. 49. RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than ~~((seventy-two))~~ one hundred twenty hours as described in RCW 71.05.180.

~~(2) ((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180.~~

~~(3))~~ A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

of serious harm or is in imminent danger because of being gravely disabled.

((4)) (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ((3)) (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

((5)) (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is available at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ((mental)) behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

((6)) (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ((mental health professional)) crisis responder has totally disregarded the requirements of this section.

Sec. 50. RCW 71.05.160 and 2019 c 446 s 19 are each amended to read as follows:

(1) Any facility receiving a person pursuant to RCW 71.05.150 or 71.05.153 shall require the designated crisis responder to prepare a petition for initial detention stating the circumstances under which the person's condition was made known and stating that there is evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter.

(2)(a) If a person is involuntarily placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day following the initial detention, the designated crisis responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

(b) If the person is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the person was initially detained, the facility or program may file with the

court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention at the request of the designated crisis responder.

Sec. 51. RCW 71.05.170 and 2016 sp.s. c 29 s 218 are each amended to read as follows:

Whenever the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing ((seventy-two)) one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated crisis responder of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than ((seventy-two)) one hundred twenty hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

Sec. 52. RCW 71.05.180 and 2019 c 446 s 18 are each amended to read as follows:

If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the person, it may detain him or her for evaluation and treatment for a period not to exceed ((seventy-two)) one hundred twenty hours from the time of acceptance as set forth in RCW 71.05.170. The computation of such ((seventy-two)) one hundred twenty hour period shall exclude Saturdays, Sundays and holidays.

Sec. 53. RCW 71.05.182 and 2019 c 247 s 1 are each amended to read as follows:

(1) A person who under RCW 71.05.150 or 71.05.153 has been detained at a facility for ((seventy-two hour)) a period of not more than one hundred twenty hours for evaluation and treatment on the grounds that the person presents a likelihood of serious harm, but who has not been subsequently committed for involuntary treatment under RCW 71.05.240, may not have in his or her possession or control any firearm for a period of six months after the date that the person is detained.

(2) Before the discharge of a person who has been initially detained under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, but has not been subsequently committed for involuntary treatment under RCW 71.05.240, the designated crisis responder shall inform the person orally and in writing that:

(a) He or she is prohibited from possessing or controlling any firearm for a period of six months;

(b) He or she must immediately surrender, for the six-month period, any concealed pistol license and any firearms that the person possesses or controls to the sheriff of the county or the chief of police of the municipality in which the person is domiciled;

(c) After the six-month suspension, the person's right to control or possess any firearm or concealed pistol license shall be automatically restored, absent further restrictions imposed by other law; and

(d) Upon discharge, the person may petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

(3)(a) A law enforcement agency holding any firearm that has been surrendered pursuant to this section shall, upon the request

of the person from whom it was obtained, return the firearm at the expiration of the six-month suspension period, or prior to the expiration of the six-month period if the person's right to possess firearms has been restored by the court under RCW 9.41.047. The law enforcement agency must comply with the provisions of RCW 9.41.345 when returning a firearm pursuant to this section.

(b) Any firearm surrendered pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

Sec. 54. RCW 71.05.190 and 2019 c 446 s 17 are each amended to read as follows:

If the person is not approved for admission by a facility providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the individual has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the individual for not more than eight hours at the request of the peace officer. The facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the person is not approved for admission in order to enable a peace officer to return to the facility and take the individual back into custody.

Sec. 55. RCW 71.05.195 and 2016 sp.s. c 29 s 221 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for ~~((seventy-two))~~ one hundred twenty hour detention filed by the designated crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions

which ensure the person's safe transfer to the custody or care of the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

Sec. 56. RCW 71.05.201 and 2018 c 291 s 11 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension ~~((of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder))~~. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 57. RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the

person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 58. RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure

withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 59. RCW 71.05.210 and 2019 c 446 s 9 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall

order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 60. RCW 71.05.212 and 2018 c 291 s 13 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 61. RCW 71.05.214 and 2018 c 201 s 3007 are each amended to read as follows:

The authority shall develop statewide protocols to be utilized by professional persons and designated crisis responders in administration of this chapter and chapters 10.77 and 71.34 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, ~~((mental disorders or substance use))~~ behavioral health disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The authority shall develop and update the protocols in consultation with representatives of designated crisis responders, the department of social and health services, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with ~~((mental illness and substance use))~~ behavioral health disorders. The protocols shall be submitted to the governor and legislature upon adoption by the authority.

Sec. 62. RCW 71.05.215 and 2018 c 201 s 3008 are each amended to read as follows:

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(1) A person found to be gravely disabled or ~~((presents))~~ present a likelihood of serious harm as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The authority shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 63. RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

~~((1))~~ (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

~~((3))~~ (c) To have access to individual storage space for his or her private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

~~((1))~~ (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

~~((2))~~ (ii) The court shall make specific findings of fact concerning: ~~((1))~~ (A) The existence of one or more compelling state interests; ~~((2))~~ (B) the necessity and effectiveness of the treatment; and ~~((3))~~ (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

~~((3))~~ (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ~~((1))~~ (A) To be represented by an attorney; ~~((2))~~ (B) to present evidence; ~~((3))~~ (C) to cross-examine witnesses; ~~((4))~~ (D) to have the rules of evidence enforced; ~~((5))~~ (E) to remain silent; ~~((6))~~ (F) to view and copy all petitions and reports in the court file; and ~~((7))~~ (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

~~((4))~~ (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

~~((5))~~ (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

~~((6))~~ (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

~~((1))~~ (A) A person presents an imminent likelihood of serious harm;

~~((#))~~ (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

~~((#))~~ (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

~~((#))~~ (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

~~((#))~~ (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention, a judicial hearing must be held in a superior court within seventy-two hours to determine whether there is probable cause to detain the person for up to an additional fourteen days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

Sec. 64. RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

~~((+))~~ (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

~~((3))~~ (c) To have access to individual storage space for his or her private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

a court of competent jurisdiction pursuant to the following standards and procedures:

((e)) (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

((b)) (ii) The court shall make specific findings of fact concerning: ((+)) (A) The existence of one or more compelling state interests; ((+)) (B) the necessity and effectiveness of the treatment; and ((+)) (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

((e)) (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ((+)) (A) To be represented by an attorney; ((+)) (B) to present evidence; ((+)) (C) to cross-examine witnesses; ((+)) (D) to have the rules of evidence enforced; ((+)) (E) to remain silent; ((+)) (F) to view and copy all petitions and reports in the court file; and ((+)) (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

((d)) (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

((e)) (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

((f)) (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

((+)) (A) A person presents an imminent likelihood of serious harm;

((+)) (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

((+)) (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

((8)) (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

((9)) (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within one hundred twenty hours of the initial detention, a judicial hearing must be held in a superior court within one hundred twenty hours to determine whether there is probable cause to detain the person for up to an additional fourteen days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

Sec. 65. RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: (a) A likelihood of serious harm~~((results in))~~; (b) the person being gravely disabled~~((;))~~; or ((results in)) (c) the person being in need of assisted outpatient behavioral health treatment~~((;))~~; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive

alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 66. RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: (a) A likelihood of serious harm~~((results in))~~; (b) the person being gravely disabled~~((;))~~; or ((results in)) (c) the person being in need of assisted outpatient behavioral health treatment~~((;))~~; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 67. RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(e)(i)))~~ (2)(d)(i)), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(ii)), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088~~((1)(e)(iii)))~~ (2)(d)(ii)), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a

seventy-two hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)).~~ If the evaluation and treatment facility files a ninety-day petition within the seventy-two hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ((prosecutor or)) professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).))~~

~~During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.))~~

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

~~((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))~~

Sec. 68. RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(e)(i)))~~ (2)(d)(i)), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated

crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than ~~((seventy-two))~~ one hundred twenty hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(ii)), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the ~~((seventy-two))~~ one hundred twenty hour evaluation period authorized under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(ii)), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)). If the evaluation and treatment facility files a ninety-day petition within the one hundred twenty hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ~~((prosecutor or))~~ professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.~~

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).~~

~~During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.))~~

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

~~((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))~~

NEW SECTION. Sec. 69. A new section is added to chapter 71.05 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(3) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

Sec. 70. RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))~~

(2) If the petition is for mental health treatment, the court ~~or the prosecutor~~ at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~ A court may only ~~((enter a commitment))~~ order ~~((based on a substance use disorder if there is an available))~~ commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm ~~((;))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day((s of)) less restrictive treatment ~~((is to be sought))~~ period, ((such)) the person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 71. RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ~~((seventy-two))~~ one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))~~

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

~~((4))~~ (a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

~~((b))~~ (b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~ A court may only ~~((enter a commitment))~~ order ~~((based on a substance use disorder if there is an available))~~ commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm ~~((;))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day((s of)) less restrictive treatment ~~((is to be sought))~~ period, ((such)) the person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 72. RCW 71.05.240 and 2019 c 446 s 12 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ~~((seventy-two))~~ one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))~~

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

~~((a))~~ ((b)) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

~~((b))~~ ((c)) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.~~

~~((c))~~ At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ up to ninety days.

~~((d))~~ ((e)) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((e))~~ ((f)) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ((mental)) behavioral health service provider.

~~((f))~~ ((g)) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day ~~((s-of))~~ less restrictive treatment ((is to be sought)) period, such person ((will have)) has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 73. RCW 71.05.280 and 2018 c 291 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a ~~((mental))~~ behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient behavioral health treatment.

Sec. 74. RCW 71.05.290 and 2017 3rd sp.s. c 14 s 18 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty-day treatment under RCW 71.05.280(3), or for ninety-day treatment under RCW 71.05.280 (1), (2), (4), or (5). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 75. RCW 71.05.300 and 2019 c 325 s 3007 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. ~~((At the time of filing such petition,))~~ The clerk shall set a ~~((time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall))~~ trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) ~~((At the time set for appearance))~~ The attorney for the detained person ~~((shall be brought before the court, unless such appearance has been waived and the court))~~ shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), ~~((then))~~ the appointed professional person under this section shall be a developmental disabilities professional.

~~((4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.))~~

Sec. 76. RCW 71.05.310 and 2012 c 256 s 8 are each amended to read as follows:

The court shall ~~((conduct))~~ set a hearing on the petition for ninety-day or one hundred eighty-day treatment within five judicial days of the ~~((first court appearance after the probable~~

~~cause hearing))~~ trial setting hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing ~~((for good cause upon the written request of the person named in the petition or the person's attorney. The court may continue for good cause the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner))~~ in accordance with section 37 of this act. If the person named in the petition requests a jury trial, the trial ~~((shall commence))~~ must be set within ten judicial days of the ~~((first court appearance after the probable cause hearing))~~ next judicial day after the date of filing the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person ~~((shall))~~ has the right to be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence ~~((pursuant to RCW 71.05.360 (8) and (9))~~ under RCW 71.05.217.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court or discharged by the medical provider. If ~~((no order has been made))~~ the hearing has not commenced within thirty days after the filing of the petition, not including extensions of time ~~((requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3)))~~ ordered under section 37 of this act, the detained person shall be released.

Sec. 77. RCW 71.05.320 and 2018 c 201 s 3012 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, ~~((treatment must take place at an approved substance use disorder treatment program.))~~ the court may only enter an order for commitment ~~((based on a substance use disorder))~~ if there is an available ~~((approved substance use disorder))~~ treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety

days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~((s))~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~((s))~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional

confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 78. RCW 71.05.320 and 2018 c 201 s 3013 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the ~~((order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the))~~ grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~((s))~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~((s))~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 79. RCW 71.05.380 and 2016 sp.s. c 29 s 245 are each amended to read as follows:

All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for ~~((mental disorders or substance use))~~ behavioral health disorders shall have no less than all rights secured to involuntarily detained persons by RCW ~~((71.05.360 and))~~ 71.05.217.

Sec. 80. RCW 71.05.445 and 2019 c 325 s 3009 are each amended to read as follows:

(1)(a) When a ~~((mental))~~ behavioral health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her ~~((mental))~~ behavioral health service provider that he or she is subject to supervision by the department of corrections, the ~~((mental))~~ behavioral health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132 and the offender has provided the ~~((mental))~~ behavioral health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132, the ~~((mental))~~ behavioral health service provider is not required to notify the department of corrections that the ~~((mental))~~ behavioral health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of

this section, a written notification includes notification by email or facsimile, so long as the notifying ~~((mental))~~ behavioral health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The authority and the department of corrections, in consultation with behavioral health administrative services organizations, managed care organizations, ~~((mental))~~ behavioral health service providers as defined in RCW 71.05.020, ~~((mental))~~ behavioral health consumers, and advocates for persons with ~~((mental illness))~~ behavioral health disorders, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received ~~((mental))~~ behavioral health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in this chapter, except as provided in RCW 72.09.585.

(5) No ~~((mental))~~ behavioral health service provider or individual employed by a ~~((mental))~~ behavioral health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information and records related to ~~((mental))~~ behavioral health services for any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The authority shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific behavioral health administrative services organizations, managed care organizations, and ~~((mental))~~ behavioral health service providers that delivered ~~((mental))~~ behavioral health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the authority and the department of corrections.

Sec. 81. RCW 71.05.455 and 2016 c 158 s 2 are each amended to read as follows:

When funded, the Washington association of sheriffs and police chiefs, in consultation with the criminal justice training commission, must develop and adopt a model policy for use by law enforcement agencies relating to a law enforcement officer's referral of a person to a ~~((mental))~~ behavioral health agency after receiving a report of threatened or attempted suicide. The model policy must complement the criminal justice training commission's crisis intervention training curriculum.

Sec. 82. RCW 71.05.457 and 2016 c 158 s 3 are each amended to read as follows:

By July 1, 2017, all general authority Washington law enforcement agencies must adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to

a ~~((mental))~~ behavioral health agency after receiving a report of threatened or attempted suicide.

Sec. 83. RCW 71.05.525 and 2018 c 201 s 3024 are each amended to read as follows:

When, in the judgment of the department of social and health services, the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that such a person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of juveniles with ~~((mental illness))~~ behavioral health disorders the secretary of the department of social and health services, or his or her designee, is authorized to order and effect such move or transfer: PROVIDED, HOWEVER, That the secretary of the department of social and health services shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined in such institution or facility for the care of juveniles with ~~((mental illness))~~ behavioral health disorders, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in state juvenile correctional institutions or facilities: PROVIDED, FURTHER, That the secretary of the department of social and health services shall notify the original committing court of such transfer.

Sec. 84. RCW 71.05.530 and 2016 sp.s. c 29 s 247 are each amended to read as follows:

Evaluation and treatment facilities and secure ~~((detoxification))~~ withdrawal management and stabilization facilities authorized pursuant to this chapter may be part of the comprehensive community ~~((mental))~~ behavioral health services program conducted in counties pursuant to chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

Sec. 85. RCW 71.05.585 and 2018 c 291 s 2 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation;

(d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance abuse counseling;

(e) Residential treatment; and

(f) Support for housing, benefits, education, and employment.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

((4)) (5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

((5)) (6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 86. RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or

to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ((if either is available)) with adequate space, in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person

has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~ secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ((if either is available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained,

the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 87. RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ((if either is available)) with adequate space, in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as

in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ((if either is available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the

person is not detained, the hearing must be scheduled within ~~((seventy-two))~~ one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 88. RCW 71.05.590 and 2019 c 446 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or

to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment))~~, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available))~~, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment)),~~ in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available)),~~ in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one

hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

~~((d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.))~~

Sec. 89. RCW 71.05.720 and 2018 c 201 s 3029 are each amended to read as follows:

Annually, all community mental health employees who work directly with clients shall be provided with training on safety and violence prevention topics described in RCW 49.19.030. The curriculum for the training shall be developed collaboratively among the authority, the department, contracted ~~((mental))~~ behavioral health service providers, and employee organizations that represent community mental health workers.

Sec. 90. RCW 71.05.740 and 2019 c 325 s 3012 are each amended to read as follows:

All behavioral health administrative services organizations in the state of Washington must forward historical ~~((mental))~~ behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

Sec. 91. RCW 71.05.745 and 2018 c 201 s 3032 are each amended to read as follows:

(1) The authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a person suffering from a ~~((mental))~~ behavioral health disorder for whom an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the patient receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

Sec. 92. RCW 71.05.750 and 2019 c 325 s 3013 are each amended to read as follows:

(1) A designated crisis responder shall make a report to the authority when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or

71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated crisis responder determines a person meets detention criteria and the investigation has been completed, the designated crisis responder has twenty-four hours to submit a completed report to the authority.

(2) The report required under subsection (1) of this section must contain at a minimum:

- (a) The date and time that the investigation was completed;
- (b) The identity of the responsible behavioral health administrative services organization and managed care organization, if applicable;
- (c) The county in which the person met detention criteria;
- (d) A list of facilities which refused to admit the person; and
- (e) Identifying information for the person, including age or date of birth.

(3) The authority shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The authority shall also determine the method for the transmission of the completed report from the designated crisis responder to the authority.

(4) The authority shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the authority recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" or "behavioral health treatment records" as ~~((that term is))~~ these terms are used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a seventy-two hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

- (a) Not licensed or certified as an inpatient evaluation and treatment facility; or
- (b) A licensed or certified inpatient evaluation and treatment facility that is already at capacity.

Sec. 93. RCW 71.05.750 and 2019 c 325 s 3013 are each amended to read as follows:

(1) A designated crisis responder shall make a report to the authority when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated crisis responder determines a person meets detention criteria and the investigation has been completed, the designated crisis responder has twenty-four hours to submit a completed report to the authority.

(2) The report required under subsection (1) of this section must contain at a minimum:

- (a) The date and time that the investigation was completed;

(b) The identity of the responsible behavioral health administrative services organization and managed care organization, if applicable;

(c) The county in which the person met detention criteria;

(d) A list of facilities which refused to admit the person; and

(e) Identifying information for the person, including age or date of birth.

(3) The authority shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The authority shall also determine the method for the transmission of the completed report from the designated crisis responder to the authority.

(4) The authority shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the authority recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" or "behavioral health treatment records" as ~~((that term is))~~ these terms are used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a ~~((seventy-two))~~ one hundred twenty hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not licensed or certified as an inpatient evaluation and treatment facility; or

(b) A licensed or certified inpatient evaluation and treatment facility that is already at capacity.

Sec. 94. RCW 71.34.010 and 2019 c 381 s 1 are each amended to read as follows:

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

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

TWELFTH DAY, JANUARY 24, 2020

treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

(3)(a) It is the intent of the legislature to enhance continuity of care for minors with serious behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle*, 107 Wn.2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the minor to or maintain satisfactory functioning.

(b) For minors with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior behavioral health history is particularly relevant in determining whether the minor would receive, if released, such care as is essential for his or her health or safety.

(c) Therefore, the legislature finds that for minors who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered.

(4) It is also the purpose of this chapter to protect the health and safety of minors suffering from behavioral health disorders and to protect public safety through use of the parens patriae and police powers of the state. Accordingly, when construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of minors as well as public safety may be implicated by the decision to release a minor and discontinue his or her treatment.

(5) It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter, including the ability to request and receive medically necessary treatment for their adolescent children without the consent of the adolescent.

Sec. 95. RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to read as follows:

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

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

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

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

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

(5) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American

Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

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

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

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

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

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

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

(11) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

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

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

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

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

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

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

(18) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

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

(20) "Likelihood of serious harm" means ~~((either))~~:

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

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(21) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(22) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

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

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

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

(26) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(27)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

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

(29) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program,

that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

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

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

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

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

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

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

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

(37) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

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

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

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

(39) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention"

TWELFTH DAY, JANUARY 24, 2020

means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

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

(41) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW ~~((or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional))~~.

(42) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(43) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(44) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(45) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(46) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(47) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(48) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(49) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(50) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(51) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(52) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(53) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(54) "Hearing" means any proceeding conducted in open court that conforms to the requirements of section 98 of this act.

2020 REGULAR SESSION

(55) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(56) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(57) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(58) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(59) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(60) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(61) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(62) "Release" means legal termination of the commitment under the provisions of this chapter.

(63) "Resource management services" has the meaning given in chapter 71.24 RCW.

(64) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates

of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(69) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.

Sec. 96. RCW 71.34.305 and 2016 sp.s. c 29 s 255 are each amended to read as follows:

School district personnel who contact a ~~((mental health or substance use))~~ behavioral health disorder inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

Sec. 97. RCW 71.34.310 and 1985 c 354 s 26 are each amended to read as follows:

(1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in which the minor is being detained. ~~((The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.))~~

NEW SECTION. Sec. 98. A new section is added to chapter 71.34 RCW to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

Sec. 99. RCW 71.34.355 and 2016 c 155 s 18 are each amended to read as follows:

(1) Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

~~((4))~~ (a) To wear their own clothes and to keep and use personal possessions;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;

~~((3))~~ (c) To have individual storage space for private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To discuss treatment plans and decisions with mental health professionals;

~~((8))~~ (h) To have the right to adequate care and individualized treatment;

~~((9))~~ (i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.34.750 or the performance of electroconvulsive treatment or surgery, except emergency lifesaving surgery, upon him or her, ~~((and not to have electroconvulsive treatment or nonemergency surgery in such circumstance))~~ unless ordered by a court ~~((pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, physician assistant, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor))~~ under procedures described in RCW 71.05.217(1)(i). The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;

~~((10))~~ (k) Not to have psychosurgery performed on him or her under any circumstances.

(2)(a) Privileges between minors and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained minor or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained minor for purposes of a proceeding under this chapter. Upon motion by the detained minor or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained minor so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained minor's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(3) No minor may be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders.

NEW SECTION. Sec. 100. A new section is added to chapter 71.34 RCW to read as follows:

At the time a minor is involuntarily admitted to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

treatment program, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the detained minor. A copy of the inventory, signed by the staff member making it, must be given to the detained minor and must, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained minor. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, parent, or adult brother or sister of the minor. The facility shall not disclose the contents of the inventory to any other person without the consent of the minor or order of the court.

Sec. 101. RCW 71.34.365 and 2018 c 201 s 5004 are each amended to read as follows:

(1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place. If the minor has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the minor for not more than eight hours at the request of the peace officer. The program or facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the minor is not approved for admission or is being released in order to enable a peace officer to return to the facility and take the minor back into custody.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the authority shall furnish this clothing. As funds are available, the director may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

Sec. 102. RCW 71.34.410 and 2019 c 446 s 27 are each amended to read as follows:

(1) No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a ~~((person))~~ minor under this chapter, nor any designated crisis responder, nor professional person, nor evaluation and treatment facility, nor secure withdrawal management and stabilization facility, nor approved substance use disorder treatment program shall be civilly or criminally liable for performing actions authorized in this chapter with regard to the decision of whether to admit, release, administer antipsychotic medications, or detain a ~~((person))~~ minor for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required duty to warn or to take reasonable precautions to provide protection from violent behavior where the minor has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 103. RCW 71.34.420 and 2018 c 201 s 5012 are each amended to read as follows:

(1) The authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering from a ~~((mental))~~ behavioral health disorder for whom an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate ~~((mental))~~ behavioral health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

NEW SECTION. Sec. 104. A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his or her professional designee, from permitting a minor detained for intensive treatment to leave the facility for prescribed periods during the term of the minor's detention, under such conditions as may be appropriate.

Sec. 105. RCW 71.34.500 and 2019 c 381 s 3 are each amended to read as follows:

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

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

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

Sec. 106. RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

Sec. 107. RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

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

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

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

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

(3) An appropriately trained professional person may evaluate whether the adolescent has a ~~((mental disorder or has a substance use))~~ behavioral health disorder. The evaluation shall be completed within twenty-four hours of the time the adolescent was brought to the facility, unless the professional person

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

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

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

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

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

Sec. 108. RCW 71.34.650 and 2019 c 381 s 12 are each amended to read as follows:

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

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

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

(2) The consent of the adolescent is not required for evaluation if a parent provides consent.

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

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

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

(6) If a determination is made by a professional person under this section that an adolescent is in need of treatment in a less restrictive setting, including partial hospitalization or intensive outpatient treatment, a parent of an adolescent may request and

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

receive such treatment for his or her adolescent without the consent of the adolescent.

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

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

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

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

Sec. 109. RCW 71.34.700 and 2019 c 446 s 30 and 2019 c 381 s 14 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, approved substance use disorder treatment program with available space, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

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

~~(3)) If it is determined under subsection (1) ((or (2))) of this section that the adolescent suffers from a ((mental disorder or substance use)) behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person believes that the adolescent meets the criteria for initial detention ((set forth herein)), the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.~~

~~(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.~~

Sec. 110. RCW 71.34.700 and 2019 c 446 s 31 and 2019 c 381 s 15 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

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

~~(3)) If it is determined under subsection (1) ((or (2))) of this section that the adolescent suffers from a ((mental disorder or substance use)) behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person believes that the adolescent meets the criteria for initial detention ((set forth herein)), the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.~~

~~(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.~~

NEW SECTION. Sec. 111. A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

Sec. 112. RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

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

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

(b) If ~~((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes))~~ a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

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

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial

detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

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

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

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

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

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

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 113. RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

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

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

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

~~secure withdrawal management and stabilization facility or approved substance use disorder treatment program, if) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program ((is)) must be available and ((has)) have adequate space for the adolescent.~~

~~(b) If ((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes)) a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.~~

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

~~(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.~~

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

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

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing

~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

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

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

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 114. RCW 71.34.710 and 2019 c 446 s 33 and 2019 c 381 s 17 are each reenacted and amended to read as follows:

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

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

~~(b) If ((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes)) a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.~~

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

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

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

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

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

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

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 115. RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder

specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 116. RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 117. RCW 71.34.720 and 2019 c 446 s 35 and 2019 c 444 s 19 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's

parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 118. RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

Sec. 119. RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial ~~((seventy-two))~~ one hundred twenty hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A

copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

NEW SECTION. Sec. 120. A new section is added to chapter 71.34 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(3) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

Sec. 121. RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 88 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~((9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~((10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((44))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((42))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((43))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 122. RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 88 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~((Rules of evidence shall not apply in fourteen day commitment hearings.~~

(40)) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((44))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((42))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((43))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 123. RCW 71.34.740 and 2019 c 446 s 38 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 88 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is

subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~((10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

~~((11)))~~ ~~((10))~~ If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((12)))~~ ~~((11))~~(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((13)))~~ ~~((12))~~ A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 124. RCW 71.34.750 and 2019 c 446 s 39 and 2019 c 325 s 2008 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse

practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 88 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment:

(a) The court must find by clear, cogent, and convincing evidence that the minor:

(i) Is suffering from a mental disorder or substance use disorder;

(ii) Presents a likelihood of serious harm or is gravely disabled; and

(iii) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

~~((8))~~(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~ three days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 125. RCW 71.34.750 and 2019 c 446 s 40 and 2019 c 325 s 2009 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

- (a) The name and address of the petitioner or petitioners;
- (b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;
- (c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;
- (d) The date of the fourteen-day commitment order; and
- (e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition

shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 88 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

- (a) Is suffering from a mental disorder or substance use disorder;
- (b) Presents a likelihood of serious harm or is gravely disabled; and
- (c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

~~((8))~~ (a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~ three days prior to the expiration of the previous one hundred eighty-day commitment order.

NEW SECTION. Sec. 126. A new section is added to chapter 71.34 RCW to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance abuse counseling;
- (e) Residential treatment; and
- (f) Support for housing, benefits, education, and employment.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 127. RCW 71.34.780 and 2019 c 446 s 41 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ~~((if there is an available))~~. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

(2) (a) The designated crisis responder ~~((or the))~~, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed

of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director ~~((or))~~, secretary, or facility, as appropriate, with the court in the county ~~((ordering the less restrictive alternative treatment))~~ where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release ~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing))~~ must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. ~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~ The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

Sec. 128. RCW 71.34.780 and 2019 c 446 s 42 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(2)(a) The designated crisis responder (~~((or the))~~), director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director (~~((or))~~), secretary, or facility, as appropriate, with the court in the county (~~((ordering the less restrictive alternative treatment))~~) where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release (~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing))~~) must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. (~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~) The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

NEW SECTION. Sec. 129. A new section is added to chapter 71.34 RCW to read as follows:

The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish rules regarding access to court records, and respectfully requests the Washington state supreme court to adopt rules regarding potential access for the following entities to the files and records of court proceedings under this chapter and chapter 71.05 RCW:

- (1) The department;
- (2) The department of health;
- (3) The authority;
- (4) The state hospitals as defined in RCW 72.23.010;
- (5) Any person who is the subject of a petition;
- (6) The attorney or guardian of the person;
- (7) Resource management services for that person; and
- (8) Service providers authorized to receive such information by resource management services.

NEW SECTION. Sec. 130. A new section is added to chapter 71.34 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

NEW SECTION. Sec. 131. A new section is added to chapter 71.05 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

NEW SECTION. Sec. 132. A new section is added to chapter 71.34 RCW to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment

schedules. Financial responsibility with respect to services and facilities of the department shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

NEW SECTION. Sec. 133. A new section is added to chapter 71.05 RCW to read as follows:

(1) An involuntary treatment act work group is established to evaluate the effect of changes to this chapter and chapter 71.34 RCW and to evaluate vulnerabilities in the crisis system.

(2) The work group shall:

(a) Commencing September 1, 2020, meet at least three times to: (i) Identify and evaluate systems and procedures that may be required to implement one hundred twenty hour initial detention; (ii) develop recommendations to implement one hundred twenty hour initial detention statewide; and (iii) disseminate the recommendations to stakeholders and report them to the appropriate committees of the legislature by January 1, 2021.

(b) Commencing January 1, 2021, meet at least six times to evaluate: (i) The implementation of one hundred twenty hour initial detention, and the effects, if any, on involuntary behavioral health treatment capacity statewide, including the frequency of detentions, commitments, revocations of less restrictive alternative treatment, conditional release orders, single bed certifications, and no-bed reports under RCW 71.05.750; (ii) other issues related to implementation of this act; and (iii) other vulnerabilities in the involuntary treatment system.

(c)(i) Develop recommendations for operating the crisis system based on the evaluations in (b) of this subsection; and (ii) disseminate those recommendations to stakeholders and report them to the appropriate committees of the legislature no later than June 30, 2022.

(3) The work group shall be convened by the authority and shall receive technical and data gathering support from the authority, the department, and the department of social and health services as needed. The membership must consist of not more than eighteen members appointed by the governor, reflecting statewide representation, diverse viewpoints, and experience with involuntary treatment cases. Appointed members must include but not be limited to:

(a) Representatives of the authority, the department, and the department of social and health services;

(b) Certified short-term civil commitment providers and providers who accept single bed certification under RCW 71.05.745;

(c) Certified long-term inpatient care providers for involuntary patients or providers with experience providing community long-term inpatient care for involuntary patients;

(d) Prosecuting attorneys;

(e) Defense attorneys;

(f) Family members and persons with lived experience of behavioral health disorders;

(g) Advocates for persons with behavioral health disorders;

(h) Designated crisis responders;

(i) Behavioral health administrative services organizations;

(j) Managed care organizations;

(k) Law enforcement; and

(l) Judicial officers in involuntary treatment cases.

(4) Interested legislators and legislative staff may participate in the work group. The governor must request participation in the work group by a representative of tribal governments.

(5) The work group shall choose cochaIRS from among its members and receive staff support from the authority.

(6) This section expires June 30, 2022.

NEW SECTION. Sec. 134. The following acts or parts of acts are each repealed:

(1) RCW 71.05.360 (Rights of involuntarily detained persons) and 2019 c 446 s 13 and 2017 3rd sp.s. c 14 s 20; and

(2) RCW 71.34.370 (Antipsychotic medication and shock treatment) and 1989 c 120 s 9.

NEW SECTION. Sec. 135. RCW 71.05.525 is recodified as a section in chapter 71.34 RCW.

NEW SECTION. Sec. 136. Sections 12, 15, 25, 31, 33, 35, 38, 54, 60, 74, 80, 83, 86, and 89 of this act expire January 1, 2021.

NEW SECTION. Sec. 137. Sections 13, 16, 19 through 23, 26, 32, 34, 36, 39, 55, 61, 75, 81, 84, 87, and 90 of this act take effect January 1, 2021.

NEW SECTION. Sec. 138. Sections 13, 16, 26, 39, 45, 55, 77, 81, 84, 90, 92, and 95 of this act expire July 1, 2026.

NEW SECTION. Sec. 139. Sections 14, 17, 27, 40, 46, 56, 59, 71, 78, 82, 85, 91, 93, and 96 of this act take effect July 1, 2026."

On page 1, line 1 of the title, after "act," strike the remainder of the title and insert "amending RCW 71.05.010, 71.05.012, 71.05.025, 71.05.026, 71.05.030, 71.05.040, 71.05.050, 71.05.100, 71.05.120, 71.05.132, 71.05.150, 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.153, 71.05.160, 71.05.170, 71.05.180, 71.05.182, 71.05.190, 71.05.195, 71.05.201, 71.05.210, 71.05.210, 71.05.210, 71.05.212, 71.05.214, 71.05.215, 71.05.217, 71.05.217, 71.05.230, 71.05.230, 71.05.235, 71.05.235, 71.05.240, 71.05.240, 71.05.240, 71.05.280, 71.05.290, 71.05.300, 71.05.310, 71.05.320, 71.05.320, 71.05.380, 71.05.445, 71.05.455, 71.05.457, 71.05.525, 71.05.530, 71.05.585, 71.05.590, 71.05.590, 71.05.590, 71.05.720, 71.05.740, 71.05.745, 71.05.750, 71.05.750, 71.34.010, 71.34.305, 71.34.310, 71.34.355, 71.34.365, 71.34.410, 71.34.420, 71.34.500, 71.34.650, 71.34.730, 71.34.730, 71.34.740, 71.34.740, 71.34.740, 71.34.780, and 71.34.780; reenacting and amending RCW 71.05.020, 71.34.020, 71.34.600, 71.34.600, 71.34.700, 71.34.700, 71.34.710, 71.34.710, 71.34.710, 71.34.720, 71.34.720, 71.34.720, 71.34.750, and 71.34.750; adding new sections to chapter 71.05 RCW; adding new sections to chapter 71.34 RCW; recodifying RCW 71.05.525; repealing RCW 71.05.360 and 71.34.370; providing effective dates; and providing expiration dates."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 909 by Senator Dhingra to Engrossed Second Substitute Senate Bill No. 5720.

The motion by Senator Dhingra carried and striking floor amendment no. 909 was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa, Nguyen and Rolfes

Excused: Senators McCoy and Walsh

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5946, by Senate Committee on Housing Stability & Affordability (originally sponsored by Nguyen, Saldaña, Hasegawa, Das and Lovelett)

Concerning the application of the state environmental policy act to temporary shelters and transitional encampments.

The bill was read on Third Reading.

Senators Nguyen and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5946.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5946 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Ericksen, Hawkins, Honeyford, Padden, Salomon and Short

Excused: Senators McCoy and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5591, by Senate Committee on Transportation (originally sponsored by Schoesler)

Exempting previously registered vehicles from the stolen vehicle check fee.

The bill was read on Third Reading.

MOTION

On motion of Senator Schoesler, the rules were suspended and Substitute Senate Bill No. 5591 was returned to second reading for the purpose of amendment.

MOTION

Senator Schoesler moved that the following floor amendment no. 910 by Senator Schoesler be adopted:

On page 1, line 17, after "effect" strike all material through "2019" and insert "July 1, 2020"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 910 by Senator Schoesler on page 1, line 17 to Substitute Senate Bill No. 5591.

The motion by Senator Schoesler carried and floor amendment no. 910 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5591.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators McCoy and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5457, by Senators Keiser, Saldaña, Conway, Hasegawa, Hunt and Nguyen

Naming of subcontractors by prime contract bidders on public works contracts.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 917 by Senators Keiser and Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 140.** RCW 39.30.060 and 2003 c 301 s 5 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit ~~((as part of the bid, or within))~~:

(a) Within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work; or

(b) Within forty-eight hours after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of structural steel installation and rebar installation.

(2) The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

~~((2))~~ (3) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

(a) Refusal of the listed subcontractor to sign a contract with the prime contractor;

(b) Bankruptcy or insolvency of the listed subcontractor;

(c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;

(d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract; ~~((e))~~

(e) Refusal or inability to provide a letter of bondability from a surety company; or

(f) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

~~((3))~~ (4) The requirement of this section to name the prime contract bidder's proposed ~~((HVAC, plumbing, and electrical))~~ subcontractors HVAC, plumbing, ~~((and))~~ electrical, structural steel installation, and rebar installation subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

~~((4))~~ (5) This section does not apply to job order contract requests for proposals under RCW ~~((39.10.130))~~ 39.10.420.

(6) The legislature finds that there are hundreds of capital construction projects completed each year which include complex contracting and bidding requirements. It is the intent of the legislature to review current subcontractor listing requirements to allow fair, transparent, and competitive bidding while prohibiting bid shopping. The capital projects advisory review board must submit a report to the governor and the appropriate committees of the legislature by November 1, 2020. The report must:

(a) Evaluate current subcontractor listing policies and practices;

(b) Recommend appropriate expansion of the number of subcontractors that may be listed in order to improve transparency and fairness without reducing competitive bidding and access to public works by minority and women-owned businesses; and

(c) Recommend possible project threshold and time frames for purposes of subcontractor listings for all scopes of work that are not required to list under law, including: The timing of subcontractor listing, bond requirements for subcontractors, general contractors standard contract request, and general contractor/construction manager and design-build applications."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 39.30.060."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 917 by Senators Keiser and Hunt to Senate Bill No. 5457.

The motion by Senator Keiser carried and striking floor amendment no. 917 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Zeiger, Hasegawa and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5457.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators McCoy and Walsh

ENGROSSED SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6037, by Senators Pedersen, Wellman, Rivers, Keiser, Dhingra, Kuderer, Cleveland, Saldaña, Randall,

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

Darneille, Rolfes, Das, Frockt, Carlyle, Wilson, C., Hunt and Stanford

MOTION

Concerning business corporations.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Wellman, Brown and Rivers spoke in favor of passage of the bill.

Senators Padden and Ericksen spoke against passage of the bill.

Senator Hasegawa spoke on passage of the bill.

MOTION

On motion of Senator Rivers, Senator Muzzall was excused.

Senators Becker and Wagoner spoke against passage of the bill.

MOTION

On motion of Senator Rivers, Senator Fortunato was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators McCoy, Muzzall and Walsh

SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5006, by Senators Takko, Fortunato, Palumbo and Mullet

Allowing the sale of wine by microbrewery license holders.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 5006 was substituted for Senate Bill No. 5006 and the substitute bill was placed on the second reading and read the second time.

Senator Takko moved that the following striking floor amendment no. 908 by Senator Takko be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 141. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is an on-premises endorsement available to any:

(a) Licensed domestic winery to sell beer, produced in Washington, by the single serving for on-premises consumption; and

(b) Licensed domestic brewery or microbrewery to sell wine, produced in Washington, by the single serving for on-premises consumption.

(2) The holder of the endorsement is limited to three offerings of beer for a domestic winery and three offerings of wine for a domestic brewery or microbrewery.

(3) The annual fee for the endorsement is two hundred dollars for each retail location."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "creating a new on-premises endorsement for domestic wineries, domestic breweries, and microbreweries; and adding a new section to chapter 66.24 RCW."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 908 by Senator Takko to Substitute Senate Bill No. 5006.

The motion by Senator Takko carried and striking floor amendment no. 908 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 5006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5006.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5006 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Ericksen and Fortunato

Excused: Senators McCoy, Muzzall and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Billig: "Thank you. I wanted to rise to thank you for your role in naming the Person of the Year, the Washingtonian of the Year, and to recognize the Washingtonian of the Year, a resident of my district and somebody that we know in this chamber because she came in 2015 when we honored her with a resolution, actually got to speak to the body. Carla Peperzak, who at sixteen years old was a Dutch Resistance fighter, a Jewish Dutch Resistance Fighter. Survived the Holocaust. Moved to the United States. Came to Spokane and has led a life of educating young people about the Holocaust. And she is one of the most courageous, nicest, most personable, and most active ninety-six year olds that I've ever met. And I know she's going to be here on February 20 for a reception but I just wanted to honor her on the floor again today and thank you Mr. President for your role in selecting her as Washingtonian of the Year."

REMARKS BY THE PRESIDENT

President Habib: "Thank you, Senator Billig and thank you for bringing her again to the attention of the selection committee. And yes, we will be, I'll be reminding, my office will be and I will on the floor to, remind everyone legislators are all welcome to come at the ceremony where the Washingtonian of the Year will be recognized, where Carla Peperzak that will be recognized, as well as the Organization the Year, which is the Hilltop Artists, an amazing program in Tacoma. And also, those of you from east King County will have known Doreen Marchione, the late Mayor of Redmond, Deputy Mayor Kirkland, will be receiving a legacy of service award. She passed away this last year and so we will be recognizing all of them that the governor's mansion in about a month. And certainly it would mean a lot to have legislators in attendance at that time. Thank you, Senator Billig."

MOTION

On motion of Senator Rivers, Senators Ericksen and Fortunato were excused.

SECOND READING

SENATE BILL NO. 5282, by Senators Liias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser and Pedersen

Requiring informed consent for pelvic exams.

The measure was read the second time.

MOTION

Senator Liias moved that the following striking floor amendment no. 918 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 142.** A new section is added to chapter 18.130 RCW to read as follows:

(1) A health care provider licensed under this title may not knowingly perform or authorize a student practicing under their authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

(a) The patient or a person authorized to make health care decisions for the patient gave specific informed consent to the examination; or

(b) The examination is necessary for diagnostic or treatment purposes.

(2) A licensed health care provider who violates subsection (1) of this section is subject to discipline pursuant to this chapter, the uniform disciplinary act.

Sec. 143. RCW 18.130.180 and 2019 c 427 s 17 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

TWELFTH DAY, JANUARY 24, 2020

2020 REGULAR SESSION

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW or a pattern of violations of RCW 48.49.020 or 48.49.030;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of section 1 of this act."

On page 1, line 1 of the title, after "exams;" strike the remainder of the title and insert "amending RCW 18.130.180; adding a new section to chapter 18.130 RCW; and prescribing penalties."

Senators Liias and O'Ban spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 918 by Senator Liias to Senate Bill No. 5282.

The motion by Senator Liias carried and striking floor amendment no. 918 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, McCoy, Muzzall and Walsh

ENGROSSED SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Cleveland, Wilson, L., Keiser and Kuderer

Concerning the licensure and certification of massage therapists and reflexologists.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Padden,

Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, McCoy, Muzzall and Walsh

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I regret the necessity of missing the opportunity to vote on SB 6037, SB 5006, SB 5282 and SB 5097 today. At the request of the Governor I was called to a meeting in his office and was unable to return to the Senate floor in time to vote on those bills.

SENATOR RON MUZZALL, 10th Legislative District

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5197, by Senators Hobbs, Zeiger, Wagoner, Short, Bailey, Hunt, Fortunato and Keiser

Concerning the Washington national guard postsecondary education grant program.

The bill was read on Third Reading.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Nguyen was excused.

Senators Zeiger, Holy and King spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Ericksen, McCoy, Nguyen and Walsh

SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5613, by Senators Rivers, Schoesler, Becker, Brown, Short, Warnick, Wilson, L. and Fortunato

Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

The bill was read on Third Reading.

Senator Rivers spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Pedersen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, McCoy, Nguyen and Walsh

SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:14 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, January 27, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia
Monday, January 27, 2020

The Senate was called to order at 12:03 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Malia Chea and Mr. Sam Davis, presented the Colors. Page Miss Hailey Sarber led the Senate in the Pledge of Allegiance. The prayer was offered by Brother Mustafa Mohamedali of the Islamic Center of Olympia; Ms. Meera Suresh; and Mr. Ish Singh, Gurudwara Sikh Centre of Seattle, guests of Senator Dhingra.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 23, 2020

SB 5636 Prime Sponsor, Senator Brown: Concerning fiscal notes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6049 Prime Sponsor, Senator Liias: Creating the insurance commissioner's fraud account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Muzzall and Schoesler.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6072 Prime Sponsor, Senator Rolfes: Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6072 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6127 Prime Sponsor, Senator Randall: Adding a graduate student to the student achievement council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6136 Prime Sponsor, Senator Nguyen: Updating restrictions on electronic benefit cards. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6218 Prime Sponsor, Senator Schoesler: Modifying the definition of salary for the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Transportation.

January 23, 2020

SB 6219 Prime Sponsor, Senator Conway: Modifying the definition of index for the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6256 Prime Sponsor, Senator Wellman: Concerning the heating oil insurance program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6256 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6257 Prime Sponsor, Senator Wellman: Concerning the underground storage tank reinsurance program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Rivers; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6281 Prime Sponsor, Senator Carlyle: Concerning the management and oversight of personal data. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6281 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6312 Prime Sponsor, Senator Zeiger: Making the nonprofit and library fund-raising exemption permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6374 Prime Sponsor, Senator Holy: Concerning apprenticeship materials for dual credit scholarship programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6405 Prime Sponsor, Senator Stanford: Supporting student success at community and technical colleges by increasing full-time faculty and stabilizing the use of part-time faculty. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy, Ranking Member and Brown.

Referred to Committee on Ways & Means.

January 23, 2020

SB 6468 Prime Sponsor, Senator Randall: Repealing the legislative advisory committee to the committee on advanced tuition payment. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 23, 2020

SB 6492 Prime Sponsor, Senator Pedersen: Addressing workforce education investment funding through business and occupation tax reform. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6492 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias and Pedersen.

FIFTEENTH DAY, JANUARY 27, 2020

2020 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler and Wilson, L.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6136 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 23, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHILOH BURGESS, appointed January 23, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9384.

January 23, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOLLY M. SILER, appointed January 23, 2020, for the term ending September 30, 2024, as Member of the Columbia Basin College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9385.

January 23, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALBERT L. TRIPP, appointed January 23, 2020, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing Stability & Affordability as Senate Gubernatorial Appointment No. 9386.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6611 by Senator Darneille

AN ACT Relating to families in conflict; amending RCW 13.32A.030, 13.32A.040, and 13.32A.150; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6612 by Senator Braun

AN ACT Relating to audit requirements for charitable organizations that provide services to homeless persons; and amending RCW 19.09.541.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6613 by Senators Rolfes, Lovelett and Saldaña

AN ACT Relating to the inspection of marine aquatic farming locations; and amending RCW 77.125.030.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6614 by Senators Takko, Wellman, Lovelett, Keiser, Randall, Stanford and Van De Wege

AN ACT Relating to establishing the rural college promise program; amending RCW 82.04.299; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 6615 by Senator Wellman

AN ACT Relating to staff funding for school districts; amending RCW 28A.150.260 and 28A.150.415; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6616 by Senators Liias and Van De Wege

AN ACT Relating to retirement benefits for certain employees that provided emergency medical services prior to July 27, 2003; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

SB 6617 by Senators Liias and Das

AN ACT Relating to accessory dwelling unit regulation; amending RCW 43.21C.495; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

SB 6618 by Senators Liias and Kuderer

AN ACT Relating to housing benefit districts; amending RCW 36.70A.600, 82.14.410, 84.52.010, and 29A.36.210; and adding a new chapter to Title 36 RCW.

Referred to Committee on Housing Stability & Affordability.

SB 6619 by Senators Wellman, Nguyen, Lovelett, Stanford and Das

AN ACT Relating to chemicals in drinking water; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 6620 by Senators Short, Saldaña and King

AN ACT Relating to exceptions to disqualification for unemployment insurance benefits when voluntarily leaving employment due to location and the separation from a minor child; reenacting and amending RCW 50.20.050; and creating a new section.

Referred to Committee on Labor & Commerce.

SB 6621 by Senators Frockt, Braun, Brown and Keiser

AN ACT Relating to increasing tax exemption transparency and accountability; amending RCW 43.06.400, 82.33.060, and 43.88.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6622 by Senators Das, Lovelett, Rolfes, Nguyen, Cleveland, Carlyle, Hobbs, Frockt, Liias, Keiser, Stanford, Randall, Wellman, Salomon, Saldaña, Darneille, Wilson, C., Kuderer, Rivers, Hawkins, Van De Wege and Hunt

AN ACT Relating to establishing a comprehensive, statewide photovoltaic module recovery, reuse, recycling, and end-of-life program; amending RCW 70.355.010; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 6623 by Senators Darneille, Kuderer, Warnick, Zeiger, Das, Nguyen and Saldaña

AN ACT Relating to reducing funding restrictions for host homes; and amending RCW 74.15.020.

Referred to Committee on Housing Stability & Affordability.

SB 6624 by Senators Becker, Hasegawa, Randall, Rivers, Dhingra, Schoesler, Short, Padden, Conway, Wilson, L., Liias and Van De Wege

AN ACT Relating to submitting reports to the legislature; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6625 by Senators Nguyen, Lovelett and Frockt

AN ACT Relating to creating a supports and basic income pilot program; amending RCW 74.04.005 and 43.185C.220; adding a new section to chapter 74.62 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6626 by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner

AN ACT Relating to creating the position of military spouse liaison; and adding a new section to chapter 43.60A RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6627 by Senators Stanford, Das and Saldaña

AN ACT Relating to reducing waste associated with single-use food service products; amending RCW 70.95.080; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

SJM 8020 by Senators Honeyford and King

Requesting the Washington state transportation commission to commence proceedings designating names to certain highways.

Referred to Committee on Transportation.

SHB 1010 by House Committee on Civil Rights & Judiciary (originally sponsored by Senn, Lovick, Chapman, Walen, Slatter, Kloba, Peterson, Valdez, Kilduff, Ryu, Fitzgibbon, Appleton, Jinkins, Macri, Wylie, Goodman, Cody, Bergquist, Doglio, Robinson, Orwell, Stanford, Ortiz-Self, Santos, Frame and Leavitt)

AN ACT Relating to the disposition of forfeited firearms by the Washington state patrol; and amending RCW 9.41.098.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Frockt moved adoption of the following resolution:

FIFTEENTH DAY, JANUARY 27, 2020

2020 REGULAR SESSION

SENATE RESOLUTION
8663

By Senators Frockt, Hunt, Cleveland, Das, Keiser, Salomon, Van De Wege, Stanford, Lovelett, Braun, Sheldon, Schoesler, Hawkins, Wellman, Takko, Wilson, C., Zeiger, Saldaña, Dhingra, Liias, Honeyford, Carlyle, Billig, Rolfes, Kuderer, Wilson, L., Conway, Brown, Walsh, Holy, and Wagoner

WHEREAS, January 27, 2020, marks the seventy-fifth anniversary of the liberation of Auschwitz-Birkenau, the largest Nazi concentration and death camp; and

WHEREAS, January 27th was designated as International Holocaust Remembrance Day by United Nations General Assembly Resolution 60/7 in 2005; and

WHEREAS, The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators; and

WHEREAS, Six million Jews were murdered between 1933 and 1945; Roma, people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's witnesses, soviet prisoners of war, and political dissidents also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, The history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, A 2018 study by the Conference on Jewish Material Claims Against Germany revealed a disturbing lack of knowledge about the Holocaust among Americans; and

WHEREAS, There has been a dramatic rise in hate crimes and bias incidents in the last several years, including deadly attacks on the Jewish community; and

WHEREAS, The people of the State of Washington should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny to ensure that the tragedies of the past are never repeated; and

WHEREAS, Washington State recognizes the events of the Holocaust not only as the product of unimpeded prejudice and violence, but as a direct attack on our country's most sacred values; and

WHEREAS, It is our moral obligation to the victims and survivors of the Holocaust to spread awareness of these tragic events and to reaffirm our united stance against hate; and

WHEREAS, Deprivation of human rights based on religion does not just threaten the individual freedoms of those who are targeted, it threatens the foundations of a just society;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pause in its deliberations to commemorate the seventy-fifth anniversary of the liberation of Auschwitz and observe International Holocaust Remembrance Day.

Senators Frockt, Sheldon, Carlyle, Wellman and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

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

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Arnold Zweig, an Olympia resident and survivor of the Auschwitz concentration

camp, who was seated in the gallery. Mr. Zweig was a guest of Senator Sheldon.

REMARKS BY THE PRESIDENT

President Habib: "Mr. Zweig is a survivor of the Holocaust. He was imprisoned from 1937-1945 and lost his mother at Auschwitz. He has been a long-time resident here in Olympia and owned a successful business in Shelton. A fixture in the community. But, what I want to highlight above all today on this very important day of remembrance is that he has borne witness for 75 years today. He has, through his life and through the stories he has shared, he has allowed us to have this understanding, this depth of understanding that we have. On behalf of the Senate I want to express our gratitude to him for having done that tremendous service to our state, to our country, and our world for 75 years and pledge that we in part, in our part, do everything we can to carry that legacy on. To make sure that the next 75 years, and indeed, for as long as we pledge allegiance to our flag here in the state of Washington, and we are a free people, we will continue in this state senate to recognize and remember Auschwitz. To recognize and remember the deeds of the Holocaust. Those who lost their lives. Those who survived and told the tale. So would the Senate please join me in thanking Mr. Zweig for his many years of service and sacrifice to our state."

The Senate rose in recognition of Mr. Arnold Zweig.

MOTION

Senator Dhingra moved adoption of the following resolution:

SENATE RESOLUTION
8664

By Senators Dhingra, Das, Takko, Lovelett, Billig, Hasegawa, Wilson, C., Hunt, Holy, Padden, Stanford, Kuderer, Liias, and Saldaña

WHEREAS, January 26, 2020, marked the 71st Republic Day in India, celebrating the adoption of the Constitution of the world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, India's Constitution asserts equality before law, and declares, "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, India has a strong tradition of maintaining democratic ideals through robust checks on those in power; and

WHEREAS, The first prime minister of India, Jawaharlal Nehru, wrote to caution himself and his own supporters, "We want no Caesars"; and

WHEREAS, Washington state has many cultural and economic ties to India, including more than 60,000 Indian Americans living in the state; and

WHEREAS, Indian Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Seattle-based tech companies; and

WHEREAS, These businesses provide valuable services, resources, and jobs to the people of this state; and

WHEREAS, Indian Americans have been emigrating to the West Coast since the 19th century, working in our most vital industries including agriculture, logging, and trade; and

WHEREAS, Indian Americans reflect the values of inclusion and pluralism through their many cultural and religious identities, including Muslim, Sikh, and Hindu; and

WHEREAS, Indian Americans serve selflessly in our armed forces and in law enforcement, and contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Republic Day 2020 as a symbol of the shared values of democracy, diversity, and inclusion, between the nation of India and both the State of Washington and the United States of America.

Senators Dhingra, Wagoner and Das spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

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

MOTION

At 12:59 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, January 28, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SIXTEENTH DAY, JANUARY 28, 2020

2020 REGULAR SESSION

SIXTEENTH DAY**NOON SESSION**Senate Chamber, Olympia
Tuesday, January 28, 2020

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2020

SB 5834 Prime Sponsor, Senator Hunt: Concerning the immigration status of students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6032 Prime Sponsor, Senator Hawkins: Creating a Washington apples special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6061 Prime Sponsor, Senator Becker: Requiring training standards in providing telemedicine services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6061 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Keiser; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6083 Prime Sponsor, Senator Zeiger: Concerning travel trailers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6099 Prime Sponsor, Senator Hunt: Repealing the education accountability system oversight committee. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6103 Prime Sponsor, Senator Wellman: Concerning educational reporting requirements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6128 Prime Sponsor, Senator Randall: Extending coverage during the postpartum period. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6128 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 27, 2020

SB 6190 Prime Sponsor, Senator Braun: Preserving the developmental disabilities community trust. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do

pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 24, 2020

SB 6228 Prime Sponsor, Senator Kuderer: Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6231 Prime Sponsor, Senator Kuderer: Providing a limited property tax exemption for the construction of accessory dwelling units. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

January 27, 2020

SB 6251 Prime Sponsor, Senator Lovelett: Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6253 Prime Sponsor, Senator Wilson, C.: Creating a comprehensive statewide early care and education system by improving accessibility and affordability of early care and education programs for families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6253 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Mullet.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Ways & Means.

January 27, 2020

SB 6351 Prime Sponsor, Senator Nguyen: Concerning working connections child care eligibility. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

January 27, 2020

SB 6363 Prime Sponsor, Senator Takko: Concerning tracked and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6378 Prime Sponsor, Senator Kuderer: Concerning residential tenant protections. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6378 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member; Zeiger, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

January 27, 2020

SB 6473 Prime Sponsor, Senator Stanford: Concerning asbestos-containing building materials. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6473 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Schoessler.

SIXTEENTH DAY, JANUARY 28, 2020

2020 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

On motion of Senator Liias, the Senate advanced to the fifth order of business.

Referred to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

January 27, 2020
SGA 9316 KEN A. LARSEN, reappointed on July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing Stability & Affordability

SB 6628 by Senator Carlyle
 AN ACT Relating to emissions of greenhouse gases; and amending RCW 70.94.030 and 70.94.331.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Environment, Energy & Technology.

Referred to Committee on Rules for second reading.

SB 6629 by Senators Conway, Keiser, Kuderer and Hasegawa
 AN ACT Relating to granting interest arbitration to employees of the department of natural resources and the liquor and cannabis board; and amending RCW 41.80.200.

Referred to Committee on Labor & Commerce.

January 27, 2020
SGA 9317 WENDY L. LAWRENCE, reappointed on July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing Stability & Affordability

SB 6630 by Senators Zeiger and Kuderer
 AN ACT Relating to increasing accountability for public housing authorities; and amending RCW 35.82.230 and 43.09.260.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Housing Stability & Affordability.

Referred to Committee on Rules for second reading.

SB 6631 by Senator Saldaña
 AN ACT Relating to the sales and use tax for affordable and supportive housing; and amending RCW 82.14.540.

SUBCOMMITTEE ON BEHAVIORAL HEALTH
REFERRALS

Referred to Committee on Housing Stability & Affordability.

Pursuant to Senate Rule 45(13) and without objection, the Committee on Health & Long Term Care provided notice that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 6570;
 SENATE BILL NO. 6588;
 SENATE BILL NO. 6591;
 and SENATE BILL NO. 6600.

SB 6632 by Senator Takko
 AN ACT Relating to providing additional funding for the business licensing service program administered by the department of revenue; amending RCW 19.02.075; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

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

SB 6633 by Senator Brown
 AN ACT Relating to designating January as human trafficking awareness month; adding a new section to chapter 7.68 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

MESSAGE FROM THE HOUSE

January 27, 2020

MR. PRESIDENT:
 The House has passed:

ENGROSSED HOUSE BILL NO. 1058,
 HOUSE BILL NO. 1165,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520,
 SUBSTITUTE HOUSE BILL NO. 1715,
 HOUSE BILL NO. 2033,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

SB 6634 by Senator Warnick
 AN ACT Relating to implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children's mental health work group; amending RCW 71.34.010, 71.34.610, 71.34.630, and 71.34.730; reenacting and amending RCW 71.34.020, 71.34.600, 71.34.750, and 71.34.750; adding a new section to chapter 71.34 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

MOTION

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

Pursuant to Rule 46 and without objection, the President announced that the Committee on Law & Justice was granted special leave to meet during the day's floor session.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8665

By Senator King

WHEREAS, For over thirty years, Resolution Washington and their dispute resolution centers (DRCs) have focused on delivering effective and free or low-cost conflict resolution services in collaboration with the courts and for the public; and

WHEREAS, The DRCs seek to create safer, more peaceful communities by improving communication among community stakeholders by fostering reconciliation, reducing racial tensions, and building trust between the public and local officials; and

WHEREAS, Every DRC offers mediation, facilitation, training and mediator certification, public education, and programs tailored to meet their community's needs; and

WHEREAS, In March 2019, Sarah Augustine and the DRC of Yakima and Kittitas counties, were awarded the Washington Mediation President's Award; and

WHEREAS, The award was in recognition of the work Sarah and the DRC has done establishing Community Response teams in the Yakima Valley, bringing civil discourse and cooperation to the community through the collaboration of elected officials, law enforcement, neighborhood activists, and Heritage University students; and

WHEREAS, In May 2019, Resolution Washington was selected to receive the 2019 Access to Justice Community Leadership Award for playing a strategic, significant, and courageous leadership role in improving access to the justice system;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember and honor Resolution Washington for assisting to create safer, more peaceful communities in Washington by assisting residents in resolving conflicts from a position of strength and authenticity.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

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

MOTION

At 12:05 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 29, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 29, 2020

The Senate was called to order at 10:07 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The United States Navy Honor Guard, comprised of Hospital Corpsman Third Class Tom Tabbada, Hospital Corpsman Third Class Harold Dexter, Hospital Corpsman Third Class Daniel Gonzalez, and Hospital Corpsman Second Class Jonathan Sahertian presented the Colors. The Navy Band Northwest Woodwind Quintet performed the National Anthem.

Lieutenant Governor Habib led the Senate in the Pledge of Allegiance.

The prayer was offered by Captain Brian Haley, Chaplain, Navy Region Northwest, accompanied by the Navy Band Northwest Woodwind Quintet.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2020

SB 5679 Prime Sponsor, Senator Hasegawa: Concerning the mitigation of public facilities in certain cities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6053 Prime Sponsor, Senator Conway: Establishing wage liens. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Walsh.

Referred to Committee on Ways & Means.

January 28, 2020

SB 6057 Prime Sponsor, Senator Stanford: Concerning price differentials in the sale of marijuana. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6349 Prime Sponsor, Senator Keiser: Concerning paid family and medical leave. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6349 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Schoesler.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6464 Prime Sponsor, Senator Wilson, L.: Concerning state building code council membership. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6464 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6481 Prime Sponsor, Senator Cleveland: Simplifying the process for donating low-value surplus property owned by a city-owned utility. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6582 Prime Sponsor, Senator Hobbs: Concerning the number of fire protection district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6592 Prime Sponsor, Senator Holy: Concerning tourism authorities. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Local Government.

January 28, 2020

SJM 8016 Prime Sponsor, Senator Hasegawa: Concerning the federal harbor maintenance tax. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

January 28, 2020

HB 1829 Prime Sponsor, Representative Chapman: Concerning veterans' assistance levies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Ways & Means.

January 28, 2020

SGA 9382 RICH NAFZIGER, appointed on January 16, 2020, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Housing Stability & Affordability.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6635 by Senator Fortunato

AN ACT Relating to allowing for alternative public notice of applications for coverage under the construction stormwater general permit; and amending RCW 90.48.170.

Referred to Committee on Environment, Energy & Technology.

SB 6636 by Senator Fortunato

AN ACT Relating to monitoring vaccine adverse events; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

SB 6637 by Senators Salomon, Kuderer, Hunt, Lovelett, Wellman, and Wilson, C.

AN ACT Relating to creating a license for the operation of a wilderness therapy program; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health & Long Term Care.

SB 6638 by Senators Wilson, C., Lovelett, Randall, Nguyen, Das and Darneille

AN ACT Relating to providing reentry services to persons releasing from prison, jail, and other institutions; amending RCW 74.09.670, 10.77.150, 72.09.370, 71.24.470, and 71.24.480; reenacting and amending RCW 71.24.025 and 71.24.385; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6639 by Senators O'Ban and Brown

AN ACT Relating to reestablishing a business and occupation tax deduction for government-funded behavioral health care; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6640 by Senator O'Ban

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6641 by Senators O'Ban, Conway, and Wilson, C.

AN ACT Relating to increasing the availability of certified sex offender treatment providers; amending RCW 18.155.020, 18.155.030, 18.155.075, and 18.155.080; adding a new section to chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 6642 by Senators Zeiger, O'Ban, Becker and Darneille

AN ACT Relating to providing a tax preference for rural and nonrural data centers; amending RCW 82.08.986; adding a

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6643 by Senator Takko

AN ACT Relating to combining a resolution proposing abandonment and a resolution proposing a council-manager plan of government into a single proposition; and amending RCW 35A.06.040.

Referred to Committee on Local Government.

SB 6644 by Senators Hobbs, and Wilson, C.

AN ACT Relating to creating a pilot project to provide grants to low-income families to receive financial support for acquiring legal services to assist with the guardianship appointment process; adding a new section to chapter 2.53 RCW; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 6645 by Senators Das, Carlyle, Wellman, Lovelett, Nguyen, Saldaña, Kuderer, Randall, Wilson, C., Salomon and Liias

AN ACT Relating to minimum recycled content requirements; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 6646 by Senators Zeiger, Wilson, C. and Nguyen

AN ACT Relating to creating a pilot program for gender-responsive and trauma-informed outpatient substance abuse treatment; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Health & Long Term Care.

SB 6647 by Senator Zeiger

AN ACT Relating to department of commerce data on homeless clients, spending, and performance; and creating new sections.

Referred to Committee on Housing Stability & Affordability.

SB 6648 by Senators Zeiger, Wagoner, and Wilson, C.

AN ACT Relating to establishing a pilot program to create a safe station for persons who need substance use disorder treatment; adding a new section to chapter 43.31 RCW; adding a new section to chapter 70.385 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6649 by Senators Zeiger, Kuderer, Braun, and Wilson, C.

AN ACT Relating to establishing a local sales and use tax option to fund emergency homeless shelters; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Housing Stability & Affordability.

SB 6650 by Senator Fortunato

AN ACT Relating to creating a volunteer highway sweeping program for businesses; and adding a new section to chapter 47.40 RCW.

Referred to Committee on Transportation.

SB 6651 by Senator Fortunato

AN ACT Relating to preventing the local prohibition of tenant evictions for any period of time; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6652 by Senators Nguyen, Saldaña, Lovelett and Das

AN ACT Relating to local transportation revenue options; amending RCW 35.21.870, 36.73.065, 82.14.0455, 82.80.010, and 82.80.080; and providing an effective date.

Referred to Committee on Transportation.

EHB 1058 by Representatives Irwin, Blake, Van Werven, Bergquist, Walsh, MacEwen, Shea, Jinkins, Wylie, Goodman and Barkis

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

HB 1165 by Representatives Orwall, Dent, Blake, Fitzgibbon and Doglio

AN ACT Relating to encouraging low-water landscaping practices as a drought alleviation tool; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 39.35D RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2ESHB 1332 by House Committee on Environment & Energy (originally sponsored by Wylie, DeBolt, Mead, Doglio, Fitzgibbon and Tharinger)

AN ACT Relating to updating and streamlining the energy facility site evaluation council operations; amending RCW 80.50.040, 80.50.060, 80.50.100, and 80.50.175; and reenacting and amending RCW 80.50.030 and 80.50.090.

Referred to Committee on Environment, Energy & Technology.

ESHB 1520 by House Committee on State Government & Tribal Relations (originally sponsored by Morgan, Hudgins, Rude, Mead, Stonier, Frame, Riccelli, Appleton, Pellicciotti, Kilduff, Doglio and Reeves)

AN ACT Relating to calendar election dates on ballot envelopes; and amending RCW 29A.40.091.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 1715 by House Committee on Education (originally sponsored by Entenman, Boehnke, Jinkins, Ortiz-Self, Bergquist and Pollet)
AN ACT Relating to removing the ability of school districts to withhold grades and transcripts of pupils; and amending RCW 28A.635.060 and 28A.325.050.

Referred to Committee on Early Learning & K-12 Education.

HB 2033 by Representatives Chambers, Paul, Dent, Van Werven, Thai, Eslick, Lekanoff, Corry, Shewmake and Frame
AN ACT Relating to mandatory reporting of child abuse and neglect; amending RCW 26.44.080 and 26.44.030; and prescribing penalties.

Referred to Committee on Human Services, Reentry & Rehabilitation.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MOTION

Senator Muzzall moved adoption of the following resolution:

SENATE RESOLUTION 8667

By Senators Muzzall, Wagoner, Braun, Hunt, Kuderer, Zeiger, Walsh, Wilson, L., Becker, Short, Carlyle, Sheldon, and Rivers

WHEREAS, The citizens of Washington State have set aside this day to honor, appreciate, and remember our Navy personnel; and

WHEREAS, The Washington State Senate has always acted to honor those who have served and are serving our country as members of the United States military; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, Washington State is uniquely positioned, politically, economically, and geographically, to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, Washington State Navy bases support two aircraft carriers, more than five surface ships, thirteen submarines, and one hundred sixty aircraft; and

WHEREAS, Washington State Navy installations provide 78,549 careers and infuses 10.7 billion dollars each year to Washington State's economic stability; and

WHEREAS, Washington State Navy installations are recognized for environmental stewardship successes and continue to actively assist in partnership efforts statewide; and

WHEREAS, The Navy has worked to improve salmon recovery, support southern resident orca recovery, increase orca food supply, conserve energy and water, conduct and invest hundreds of millions of dollars in marine species research, restore and protect critical habitats from development, mitigate ocean acidification, and invest in renewable energy; and

WHEREAS, Washington State naval bases consistently receive awards for the quality of life they provide to service members and family members; and

WHEREAS, Washington State-based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the Navy and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Senators Muzzall, Randall and Wagoner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Lucian Niemeyer, Acting Assistant Secretary, U.S. Navy for Energy, Installations & Environment and Rear Admiral Scott Gray, Commander, Navy Region Northwest, who were seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced U.S. Navy officers, enlisted and other personnel stationed at multiple bases across the Puget Sound who were seated in the gallery.

MOTION

At 10:30 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 10:40 a.m. by President Habib.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

Senator Wilson, C. moved that Christina Blocker, Senate Gubernatorial Appointment No. 9059, be confirmed as a member of the Bates Technical College Board of Trustees. Senator Wilson, C. spoke in favor of the motion.

APPOINTMENT OF CHRISTINA BLOCKER

The President declared the question before the Senate to be the confirmation of Christina Blocker, Senate Gubernatorial Appointment No. 9059, as a member of the Bates Technical College Board of Trustees.

MOTION

On motion of Senator Wilson, C., Senators Billig and Rolfes were excused.

The Secretary called the roll on the confirmation of Christina Blocker, Senate Gubernatorial Appointment No. 9059, as a member of the Bates Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Billig and Rolfes

Christina Blocker, Senate Gubernatorial Appointment No. 9059, having received the constitutional majority was declared confirmed as a member of the Bates Technical College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Braun moved that Heather L. Mansy, Senate Gubernatorial Appointment No. 9060, be confirmed as a member of the Lower Columbia College Board of Trustees.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF HEATHER L. MANSY

The President declared the question before the Senate to be the confirmation of Heather L. Mansy, Senate Gubernatorial Appointment No. 9060, as a member of the Lower Columbia College Board of Trustees.

MOTION

On motion of Senator Short, Senator O'Ban was excused.

The Secretary called the roll on the confirmation of Heather L. Mansy, Senate Gubernatorial Appointment No. 9060, as a member of the Lower Columbia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Billig, O'Ban and Rolfes

Heather L. Mansy, Senate Gubernatorial Appointment No. 9060, having received the constitutional majority was declared confirmed as a member of the Lower Columbia College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Marilyn Glenn Sayan, Senate Gubernatorial Appointment No. 9064, be confirmed as a member of the Public Employment Relations Commission.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF MARILYN GLENN SAYAN

The President declared the question before the Senate to be the confirmation of Marilyn Glenn Sayan, Senate Gubernatorial Appointment No. 9064, as a member of the Public Employment Relations Commission.

The Secretary called the roll on the confirmation of Marilyn Glenn Sayan, Senate Gubernatorial Appointment No. 9064, as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator O'Ban

Marilyn Glenn Sayan, Senate Gubernatorial Appointment No. 9064, having received the constitutional majority was declared confirmed as a member of the Public Employment Relations Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Ollie A. Garrett, Senate Gubernatorial Appointment No. 9070, be confirmed as a member of the Liquor and Cannabis Board.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF OLLIE A. GARRETT

The President declared the question before the Senate to be the confirmation of Ollie A. Garrett, Senate Gubernatorial Appointment No. 9070, as a member of the Liquor and Cannabis Board.

The Secretary called the roll on the confirmation of Ollie A. Garrett, Senate Gubernatorial Appointment No. 9070, as a member of the Liquor and Cannabis Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator O'Ban

Ollie A. Garrett, Senate Gubernatorial Appointment No. 9070, having received the constitutional majority was declared confirmed as a member of the Liquor and Cannabis Board.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovelett moved that Steven P. Adelstein, Senate Gubernatorial Appointment No. 9084, be confirmed as a member of the Whatcom Community College Board of Trustees.

Senator Lovelett spoke in favor of the motion.

APPOINTMENT OF STEVEN P. ADELSTEIN

The President declared the question before the Senate to be the confirmation of Steven P. Adelstein, Senate Gubernatorial Appointment No. 9084, as a member of the Whatcom Community College Board of Trustees.

The Secretary called the roll on the confirmation of Steven P. Adelstein, Senate Gubernatorial Appointment No. 9084, as a member of the Whatcom Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator O'Ban

Steven P. Adelstein, Senate Gubernatorial Appointment No. 9084, having received the constitutional majority was declared confirmed as a member of the Whatcom Community College Board of Trustees.

MOTION

At 12:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Short announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 12:24 p.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 6492, by Senators Pedersen, Rolfes, and Wilson, C.

Addressing workforce education investment funding through business and occupation tax reform.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6492 was substituted for Senate Bill No. 6492 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 919 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 144.** RCW 28C.18.200 and 2019 c 406 s 3 are each amended to read as follows:

(1) The workforce education investment accountability and oversight board is established. The board consists of seventeen members, as provided in this subsection:

(a) Four members of the legislature consisting of the chairs and ranking minority members of the respective higher education and workforce development committees of the senate and house of representatives, ex officio; and

(b) The following members appointed by the governor with the consent of the senate:

(i) Five members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i);

(ii) Two members representing labor organizations, one of which must have expertise in registered apprenticeships and training a high-demand workforce and one of which must represent faculty at the four-year institutions of higher education;

(iii) Two members representing the institutions of higher education, as defined in RCW 28B.10.016, one of which must be from the four-year sector and one of which must be from the community and technical college sector;

(iv) Two members representing students, one of which must be a community and technical college student;

(v) One member representing the independent, not-for-profit higher education institutions; and

(vi) One member representing the student achievement council, established under chapter 28B.77 RCW.

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

(2) Except for ex officio and student members, board members shall hold their offices for a term of three years until their successors are appointed. Student board members shall hold one-year terms.

(3) The board shall have two cochair. One cochair shall be one of the chairs of the respective higher education and workforce development committees of the legislature and the other cochair shall be one of the board members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i). The cochair shall hold the position for a one-year term. The board members shall elect the cochair annually.

(4) Nine voting members of the board constitute a quorum for the transaction of business. The board shall meet four times a year.

(5) Staff support for the board shall be provided by the workforce training and education coordinating board established in this chapter ((28C.18 RCW)).

(6) The purposes of the board are to:

(a) Provide guidance and recommendations to the legislature on what workforce education priorities should be funded with the workforce education investment account; and

(b) Ensure accountability that the workforce education investments funded with the workforce education investment account are producing the intended results and are effectively increasing student success and career readiness, such as by increasing retention, completion, and job placement rates.

(7) The board shall consult data from the education data center established under RCW 43.41.400 and the workforce training and education coordinating board established under this chapter ((28C.18 RCW)) when reviewing and determining whether workforce education investments funded from the workforce education investment account are effectively increasing student success and career readiness.

(8) The board shall report its recommendations to the appropriate committees of the legislature by August 1st of each year.

(9) For the purposes of this section, "board" means the workforce education investment accountability and oversight board established in this section.

Sec. 145. RCW 43.79.195 and 2019 c 406 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge((s)) created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs. For the 2019-2021 biennium, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

Sec. 146. RCW 82.04.290 and 2019 c 426 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing qualifying international investment management services, as to such persons, the amount of tax with respect to such business is equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2)(a) Upon every person engaging within this state in any business activity other than or in addition to an activity taxed explicitly under another section in this chapter or subsection (1) or (3) of this section; as to such persons the amount of tax on account of such activities is equal to the gross income of the business multiplied by the rate of:

(i) 1.75 percent; or

(ii) 1.5 percent for:

(A) Any person subject to the surcharge imposed under RCW 82.04.299;

(B) Any person whose gross income of the business subject to the tax imposed under this subsection (2), for the immediately preceding calendar year, was less than one million dollars, unless (I) the person is affiliated with one or more other persons, and (II) the aggregate gross income of the business subject to the tax imposed under this subsection (2) for all affiliated persons was greater than or equal to one million dollars for the immediately preceding calendar year; and

(C) Hospitals as defined in RCW 70.41.020, including any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW. This subsection (2)(a)(ii)(C) must not be construed as modifying RCW 82.04.260(10).

(b) This subsection (2) includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his or her principal or supplier to be used for informational, educational, and promotional purposes is not considered a part of the agent's remuneration or commission and is not subject to taxation under this section.

(c) 14.3 percent of the revenues collected under (a)(i) of this subsection (2) must be deposited into the workforce education investment account created in RCW 43.79.195.

(d)(i) To aid in the effective administration of this subsection (2), the department may require a person claiming to be subject to the 1.5 percent tax rate under (a)(ii)(B) of this subsection (2) to identify all of the person's affiliates, including their department tax registration number or unified business identifier number, as may be applicable, or to certify that the person is not affiliated with any other person. Requests under this subsection (2)(d)(i) must be in writing and may be made electronically.

(ii) If the department establishes, by clear, cogent, and convincing evidence, that a person, with intent to evade the additional taxes due under the 1.75 percent tax rate in (a)(i) of this subsection (2), failed to provide the department with complete and accurate information in response to a written request under (d)(i) of this subsection (2) within thirty days of such request, the person is ineligible for the 1.5 percent tax rate in (a)(ii) of this subsection (2) for the entire current calendar year and the following four calendar years. However, the department must waive the provisions of this subsection (2)(d)(ii) for any tax reporting period that the person is otherwise eligible for the 1.5 percent tax rate in (a)(ii) of this subsection (2) if (A) the department has not previously determined that the person failed to fully comply with (d)(i) of this subsection (2), and (B) within thirty days of the notice of additional tax due as a result of the person's failure to fully comply with (d)(i) of this subsection (2) the department determines that the person has come into full compliance with (d)(i) of this subsection (2). This subsection (2)(d) applies only with respect to persons claiming entitlement

to the 1.5 percent tax rate solely by reason of (a)(ii)(B) of this subsection (2).

(e) For the purposes of (a)(ii)(B) of this subsection (2), if a taxpayer is subject to the reconciliation provisions of RCW 82.04.462(4), and calculates gross income of the business subject to the tax imposed under this subsection (2) for the immediately preceding calendar year, or aggregate gross income of the business subject to the tax imposed under this subsection (2) for the immediately preceding calendar year for all affiliated persons, based on incomplete information, the taxpayer must correct the reporting for the current calendar year when complete information for the immediately preceding calendar year is available.

(f) For purposes of this subsection (2), the definitions in this subsection (2)(f) apply:

(i) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person; and

(ii) "Control" means the possession, directly or indirectly, of more than eighty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(3)(a) Until July 1, 2040, upon every person engaging within this state in the business of performing aerospace product development for others, as to such persons, the amount of tax with respect to such business is equal to the gross income of the business multiplied by a rate of 0.9 percent.

(b) A person reporting under the tax rate provided in this subsection (3) must file a complete annual report with the department under RCW 82.32.534.

(c) "Aerospace product development" has the meaning as provided in RCW 82.04.4461.

Sec. 147. RCW 82.04.299 and 2019 c 406 s 74 are each amended to read as follows:

~~((The legislature intends to secure additional revenue via surcharges targeted towards certain industries including select advanced computing businesses.~~

The legislature intends the provisions of chapter 406, Laws of 2019 to be applied broadly in favor of application of the surcharges. To achieve this intent, any provision within chapter 406, Laws of 2019 that is deemed to be ambiguous by a court of competent jurisdiction, the board of tax appeals, or any other judicial or administrative body, should be construed in favor of application of the surcharges. The rule of statutory construction in favor of the application of the surcharge under this paragraph does not apply on or after January 1, 2022.

(1)(a) Beginning with business activities occurring on or after January 1, 2020, in addition to the taxes imposed under RCW 82.04.290(2), a workforce education investment surcharge is imposed on specified persons. The surcharge is equal to the total amount of tax payable by the person on business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of twenty percent.

(b) For specified persons who report under one or more tax classifications, this surcharge applies only to business activities taxed under RCW 82.04.290(2).

(c) The surcharge imposed under this subsection (1) must be reported and paid in a manner and frequency as required by the department.

(2) For the purposes of this section, "specified person" means a person who is not subject to the surcharge under subsection (4) of this section and who is primarily engaged within this state in any combination of the following activities:

(a) Computer software publishing or publishing and reproduction. Establishments in this industry carry out operations

necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. These establishments may publish and distribute software remotely through subscriptions and downloads;

~~(b) Conducting original investigation undertaken on a systematic basis to gain new knowledge or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes. Techniques may include modeling and simulation. The industries within this industry group are defined on the basis of the domain of research and on scientific expertise of the establishment;~~

~~(c) Putting capital at risk in the process of underwriting securities issues or in making markets for securities and commodities and those acting as agents or brokers between buyers and sellers of securities and commodities, usually charging a commission;~~

~~(d) Providing expertise in the field of information technologies through one or more of the following activities: (i) Writing, modifying, testing, and supporting computer software to meet the needs of a particular customer; (ii) planning and designing computer systems that integrate computer hardware, computer software, and communication technologies; (iii) on-site management and operation of clients' computer systems and data processing facilities; or (iv) other professional and technical computer-related advice and services;~~

~~(e) Performing central banking functions, such as issuing currency, managing the nation's money supply and international reserves, holding deposits that represent the reserves of other banks and other central banks, and acting as a fiscal agent for the central government;~~

~~(f)(i) Purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services, except satellite, to businesses and households; (ii) providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation; (iii) providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems; or (iv) providing internet access services or voice over internet protocol services via client-supplied telecommunications connections. Establishments in this industry do not operate as telecommunications carriers. Mobile virtual network operators are included in this industry;~~

~~(g)(i) Acting as principals in buying or selling financial contracts, except investment bankers, securities dealers, and commodity contracts dealers; (ii) acting as agents or brokers, except securities brokerages and commodity contracts brokerages, in buying or selling financial contracts; or (iii) providing other investment services except securities and commodity exchanges, such as portfolio management, investment advice, and trust, fiduciary, and custody services;~~

~~(h) Supplying information, such as news reports, articles, pictures, and features, to the news media. This industry comprises establishments primarily engaged in providing library or archive services. These establishments are engaged in maintaining collections of documents and facilitating the use of these documents as required to meet the informational, research, educational, or recreational needs of their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and~~

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

other archival material of historical interest. All or portions of these collections may be accessible electronically. This industry comprises establishments engaged in: (i) Publishing and broadcasting content on the internet exclusively; or (ii) operating web sites that use a search engine to generate and maintain extensive databases of internet addresses and content in an easily searchable format, known as web search portals. The publishing and broadcasting establishments in this industry do not provide traditional versions of the content they publish or broadcast. They provide textual, audio, or video content of general or specific interest on the internet exclusively. Establishments known as web search portals often provide additional internet services, such as email, connections to other web sites, auctions, news, and other limited content, and serve as a home base for internet users. This industry comprises establishments primarily engaged in providing other information services, except news syndicates, libraries, archives, internet publishing and broadcasting, and web search portals;

(i) Architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services;

(j) Retailing all types of merchandise using nonstore means, such as catalogs, toll-free telephone numbers, electronic media, such as interactive television or the internet, or selling directly to consumers in a nonretail, physical environment. Included in this industry are establishments primarily engaged in retailing from catalog showrooms of mail order houses;

(k) Providing advice and assistance to businesses and other organizations on management, environmental, scientific, and technical issues;

(l) Providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting, or they may provide general time share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services;

(m) Facilitating credit intermediation by performing activities, such as arranging loans by bringing borrowers and lenders together and clearing checks and credit card transactions;

(n) Offering legal services, such as those offered by offices of lawyers, offices of notaries, and title abstract and settlement offices, and paralegal services;

(o) Operating or providing access to transmission facilities and infrastructure that they own or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including voice over internet protocol services, wired audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry;

(p) Providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications;

(q) Operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and

provide services using that spectrum, such as cellular phone services, paging services, wireless internet access, and wireless video services;

(r) Extending credit or lending funds raised by credit market borrowing, such as issuing commercial paper or other debt instruments or by borrowing from other financial intermediaries;

(s) Underwriting annuities and insurance policies and investing premiums to build up a portfolio of financial assets to be used against future claims. Direct insurance carriers are establishments that are primarily engaged in initially underwriting and assuming the risk of annuities and insurance policies. Reinsurance carriers are establishments that are primarily engaged in assuming all or part of the risk associated with an existing insurance policy originally underwritten by another insurance carrier. Industries are defined in terms of the type of risk being insured against, such as death, loss of employment because of age or disability, or property damage. Contributions and premiums are set on the basis of actuarial calculations of probable payouts based on risk factors from experience tables and expected investment returns on reserves;

(t) Merchant-wholesale distribution of photographic equipment and supplies and office, computer, and computer peripheral equipment and medical, dental, hospital, ophthalmic, and other commercial and professional equipment and supplies;

(u) Operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature. These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct to home satellite systems, for transmission to viewers;

(v) Publishing newspapers, magazines, other periodicals, books, directories and mailing lists, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works. Publishing establishments may create the works in house, or contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print or electronic form, including proprietary electronic networks. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions. Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments;

(w) Generating, transmitting, or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (i) Operate generation facilities that produce electric energy; (ii) operate transmission systems that convey the electricity from the generation facility to the distribution system; or (iii) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer;

(x) Providing specialized design services including interior design, industrial design, graphic design, and others, but not including architectural, engineering, and computer systems design;

(y) Assigning rights to assets, such as patents, trademarks, brand names, or franchise agreements, for which a royalty payment or licensing fee is paid to the asset holder;

(z) Acting as agents in selling annuities and insurance policies or providing other employee benefits and insurance related

services, such as claims adjustment and third-party administration;

(aa) Business-to-business electronic markets that bring together buyers and sellers of goods using the internet or other electronic means and generally receive a commission or fee for the service. Business-to-business electronic markets for durable and nondurable goods are included in this industry. This industry comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry;

(bb) Accepting deposits or share deposits and in lending funds from these deposits. Within this group, industries are defined on the basis of differences in the types of deposit liabilities assumed and in the nature of the credit extended;

(cc)(i) Manufacturing complete aircraft, missiles, or space vehicles; (ii) manufacturing aerospace engines, propulsion units, auxiliary equipment or parts; (iii) developing and making prototypes of aerospace products; (iv) aircraft conversion; or (v) complete aircraft or propulsion systems overhaul and rebuilding;

(dd) Advertising, public relations, and related services, such as media buying, independent media representation, outdoor advertising, direct mail advertising, advertising material distribution services, and other services related to advertising;

(ee) Providing services, such as auditing of accounting records, designing accounting systems, preparing financial statements, developing budgets, preparing tax returns, processing payrolls, bookkeeping, and billing;

(ff) The independent practice of general or specialized medicine or surgery by businesses comprised of one or more health practitioners having the degree of doctor of medicine or doctor of osteopathy. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers;

(gg) Providing a range of outpatient services, such as family planning, diagnosis and treatment of mental health disorders and alcohol and other substance abuse, and other general or specialized outpatient care by businesses with medical staff;

(hh) Pooling securities or other assets, except insurance and employee benefit funds, on behalf of shareholders, unit holders, or beneficiaries, by legal entities such as investment pools or funds;

(ii) Promoting the interests of an organization's members, except religious organizations, social advocacy organizations, and civic and social organizations. Examples of establishments in this industry are business associations, professional organizations, labor unions, and political organizations;

(jj) Holding the securities of or other equity interests in companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or businesses that administer, oversee, and manage other establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise. Establishments that administer, oversee, and manage may hold the securities of the company or enterprise;

(kk) For medical and diagnostic laboratories, providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner;

(ll) Serving as offices of chief executives and their advisory committees and commissions. This industry includes offices of the president, governors, and mayors, in addition to executive advisory commissions. This industry comprises government establishments serving as legislative bodies and their advisory

committees and commissions. Included in this industry are legislative bodies, such as congress, state legislatures, and advisory and study legislative commissions. This industry comprises government establishments primarily engaged in public finance, taxation, and monetary policy. Included are financial administration activities, such as monetary policy, tax administration and collection, custody and disbursement of funds, debt and investment administration, auditing activities, and government employee retirement trust fund administration. This industry comprises government establishments serving as councils and boards of commissioners or supervisors and such bodies where the chief executive is a member of the legislative body itself. This industry comprises American Indian and Alaska Native governing bodies. Establishments in this industry perform legislative, judicial, and administrative functions for their American Indian and Alaska Native lands. Included in this industry are American Indian and Alaska Native councils, courts, and law enforcement bodies. This industry comprises government establishments primarily engaged in providing general support for government. Such support services include personnel services, election boards, and other general government support establishments that are not classified elsewhere in public administration;

(mm) Providing a range of office administrative services, such as financial planning, billing and recordkeeping, personnel, and physical distribution and logistics, for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business;

(nn) Providing professional, scientific, or technical services including marketing research, public opinion polling, photographic services, translation and interpretation services, and veterinary services. This category does not include legal services, accounting, tax preparation, bookkeeping, architectural, engineering, and related services, specialized design services, computer systems design, management, scientific and technical consulting services, scientific research and development services, or advertising services;

(oo) The independent practice of general or specialized dentistry or dental surgery by businesses comprised of one or more health practitioners having the degree of doctor of dental medicine, doctor of dental surgery, or doctor of dental science. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers. They may provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry;

(pp) The independent practice of general or specialized medicine or surgery, or general or specialized dentistry or dental surgery, by businesses comprised of one or more independent health practitioners, other than physicians and dentists;

(qq) Providing ambulatory health care services.

(3)(a)(i) For the purposes of this section, a person is primarily engaged within this state in any combination of the activities described in subsection (2) of this section if more than fifty percent of the person's cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year was generated from engaging in any one or more of the activities described in subsection (2) of this section. For purposes of this subsection, "gross amount reportable" means the total value of products, gross proceeds of sales, and gross income of the business, reportable to the department before application of any tax deductions.

(ii) If a person was not primarily engaged within this state in any combination of the activities described in subsection (2) of this section during the immediately preceding year, and the

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

person is unsure whether the person will be subject to the workforce investment surcharge for the current calendar year until the close of the current calendar year, the person must, if necessary, file corrected returns with the department of revenue to pay any additional tax due under this section for the current calendar year. Payment of additional tax, along with corrected returns, is due and payable when the person's last return for the calendar year during which the tax liability accrued is due and payable. Additional tax due under this section is subject to penalties and interest as provided under chapter 82.32 RCW only if the tax is not paid in full by the date due as provided in this subsection (3)(a)(ii).

(b) The entire amount of gross income of the business received by a person pursuant to a contract under which the person is obligated to perform any activity described under subsection (2) of this section is deemed to be generated from engaging in any one or more of the activities described in subsection (2) of this section.

(4)) (1)(a) Beginning with business activities occurring on or after ~~((January))~~ April 1, 2020, in addition to the taxes imposed under RCW 82.04.290(2), a workforce education investment surcharge is imposed on select advanced computing businesses ~~((as follows:~~

(i) For an affiliated group that has worldwide gross revenue of more than twenty-five billion dollars, but not more than one hundred billion dollars, during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of thirty-three and one-third percent.

(ii) For an affiliated group that has worldwide gross revenue of more than one hundred billion dollars during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of sixty-six and two-thirds percent). The surcharge is equal to the gross income of the business subject to the tax under RCW 82.04.290(2), multiplied by the rate of 1.22 percent.

(b) ~~((H))~~ Except as provided in (c) of this subsection (1), in no case will the combined surcharge imposed under this subsection ~~((4))~~ (1) paid by all members of an affiliated group be ~~((less than four million dollars or))~~ more than ~~((seven))~~ nine million dollars annually.

(c) For persons subject to the surcharge imposed under this subsection ~~((4))~~ (1) that report under one or more tax classifications, the surcharge applies only to business activities taxed under RCW 82.04.290(2).

(d) The surcharge imposed under this subsection ~~((4))~~ (1) must be reported and paid on a quarterly basis in a manner ~~((and frequency))~~ as required by the department. Returns and amounts payable under this subsection (1) are due by the last day of the month immediately following the end of the reporting period covered by the return. All other taxes must be reported and paid as required under RCW 82.32.045.

(e)(i) To aid in the effective administration of the surcharge in this subsection ~~((4))~~ (1), the department may require persons believed to be engaging in advanced computing or affiliated with a person believed to be engaging in advanced computing to disclose whether they are a member of an affiliated group and, if so, to identify all other members of the affiliated group subject to the surcharge.

(ii) If the department ~~((determines))~~ establishes, by clear, cogent, and convincing evidence, that ~~((a person))~~ one or more members of an affiliated group, with intent to evade the surcharge under this subsection ~~((4))~~ (1), failed to fully comply with this subsection ~~((4))~~ (1)(e), the ~~((seven million dollar limitation in (b) of this subsection (4) does not apply to the person's affiliated group))~~ department must assess against that person, or those persons collectively, a penalty equal to fifty percent of the amount of the total surcharge payable by all members of that affiliated group for the calendar year during which the person or persons failed to fully comply with this subsection (1)(e). The penalty under this subsection (1)(e) is in lieu of and not in addition to the evasion penalty under RCW 82.32.090(7).

(f) For the purposes of this subsection ~~((4))~~ (1) the following definitions apply:

(i) "Advanced computing" means designing or developing computer software or computer hardware, whether directly or contracting with another person, including modifications to computer software or computer hardware, cloud computing services, or operating an online marketplace, an online search engine, or online social networking platform;

(ii) "Affiliate" and "affiliated" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(iii) "Affiliated group" means a group of two or more persons that are affiliated with each other;

(iv) "Cloud computing services" means on-demand delivery of computing resources, such as networks, servers, storage, applications, and services, over the internet;

(v) "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and

(vi) "Select advanced computing business" means a person who is a member of an affiliated group with at least one member of the affiliated group engaging in the business of advanced computing, and the affiliated group has worldwide gross revenue of more than twenty-five billion dollars during the ~~((entire current or))~~ immediately preceding calendar year. A person who is primarily engaged within this state in the provision of commercial mobile service, as that term is defined in 47 U.S.C. Sec. 332(d)(1), shall not be considered a select advanced computing business. A person who is primarily engaged in this state in the operation and provision of access to transmission facilities and infrastructure that the person owns or leases for the transmission of voice, data, text, sound, and video using wired telecommunications networks shall not be considered a select advanced computing business. A person that is a "bank," "bank holding company," or "financial holding company," as those terms are defined in RCW 30A.04.010, shall not be considered a select advanced computing business.

~~((5))~~ (2) The workforce education investment surcharge~~((s))~~ under this section ~~((does))~~ does not apply to any hospital as defined in RCW 70.41.020, including any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.

~~((6))~~ (3) Revenues from the surcharge~~((s))~~ under this section must be deposited directly into the workforce education investment account established in RCW 43.79.195.

~~((7))~~ (4) The department has the authority to determine through an audit or other investigation whether a person is subject to the surcharge~~((s))~~ imposed in this section. ~~((The department's determination that a person is subject to the surcharge is presumed~~

~~to be correct unless the person shows by clear, cogent, and convincing evidence that the department's determination was incorrect. The increased evidentiary standard under this subsection (7) does not apply after January 1, 2022.)~~

NEW SECTION. Sec. 148. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 149. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 150. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2020.

NEW SECTION. Sec. 151. Section 3 of this act applies beginning with gross income of the business, as defined in RCW 82.04.080, received or accrued by taxpayers, on or after April 1, 2020."

On page 1, line 2 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 28C.18.200, 43.79.195, 82.04.290, and 82.04.299; creating new sections; providing an effective date; and declaring an emergency."

MOTION

Senator Braun moved that the following floor amendment no. 922 by Senator Braun be adopted:

On page 3, line 25, after "(i)" insert "Except as provided in (g) of this subsection (2)."

On page 5, after line 23, insert the following:

"(g) Beginning July 1, 2021, the rate under (a)(i) of this subsection (2) must be reduced by an amount necessary to offset the estimated increase in general fund revenues for the 2019-2021 biennium but such reduction may not exceed 0.25 percent. For the purpose of this subsection, "estimated increase in general fund revenues" means the difference between general fund revenues reflected in the November 2020 revenue forecast and in the November 2019 revenue forecast for the 2019-2021 fiscal biennium. Beginning in the 2021-2023 biennium and each biennium thereafter, the state treasurer shall transfer from the general fund to the workforce education investment account an amount equal to the revenue reduction in the 2021-2023 biennium from the rate reduction under this subsection (2)(g), increased by the fiscal growth factor."

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

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 3, line 25 to the striking amendment.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban,

Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Absent: Senator Darneille.

MOTION

Senator Warnick moved that the following floor amendment no. 923 by Senator Warnick be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and"

(D) Any person engaged in providing infrastructure for hosting or data processing services"

Senator Warnick spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Wilson, C., Senator Darneille was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 923 by Senator Warnick on page 3, line 36 to the striking amendment.

The motion by Senator Warnick did not carry and floor amendment no. 923 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 924 by Senator Becker be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and"

(D) Oncologists and cancer care entities"

Senators Becker, Short and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Billig spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 3, line 36 to the striking amendment.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frock, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Darneille.

MOTION

Senator Becker moved that the following floor amendment no. 925 by Senator Becker be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Any health care provider for whom twenty-five percent or more of their cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year is from medicaid payments"

Senator Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 925 by Senator Becker on page 3, line 36 to the striking amendment.

The motion by Senator Becker did not carry and floor amendment no. 925 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 926 by Senator Schoesler be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Amounts received by a health care provider for services performed on patients covered in whole, or in part, by Washington's medicaid health insurance program, including reimbursement from the program and any amounts collected from the patient as part of his or her cost-sharing obligation."

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

Senator Becker spoke on the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 926 by Senator Schoesler on page 3, line 36 to the striking amendment.

The motion by Senator Schoesler did not carry and floor amendment no. 926 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 927 by Senator Short be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Physician's offices, outpatient care centers, medical and diagnostic laboratories, dentist's offices, offices of other health practitioners, and other ambulatory health care services

performed in a rural underserved area. For the purposes of this subsection, "rural underserved area" has the same meaning as in RCW 28B.99.010"

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

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 927 by Senator Short on page 3, line 36 to the striking amendment.

The motion by Senator Short did not carry and floor amendment no. 927 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 928 by Senator Short be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Establishments engaged in retailing prescription or nonprescription drugs and medicines such as pharmacies and drug stores"

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

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 928 by Senator Short on page 3, line 36 to the striking amendment.

The motion by Senator Short did not carry and floor amendment no. 928 was not adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "The President would ask that members remember the question that is before this Senate at any given time. In this instance, these are amendments to a floor striking amendment to the underlying bill and so, if members could do their best to reserve, I know that there is always a desire to put things in context, that's fine, but in some cases entire floor speeches are spent on the underlying policy choice not the specifics of the amendment. So, if members could do their best to reserve their remarks to the amendment it would be appreciated."

MOTION

Senator Holy moved that the following floor amendment no. 929 by Senator Holy be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Any business owned by a veteran"

Senators Holy, Short and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Lias spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Holy on page 3, line 36 to the striking amendment.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Absent: Senator Ericksen.

MOTION

Senator Fortunato moved that the following floor amendment no. 930 by Senator Fortunato be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Hearing health care professionals, as defined in RCW 18.35.010"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 930 by Senator Fortunato on page 3, line 36 to the striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 930 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 931 by Senator Fortunato be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Ophthalmology services"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 931 by Senator Fortunato on page 3, line 36 to the striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 931 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 932 by Senator Padden be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Substance use disorder treatment providers"

Senators Padden, Zeiger and O'Ban spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 932 by Senator Padden on page 3, line 36 to the striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 932 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 933 by Senator Brown be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Mental health providers"

Senators Brown, O'Ban and Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 933 by Senator Brown on page 3, line 36 to the striking amendment.

The motion by Senator Brown did not carry and floor amendment no. 933 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 934 by Senator Rivers be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Dental services"

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

Senator Frockt spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 3, line 36 to the striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

MOTION

Senator Brown moved that the following floor amendment no. 935 by Senator Brown be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Commercial hauling services"

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 935 by Senator Brown on page 3, line 36 to the striking amendment.

The motion by Senator Brown did not carry and floor amendment no. 935 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 936 by Senators Wilson L., Becker, Brown, Walsh, and Warnick be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Providers that give counseling and treatment to domestic violence victims"

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

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Wilson, L., Becker, Brown, Walsh and Warnick on page 3, line 36 to the striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Wilson, L., Becker, Brown, Walsh and Warnick and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Sheldon moved that the following floor amendment no. 937 by Senators Sheldon and Short be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Forestry and logging services"

Senator Sheldon spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 937 by Senators Sheldon and Short on page 3, line 36 to the striking amendment.

The motion by Senator Sheldon did not carry and floor amendment no. 937 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 938 by Senator Wagoner be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Providing veterinary services"

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 938 by Senator Wagoner on page 3, line 36 to the striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 938 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 939 by Senator Warnick be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Waste management and remediation services"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 939 by Senator Warnick on page 3, line 36 to the striking amendment.

The motion by Senator Warnick did not carry and floor amendment no. 939 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 940 by Senator O'Ban be adopted:

On page 3, line 36, after "year;" strike "and"
On page 4, line 2, after "82.04.260(10)" insert "; and
(D) Any health care provider for whom seventy-five percent or more of their cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year is from medicaid payments"

Senators O'Ban, Short and Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 940 by Senator O'Ban on page 3, line 36 to the striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 940 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 941 by Senator O'Ban be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert ";

(D) The independent practice of general or specialized medicine or surgery by businesses comprised of one or more health practitioners having the degree of doctor of medicine or doctor of osteopathy. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers;

(E) Providing a range of outpatient services, such as family planning, diagnosis and treatment of mental health disorders and alcohol and other substance abuse, and other general or specialized outpatient care by businesses with medical staff;

(F) Medical and diagnostic laboratories, providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner;

(G) The independent practice of general or specialized dentistry or dental surgery by businesses comprised of one or more health practitioners having the degree of doctor of dental medicine, doctor of dental surgery, or doctor of dental science. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers. They may provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry;

(H) The independent practice of general or specialized medicine or surgery, or general or specialized dentistry or dental surgery, by businesses comprised of one or more independent health practitioners, other than physicians and dentists; and

(I) Providing ambulatory health care services"

Senator O'Ban spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 941 by Senator O'Ban on page 3, line 36 to the striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 941 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 942 by Senator Padden be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and (D) lawyers who perform more than ten percent pro bono hours when measured against their total hours"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Salomon and Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 942 by Senator Padden on page 3, line 36 to the striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 942 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 943 by Senator O'Ban be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and (D) Nursing and residential care facilities"

Senators O'Ban and Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Frockt spoke against adoption of the amendment to the striking amendment.

Senator O'Ban demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 3, line 36, to the striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Zeiger moved that the following floor amendment no. 944 by Senator Zeiger be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services"

Senator Zeiger spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 944 by Senator Zeiger on page 3, line 36 to the striking amendment.

SEVENTEENTH DAY, JANUARY 29, 2020

2020 REGULAR SESSION

The motion by Senator Zeiger did not carry and floor amendment no. 944 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 945 by Senator Zeiger be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and

(D) Motor vehicle and parts dealers"

Senator Zeiger spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 945 by Senator Zeiger on page 3, line 36 to the striking amendment.

The motion by Senator Zeiger did not carry and floor amendment no. 945 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 948 by Senator Padden be adopted:

On page 3, line 36, after "year;" strike "and"

On page 4, line 2, after "82.04.260(10)" insert "; and (D) optometrists"

Senators Padden and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Billig spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 948 by Senator Padden on page 3, line 36 to the striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 948 was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following floor amendment no. 920 by Senator Pedersen be adopted:

On page 17, beginning on line 9, after "business." strike all material through "business." on line 12 and insert "A person that is primarily engaged in business as a "financial institution" as defined in RCW 82.04.29004, as that section existed on January 1, 2020, shall not be considered a select advanced computing business. For purposes of this subsection (1)(f)(vi), "primarily" is determined based on gross income of the business."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 920 by Senator Pedersen on page 17, line 9 to the striking amendment.

The motion by Senator Pedersen carried and floor amendment no. 920 was adopted by voice vote.

MOTION

Senator Pedersen moved that the following floor amendment no. 921 by Senator Pedersen be adopted:

Beginning on page 17, line 35, strike all of section 7 and insert the following:

"NEW SECTION. Sec. 7. (1) Except as otherwise provided in this section, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(2) Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2020.

NEW SECTION. Sec. 8. Section 4 of this act applies both prospectively and retroactively to January 1, 2020."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 921 by Senator Pedersen on page 17, line 35 to the striking amendment.

The motion by Senator Pedersen carried and floor amendment no. 921 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 946 by Senator Braun be adopted:

On page 18, after line 5, insert the following:

"NEW SECTION. Sec. 9. By July 1, 2024, the joint legislative audit and review committee must evaluate the impact of the tax rate increases under this act on the regressivity of Washington's excise tax structure on households. The joint legislative audit and review committee must specifically evaluate the amount of Washington excise tax paid by household income threshold, prior to and after April 1, 2020. If the joint legislative audit and review committee determines that the tax structure is more regressive due to the changes in this act, this act expires January 1, 2025. The joint legislative audit and review committee must notify the department of revenue and the fiscal committees of the legislature of its findings and conclusions by August 15, 2024."

On page 18, line 9, after "date;" insert "providing a contingent expiration date;"

Senators Braun, Short and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 946 by Senator Braun on page 18, after line 5 to the striking amendment.

The motion by Senator Braun did not carry and floor amendment no. 946 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 947 by Senator Braun be adopted:

On page 18, after line 5, insert the following:

"Sec. 9. RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution ~~(, but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations))~~;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account."

On page 18, line 8, after "82.04.290," strike "and 82.04.299" and insert "82.04.299, and 43.88.055"

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

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 18, after line 5 to the striking amendment.

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 919 by Senator Pedersen as amended to Substitute Senate Bill No. 6492.

The motion by Senator Pedersen carried and striking floor amendment no. 919 as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6492 was advanced to third reading.

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute Senate Bill No. 6492 was deferred, and the bill held its place on the third reading calendar.

ROLL CALL

PERSONAL PRIVILEGE

Senator Hobbs: "Yes, Mr. President. I am sure many of you are already aware of this, but I think just to mention that our good friend Ron Main passed away last weekend. Ron, was a, was the type of person, the type of lobbyist, that I think all of us in this chamber, including you Mr. President having dealt with him as well, that we can all respect. It is very rare to find someone whose word is always golden, whose advice is always appreciated, and Ron was that person. And even though he was never a member of this chamber, he might as well have been because he was a strong advocate, definitely for his clients for this institution. One thing that I know about Ron, that some of you don't know, is that there is another part of his life that he didn't tell a lot of people, but I certainly do respect. See Ron, in his generation, didn't have a choice to serve his country. I enlisted because I volunteered to do so but Ron during a time of war, his generation didn't have that choice. But that didn't stop him because he decided to take a step further and take a leadership role, so he volunteered to go to Officer Candidate School. Second Lieutenant Ron Main branched Military Police after receiving his training was sent off to Vietnam. So, Mr. President if you could, if you could do a moment of silence for Ron. A dedicated professional, a friend to this institution, and a soldier and veteran who served our county in a time of war."

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of Mr. Ronald Main, a long-time member of the Third House, who passed away January 25, 2020.

MOTION

At 2:58 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock p.m. Thursday, January 30, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 30, 2020

The Senate was called to order at 12:05 p.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Madison Bradley and Miss Ella Bayer, presented the Colors. Page Mr. Garrett Halvorson led the Senate in the Pledge of Allegiance.

The prayer was offered by Ms. Ginger Passarelli, Auburn Police Department Chaplain. "Mama Ginger" founded The Soup Ladies, a non-profit organization which provides nutritional and fresh-cooked meals to first responders.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2020

SB 5182 Prime Sponsor, Senator Kuderer: Concerning juvenile record sealing. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5182 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 5533 Prime Sponsor, Senator Braun: Concerning certificates of parental improvement. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Third Substitute Senate Bill No. 5533 be substituted therefor, and the third substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 28, 2020

SB 5744 Prime Sponsor, Senator Dhingra: Concerning commercially sexually exploited children. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5744 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 29, 2020

SB 6051 Prime Sponsor, Senator Cleveland: Concerning health coverage supplementing medicare part D provided through a federally authorized employer group waiver plan. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser and Van De Wege.

Referred to Committee on Rules for second reading.

January 29, 2020

SB 6088 Prime Sponsor, Senator Keiser: Establishing a prescription drug affordability board. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

Referred to Committee on Ways & Means.

January 28, 2020

SB 6112 Prime Sponsor, Senator Wilson, C.: Concerning youth solitary confinement. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 28, 2020

SB 6137 Prime Sponsor, Senator Mullet: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

EIGHTEENTH DAY, JANUARY 30, 2020

2020 REGULAR SESSION

Referred to Committee on Ways & Means.

January 29, 2020

SB 6152 Prime Sponsor, Senator Salomon: Concerning certification of the level of foreign national ownership for corporations that participate in Washington state elections. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6152 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: Do not pass. Signed by Senator Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

January 29, 2020

SB 6284 Prime Sponsor, Senator Hunt: Concerning leave balances allowed for an eligibility employee to participate in the shared leave program. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6309 Prime Sponsor, Senator Lovelett: Expanding access to nutritious food. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6309 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 29, 2020

SB 6313 Prime Sponsor, Senator Liias: Increasing opportunities for young voters. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Assistant Ranking Member; Zeiger, Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

January 29, 2020

SB 6361 Prime Sponsor, Senator Kuderer: Concerning the administration of election campaign activities and reporting statements of financial affairs. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6361 be substituted therefor, and the substitute bill do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Ways & Means.

January 29, 2020

SB 6383 Prime Sponsor, Senator Conway: Concerning the retirement strategy funds in the plan 3 and the deferred compensation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 29, 2020

SB 6418 Prime Sponsor, Senator Holy: Concerning the definition of period of war for pensions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

January 28, 2020

SB 6422 Prime Sponsor, Senator Darneille: Establishing the family connections program. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6422 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

January 29, 2020

SB 6455 Prime Sponsor, Senator Liias: Requiring default beverages for children's meals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser and Van De Wege.

Referred to Committee on Rules for second reading.

January 28, 2020
SGA 9292 JAMES A. MCDEVITT, reappointed on April 17, 2019, for the term ending September 25, 2022, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 29, 2020
SGA 9365 NANCY L. ISSERLIS, appointed on January 3, 2020, for the term ending December 31, 2024, as Member of the Public Disclosure Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

SUBCOMMITTEE ON BEHAVIORAL HEALTH REFERRALS

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

Senate Bill No. 6634;
Senate Bill No. 6646;
and Senate Bill No. 6648.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Law & Justice was granted special leave to meet during the day's floor session.

MOTION

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

MESSAGE FROM THE HOUSE

January 29, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1110,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6653 by Senators Hunt, Rivers, Holy, Hawkins, Conway and Wagoner
AN ACT Relating to skill center class sizes; and amending RCW 28A.150.260.

Referred to Committee on Early Learning & K-12 Education.

SB 6654 by Senators Mullet, and Wilson, L.
AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6655 by Senator Fortunato
AN ACT Relating to background checks for public school employees; amending RCW 28A.400.303; and reenacting and amending RCW 28A.410.010.

Referred to Committee on Early Learning & K-12 Education.

SB 6656 by Senators Hasegawa and Mullet
AN ACT Relating to engaging with key international markets; adding a new section to chapter 43.330 RCW; and making an appropriation.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SB 6657 by Senators Stanford and Rivers
AN ACT Relating to preventing youth marijuana consumption by updating marijuana advertising requirements; amending RCW 69.50.369 and 69.50.345; reenacting and amending RCW 69.50.345; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

EIGHTEENTH DAY, JANUARY 30, 2020

2020 REGULAR SESSION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8668

By Senator Brown

WHEREAS, Human trafficking is a scourge that affects thousands of adults and children across the United States; and

WHEREAS, The United States is a source, transit, and destination country for men, women, and children subjected to forced labor, debt bondage, document servitude, and sex trafficking; and

WHEREAS, According to the National Human Trafficking Hotline, the number of human trafficking cases reported in Washington doubled between 2012 and 2017; and

WHEREAS, The National Human Trafficking Hotline has fielded over three thousand calls from Washington since 2007 and identified over one thousand five hundred potential victims of human trafficking; and

WHEREAS, In a recent study by the Human Trafficking Institute, Washington ranked thirteenth in the nation for active cases in its federal courts; and

WHEREAS, The United States Department of Justice Child Exploitation and Obscenity Section reports twelve is the average age of entry into pornography and prostitution in the United States; and

WHEREAS, Child victims are often runaways and homeless youth; and

WHEREAS, The Attorney General maintains a web site intended to serve as a hub for victims of human trafficking, watraffickinghelp.org; and

WHEREAS, January serves as an ideal time to increase awareness and understanding for how to identify signs of human trafficking and act as a deterrent;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage the people of Washington to be vigilant for signs of human trafficking and be aware of the state and federal resources related to deterring human trafficking.

Senators Brown and Wilson, C. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

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

MOTION

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

The senate resumed consideration of Engrossed Substitute Senate Bill No. 6492 which had been deferred on the previous legislative day.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492, by Senate Committee on Ways & Means (originally sponsored by Pedersen, Rolfes, and Wilson, C.)

Addressing workforce education investment funding through business and occupation tax reform.

The bill was read on Third Reading.

Senators Pedersen and Frockt spoke in favor of passage of the bill.

Senators Braun, Schoesler, Wagoner, Becker, Fortunato and Ericksen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6492.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6492 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dyingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:52 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock p.m. Friday, January 31, 2020.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

NINETEENTH DAY, JANUARY 31, 2020

2020 REGULAR SESSION

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 31, 2020

The Senate was called to order at 10:01 a.m. by the Vice President Pro Tempore, Senator Conway presiding. The Secretary called the roll and announced to the Vice President Pro Tempore that all senators were present with the exceptions of Senators Ericksen, Holy and McCoy.

The Sergeant at Arms Color Guard consisting of Pages Mr. Darius Naini and Mr. Tyler Conley, presented the Colors. Page Miss Ashleigh Williams led the Senate in the Pledge of Allegiance. An invocation was offered by Celebrant Jennifer Chamberlain of American Humanist Society, Bremerton.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 29, 2020

SB 5504 Prime Sponsor, Senator Warnick: Concerning state agency employee access to peer-reviewed journals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 5984 Prime Sponsor, Senator Wellman: Concerning language understanding of documents used in dissolution proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6022 Prime Sponsor, Senator Zeiger: Concerning fentanyl. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6022 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6058 Prime Sponsor, Senator Randall: Concerning fire district health clinic services. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6065 Prime Sponsor, Senator Brown: Establishing the Washington blockchain work group. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6065 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member Fortunato, Assistant Ranking Member, Environment.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6139 Prime Sponsor, Senator Mullet: Extending the joint center for aerospace technology innovation program. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6139 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6148 Prime Sponsor, Senator Salomon: Concerning peace officer certification. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6148 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice

NINETEENTH DAY, JANUARY 31, 2020

2020 REGULAR SESSION

Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6163 Prime Sponsor, Senator Dhingra: Concerning unlawful possession of firearms for persons free on bond or personal recognizance pending trial, appeal, or sentencing for felony charges under RCW 46.61.502(6) and 46.61.504(6). Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6164 Prime Sponsor, Senator Dhingra: Concerning prosecutorial discretion to seek resentencing. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6210 Prime Sponsor, Senator Lovelett: Concerning antifouling paints on recreational water vessels. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6213 Prime Sponsor, Senator Das: Concerning certain expanded polystyrene products. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6213 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Rivers and Short.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6214 Prime Sponsor, Senator Keiser: Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6215 Prime Sponsor, Senator Braun: Establishing a collaborative process to alleviate the burden on local courts to determine indigency through proof of receipt of public assistance. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6236 Prime Sponsor, Senator Kuderer: Concerning certain noneconomic damage waivers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6252 Prime Sponsor, Senator Van De Wege: Concerning the authority of the parks and recreation commission to approve leases. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6266 Prime Sponsor, Senator Padden: Concerning seizure and forfeiture reporting. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6268 Prime Sponsor, Senator Rolfes: Preventing abusive litigation between intimate partners. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6268 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6287 Prime Sponsor, Senator Pedersen: Concerning guardianships and conservatorships. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6287 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6300 Prime Sponsor, Senator Rivers: Concerning animal welfare. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Holy.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6316 Prime Sponsor, Senator Holy: Prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6324 Prime Sponsor, Senator Takko: Concerning special purpose district financial reporting. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6324 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair Short, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6342 Prime Sponsor, Senator Dhingra: Concerning chemical contaminants in drinking water. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6342 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sheldon, Assistant Ranking Member, Energy & Technology; Brown and Rivers.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6382 Prime Sponsor, Senator Ericksen: Concerning state-inspected commercial custom meat facilities. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6402 Prime Sponsor, Senator Rivers: Concerning the use of a stolen firearm. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6408 Prime Sponsor, Senator Wilson, L.: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6408 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice

NINETEENTH DAY, JANUARY 31, 2020

2020 REGULAR SESSION

Chair; Wilson, L., Ranking Member; Braun; Ericksen and Hobbs.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6430 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6432 Prime Sponsor, Senator Rolfes: Concerning offshore oil extraction. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6432 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Sheldon, Assistant Ranking Member, Energy & Technology; Brown and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment and Short.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6450 Prime Sponsor, Senator Padden: Establishing the warm water fishing advisory group. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6485 Prime Sponsor, Senator Takko: Concerning a vessel crewmember license. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

SJM 8018 Prime Sponsor, Senator Brown: Concerning a federal nuclear waste repository. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

January 30, 2020

SGA 9302 HUNTER R STUEHM, appointed on July 1, 2019, for the term ending June 30, 2020, as Member of the Western Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

January 30, 2020

SGA 9355 NORRIS "NORRIE" GREGOIRE, appointed on December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SGA 9357 STANLEY RUMBAUGH, appointed on December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SGA 9373 GUADALUPE GAMBOA, appointed on January 15, 2020, for the term ending June 17, 2024, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

January 30, 2020

SGA 9374 TONY F. GOLIK, reappointed on January 15, 2020, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6266 and Senate Bill No. 6450 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

January 30, 2020

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1251,
HOUSE BILL NO. 1368,
HOUSE BILL NO. 1674,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1847,
HOUSE BILL NO. 1952,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6658 by Senator Braun

AN ACT Relating to prioritizing services and financial relief for the disabled and elderly populations; amending RCW 43.88C.010, 74.39A.009, 74.39A.051, 74.39A.056, 74.39A.086, 74.39A.095, 74.39A.210, 74.39A.240, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, 41.56.113, 82.08.0283, and 82.12.0277; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 74.39A.500, 74.39A.505, 74.39A.510, 74.39A.515, 74.39A.520, 74.39A.525, and 74.39A.530; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 6659 by Senators Das, Randall, Lovelett, Nguyen, Keiser, and Wilson, C.

AN ACT Relating to establishing minimum requirements for the testing of autonomous vehicles; adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6660 by Senators Rolfes and Braun

AN ACT Relating to improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements; amending RCW 43.88.030, 43.88.055, 43.135.025, 43.135.034, and 82.33.060; adding a new section to chapter 82.33 RCW; repealing RCW 43.135.010, 43.135.0341, 43.135.0342, 43.135.0343, 43.135.0351, 43.135.080, and 43.135.904; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6661 by Senators Takko and King

AN ACT Relating to transferring the authority from the liquor and cannabis board to the legislature regarding the issuance and forfeiture of marijuana retailer, marijuana producer, and marijuana processor licenses; amending RCW 69.50.325, 69.50.345, 69.50.354, and 19.85.020; reenacting and amending RCW 69.50.345; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SB 6662 by Senators Saldaña, Hunt, Hasegawa and Nguyen

AN ACT Relating to providing retirement benefits at earlier ages in the plans 2 and 3 of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.4992, 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.1987, 41.40.630, and 41.40.820; and providing an effective date.

Referred to Committee on Ways & Means.

SJR 8216 by Senators Braun and Rolfes

Amending the Constitution to require that the governor propose and the legislature enact a budget that balances in the current and next fiscal biennia.

Referred to Committee on Ways & Means.

E2SHB 1110 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Slatter, Kloba, Peterson, Tharinger, Jinkins, Macri, Cody, Bergquist, Doglio, Robinson, Pollet, Stanford and Frame)

AN ACT Relating to reducing the greenhouse gas emissions associated with transportation fuels; amending RCW 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, and 70.94.431; adding new sections to chapter 70.94 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

ESHB 1622 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored

NINETEENTH DAY, JANUARY 31, 2020

2020 REGULAR SESSION

by Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake)

AN ACT Relating to drought preparedness and response; amending RCW 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, and 43.83B.430; adding new sections to chapter 43.83B RCW; decodifying RCW 43.83B.005, 43.83B.200, 43.83B.210, 43.83B.300, 43.83B.345, 43.83B.360, 43.83B.380, and 43.83B.385; repealing RCW 43.83B.220 and 43.83B.336; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION 8669

By Senators Hunt, Sheldon, and Wagoner

WHEREAS, It is the policy of the Washington State Senate to recognize excellence in all fields of endeavor; and

WHEREAS, Mr. David Boyer began working for the State of Washington's Department of General Administration as an electrician on November 3, 1980, and began his retirement on July 1, 2019; and

WHEREAS, Mr. Boyer, through his diligence and hard work, was promoted to Construction Maintenance Supervisor, Division of Capital Facilities, and then to, most recently, Quality Assurance Manager, Buildings and Grounds, Facilities Operation Team, overseeing all work on the capitol campus; and

WHEREAS, Mr. Boyer, over the course of his career, came to know the Legislative Building perhaps better than any other person, having sat in on design and renovation meetings and having been into every corner and crevice, every nook and cranny, in the performance of his duties; and

WHEREAS, "Dave," as he came to be known to the occupants of the Legislative Building, could be found helping fix and maintain the buildings on campus, working on everything from leaky faucets to broken windows to dead outlets, as well as, facilitating the needs of the variety of events large, and small, held on the capitol campus; and

WHEREAS, Dave's efforts, including staging the Washington Centennial Commission's celebration of the state's centennial, covering up murals in legislative galleries, and creating workable office spaces for legislators and staff after the Nisqually Earthquake, garnered him numerous awards and recognitions at the Department of Enterprise Services; and

WHEREAS, Dave would credit his team at the Department of Enterprise Services for any successes and shoulder the blame when things went wrong; and

WHEREAS, Dave's devotion to the Legislative Building and its occupants was perhaps best demonstrated by the moments when the Legislative Building was performing at its worst,

working to resolve problems at any hour, day or night, including weekends; and

WHEREAS, Dave ably and critically assisted the efforts of the Legislative Building Renovation Oversight Committee, which directed the Legislative Building's renovation after the 2001 Nisqually Earthquake; and

WHEREAS, One of Dave's favorite duties included coordinating the delivery and installation of the annual Holiday Tree each year, which added a festive note to the Building in which he spent so much time;

NOW, THEREFORE, BE IT RESOLVED, That the Senate acknowledge Mr. David Boyer for his service to the Department of Enterprise Services and the people of the State of Washington and offer its heartfelt gratitude to him and his family for the years of support to the Legislative Building, the capitol campus, and all of its tenants; and

BE IT FURTHER RESOLVED, That David Boyer be congratulated on the occasion of his retirement from four decades of public service and wished the very best in pursuing future endeavors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. David Boyer and his family.

Senators Hunt and Sheldon spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8669.

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

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced Mr. Dave Boyer, Department of Enterprise Services, retired, who was seated in the gallery.

The Vice President Pro Tempore further welcomed and introduced Director Chris Liu, Department of Enterprise Services, who was seated in the gallery.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President, and thank you to Senator Hunt for giving us a moment to remember and reflect on the great people who make this building literally work. And, to all our members, I think it is very easy to, as we leave the building give them a smile and a thank you and this is a good reminder as we see the folks who as they begin their shift often when we are ending ours, taking care of this beautiful asset, to share our appreciation on a daily basis."

MOTION

At 10:18 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:56 a.m. by the President Pro Tempore, Senator Keiser presiding.

MOTION

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

MOTIONS

On motion of Senator Rivers, Senators Ericksen and Holy were excused.

On motion of Senator Mullet, Senator McCoy was excused.

THIRD READING

SENATE BILL NO. 5339, by Senators Carlyle, Walsh, Pedersen, Wellman, Keiser, Lias, Hunt, Kuderer, Nguyen and Saldaña

Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder.

The bill was read on Third Reading.

Senators Carlyle and Pedersen spoke in favor of passage of the bill.

Senators Padden, Wagoner, Sheldon, Short, Fortunato and O'Ban spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5339.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5339 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Walsh, Warnick, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hobbs, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Wilson, L. and Zeiger

Excused: Senators Ericksen, Holy and McCoy

SENATE BILL NO. 5339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Conway assumed the chair.

MOTION

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

SECOND READING

SENATE BILL NO. 6170, by Senators Keiser, Conway, Fortunato, Hasegawa and King

Concerning plumbing.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Fortunato spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Wellman was excused.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6170.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6170 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Holy, McCoy and Wellman

SENATE BILL NO. 6170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5149, by Senators Wilson, L., Becker, Kuderer, Short and Takko

Monitoring of domestic violence perpetrators.

MOTIONS

On motion of Senator Wilson, L., Second Substitute Senate Bill No. 5149 was substituted for Senate Bill No. 5149 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, L., the rules were suspended, Second Substitute Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon,

NINETEENTH DAY, JANUARY 31, 2020

2020 REGULAR SESSION

Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Ericksen, Holy, McCoy and Wellman

SECOND SUBSTITUTE SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced friends and family of Tiffany Hill who were seated in the gallery.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5519, by Senators Cleveland, King, Takko, Warnick, Short, Braun, Wilson, L. and Honeyford

Concerning mosquito control districts.

The bill was read on Third Reading.

Senators Cleveland and Short spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5519.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5519 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Ericksen, Holy, McCoy and Wellman

SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6029, by Senators Pedersen and Padden

Concerning the uniform directed trust act.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 6029 was substituted for Senate Bill No. 6029 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 6029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6029.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6029 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Ericksen, Holy, McCoy and Wellman

SUBSTITUTE SENATE BILL NO. 6029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senators Mullet, Wilson, L. and Kuderer

Concerning life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt,

Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Ericksen, Holy, McCoy and Wellman

SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6090, by Senators Warnick, Honeyford and Liias

Limiting fire protection service agency liability for the installation of detection devices.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Takko spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Das

Excused: Senators Ericksen, Holy, McCoy and Wellman

SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:03 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock p.m. Monday, February 3, 2020.

STEVE CONWAY, Vice President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY SECOND DAY, FEBRUARY 3, 2020

2020 REGULAR SESSION

TWENTY SECOND DAY**NOON SESSION**Senate Chamber, Olympia
Monday, February 3, 2020

The Senate was called to order at 12:02 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 2020

E2SSB 5291 Prime Sponsor, Committee on Ways & Means: Creating alternatives to total confinement for certain qualifying persons with minor children. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Third Substitute Senate Bill No. 5291 be substituted therefor, and the third substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 5493 Prime Sponsor, Senator Zeiger: Establishing a board of advisors to provide local guidance to community services offices operated by the department of social and health services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5493 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6047 Prime Sponsor, Senator Hasegawa: Prohibiting retaliation against school district employees that report noncompliance with individualized education programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins,

Ranking Member; Hunt; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6063 Prime Sponsor, Senator Wagoner: Improving department of corrections health care administration. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6063 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6066 Prime Sponsor, Senator Hasegawa: Expanding ethnic studies materials and resources for public school students in grades kindergarten through six. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6086 Prime Sponsor, Senator Hasegawa: Increasing access to medications for opioid use disorder. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6101 Prime Sponsor, Senator Wellman: Concerning statewide implementation of early screening for dyslexia. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6121 Prime Sponsor, Senator Takko: Designating the Pacific razor clam as the new state clam. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6132 Prime Sponsor, Senator Wellman: Allowing the learning assistance program to support school-wide behavioral health system of supports and interventions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6157 Prime Sponsor, Senator Dhingra: Requiring schools to stock bleeding control kits. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6179 Prime Sponsor, Senator Takko: Concerning the Washington search and rescue grant program. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6187 Prime Sponsor, Senator Zeiger: Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6191 Prime Sponsor, Senator Braun: Assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6191 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Wagoner.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6203 Prime Sponsor, Senator Darneille: Concerning corrections. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6203 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6238 Prime Sponsor, Senator Hunt: Requiring local ballot measure statement committee members to be registered voters in the area voting on the measure. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6255 Prime Sponsor, Senator Wilson, C.: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6275 Prime Sponsor, Senator Cleveland: Increasing patient access rights to timely and appropriate postacute care. Reported by Committee on Health & Long Term Care

TWENTY SECOND DAY, FEBRUARY 3, 2020

2020 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6275 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6346 Prime Sponsor, Senator Takko: Establishing tribal representation on the emergency management council. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Ways & Means.

January 30, 2020

SB 6362 Prime Sponsor, Senator Randall: Concerning services for children with multiple handicaps. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6423 Prime Sponsor, Senator Cleveland: Concerning reports alleging child abuse and neglect. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 30, 2020

SB 6478 Prime Sponsor, Senator Nguyen: Revising economic assistance programs. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6487 Prime Sponsor, Senator Liias: Transferring the legislative youth advisory council to the lieutenant governor's office. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6487 be substituted therefor, and the substitute bill do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6534 Prime Sponsor, Senator Cleveland: Creating an ambulance transport quality assurance fee. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6534 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6553 Prime Sponsor, Senator Frockt: Facilitating treatment for gun violence victims. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6554 Prime Sponsor, Senator Padden: Exempting dietary supplements from sales and use tax. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6639 Prime Sponsor, Senator O'Ban: Reestablishing a business and occupation tax deduction for government-funded behavioral health care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

January 31, 2020

SJM 8002 Prime Sponsor, Senator Kuderer: Asking Congress to call a limited convention, authorized under Article V of the United States Constitution, for the purpose of proposing a free and fair elections amendment to that Constitution. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

January 31, 2020
SGA 9300 GRACE HUANG, reappointed on July 1, 2019, for the term ending June 30, 2022, as Member of the Washington State Women's Commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

MOTION

On motion of Kuderer, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute Senate Bill No. 5291 which had been designated to the Committee on Ways & Means and referred to the Committee on Rules.

MOTION

On motion of Senator Kuderer, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 28, 2020
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK P. MARTINEZ, appointed January 28, 2020, for the term ending June 30, 2021, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9387.

January 28, 2020
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GUY R. NORMAN, reappointed January 28, 2020, for the term ending January 15, 2023, as Member of the Northwest Power and Conservation Council.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9388.

January 29, 2020
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROZANNE E. GARMAN, appointed January 29, 2020, for the term ending September 30, 2021, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9389.

MOTION

On motion of Senator Kuderer, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Kuderer, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6663 by Senators Brown, Becker and Walsh

AN ACT Relating to studying dual diagnoses of eating disorder and diabetes mellitus type 1; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 6664 by Senators Fortunato and Padden

AN ACT Relating to parental rights; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6665 by Senators Takko, Short and Van De Wege

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

Referred to Committee on Ways & Means.

SB 6666 by Senator Hunt

AN ACT Relating to protecting employee information from public disclosure; and reenacting and amending RCW 42.56.230 and 42.56.250.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6667 by Senator King

AN ACT Relating to permitting a private auto ferry to operate between the Anacortes area and British Columbia;

TWENTY SECOND DAY, FEBRUARY 3, 2020

2020 REGULAR SESSION

amending RCW 47.64.090 and 88.16.070; reenacting and amending RCW 47.60.120; and creating a new section.

Referred to Committee on Transportation.

SB 6668 by Senators Stanford and Nguyen

AN ACT Relating to services and activities fee transparency; and amending RCW 28B.15.045.

Referred to Committee on Higher Education & Workforce Development.

SB 6669 by Senators Keiser, Nguyen and Salomon

AN ACT Relating to providing progressive tax reform by authorizing counties with populations exceeding two million to impose an excise tax on businesses in order to reduce homelessness, save lives, and improve public safety; amending RCW 48.14.080; adding a new chapter to Title 83 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6670 by Senators Billig, Van De Wege, Salomon and Schoesler

AN ACT Relating to encouraging access to state parks through cooperative programs with libraries; adding a new section to chapter 79A.80 RCW; creating a new section; and making an appropriation.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 6671 by Senators Van De Wege, Salomon, Takko and McCoy

AN ACT Relating to authorizing the department of revenue to collect tribal timber harvest excise tax under a timber harvest excise tax agreement authorized in chapter 43.06 RCW; amending RCW 84.33.081; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1251 by House Committee on State Government & Tribal Relations (originally sponsored by Tarleton, Hudgins and Wylie)

AN ACT Relating to security breaches of election systems or election data including by foreign entities; adding a new section to chapter 29A.12 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1368 by Representatives Springer, Kretz, Riccelli, Orcutt, Goodman, Maycumber, Wylie, Dent, Steele and Doglio

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

Referred to Committee on Environment, Energy & Technology.

HB 1674 by Representatives Rude, Steele, Santos, Jinkins, Bergquist and Doglio

AN ACT Relating to changing the term alternative learning experience to personalized learning experience; and amending RCW 28A.150.100, 28A.225.020, 28A.225.151, 28A.232.005, 28A.232.010, 28A.232.020, 28A.232.030, 28A.250.070, 28A.340.080, 28A.340.085, 28A.520.020, 28A.525.162, and 28A.525.166.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1793 by House Committee on Transportation (originally sponsored by Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton)

AN ACT Relating to establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety; and amending RCW 46.63.170.

Referred to Committee on Transportation.

ESHB 1813 by House Committee on Appropriations (originally sponsored by Sullivan, Santos, Ortiz-Self and Ormsby)

AN ACT Relating to incorporating the costs of employee health benefits into school district contracts for pupil transportation; and amending RCW 28A.160.140.

Referred to Committee on Early Learning & K-12 Education.

HB 1841 by Representatives Riccelli, Chandler, Blake, Boehnke, Macri, Eslick, Santos, Young, Ryu, Jenkin, Sells, Stokesbary, Senn, Griffey, Harris, Stonier, Morgan, Walsh, Gregerson, Lovick, Fey, Volz, Wylie, Hoff, Ramos, Chambers, Stanford, McCaslin, Fitzgibbon, Van Werven, Peterson, MacEwen, Dent, Graham, Hudgins, Valdez, Pollet, Ortiz-Self, Ybarra, Walen, Ormsby, Dolan, Frame, Cody, Jinkins, Tarleton, Appleton, Bergquist, Callan, Chapman, Pellicciotti, Shewmake, Kilduff, Lekanoff, Davis, Pettigrew, Doglio and Entenman

AN ACT Relating to establishing minimum crew size on certain trains; adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SHB 1847 by House Committee on Local Government (originally sponsored by Pellicciotti, Orwall, Gregerson, Reeves and Santos)

AN ACT Relating to aircraft noise abatement; and amending RCW 53.54.010, 53.54.020, and 53.54.030.

Referred to Committee on Local Government.

HB 1952 by Representatives Ortiz-Self, Kilduff, Lovick, Thai and Fey

AN ACT Relating to the building communities fund program; and amending RCW 43.63A.125.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Kuderer, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:04 p.m., on motion of Senator Kuderer, the Senate adjourned until 12:00 o'clock noon, Tuesday, February 4, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY THIRD DAY, FEBRUARY 4, 2020

2020 REGULAR SESSION

TWENTY THIRD DAY**NOON SESSION**Senate Chamber, Olympia
Tuesday, February 4, 2020

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2020

ESSB 5544 Prime Sponsor, Committee on Transportation: Increasing the types of commercial driver waivers allowed for military veterans. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5544 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 5607 Prime Sponsor, Senator Wellman: Concerning dual language learning in early learning and K-12 education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5607 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6033 Prime Sponsor, Senator Keiser: Concerning the safety and security of retail marijuana outlets. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6033 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Schoesler; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6073 Prime Sponsor, Senator Dhingra: Providing menstrual hygiene products in public school bathrooms. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Padden.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6079 Prime Sponsor, Senator Mullet: Clarifying the scope of taxation on land development or management services. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

January 31, 2020

SB 6092 Prime Sponsor, Senator Wilson, C.: Awarding diplomas posthumously. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6092 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6094 Prime Sponsor, Senator Nguyen: Correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland;

Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

January 31, 2020

SB 6105 Prime Sponsor, Senator Hunt: Concerning the administration of state education agencies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6114 Prime Sponsor, Senator Takko: Concerning all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6114 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Fortunato; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair; Das and Lovelett.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6207 Prime Sponsor, Senator Saldaña: Concerning the scope of collective bargaining for language access providers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Braun.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler and Walsh.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6208 Prime Sponsor, Senator Billig: Increasing mobility through the modification of stop sign requirements for bicyclists. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6212 Prime Sponsor, Senator Das: Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6216 Prime Sponsor, Senator Keiser: Concerning the application of the family and medical leave program in Title 50A RCW to specific classes of individuals. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6230 Prime Sponsor, Senator Kuderer: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6230 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6234 Prime Sponsor, Senator Kuderer: Concerning the use of third parties by employers to dispute unemployment claims. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

TWENTY THIRD DAY, FEBRUARY 4, 2020

2020 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6261 Prime Sponsor, Senator McCoy: Strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6261 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6271 Prime Sponsor, Senator Das: Extending the closure notice period for manufactured/mobile home communities. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6302 Prime Sponsor, Senator Rolfes: Prohibiting local governments from limiting the number of unrelated persons occupying a home. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6302 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

SB 6323 Prime Sponsor, Senator Van De Wege: Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6328 Prime Sponsor, Senator Warnick: Creating a local infrastructure investment program to support the development of affordable housing, workforce housing, and revitalization efforts. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6328 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Saldaña and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6366 Prime Sponsor, Senator Mullet: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6386 Prime Sponsor, Senator Zeiger: Reducing impact fees for low-income housing. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6403 Prime Sponsor, Senator Warnick: Concerning allowable uses for the multiuse roadway safety account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking

Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6421 Prime Sponsor, Senator Muzzall: Extending the farm internship program. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6457 Prime Sponsor, Senator Fortunato: Promoting housing affordability by incentivizing the construction of American dream homes. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6457 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Zeiger, Ranking Member; Saldaña and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Das, Vice Chair and Darneille.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6552 Prime Sponsor, Senator Stanford: Eliminating the three-day waiting period for receiving industrial insurance compensation. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King, Ranking Member.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6623 Prime Sponsor, Senator Darneille: Reducing host home funding restrictions. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick.

Referred to Committee on Rules for second reading.

February 3, 2020

SGA 9362 YONA MAKOWSKI, reappointed on December 16, 2019, for the term ending December 31, 2022, as Member of the Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolles, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 3, 2020

SGA 9382 RICH NAFZIGER, appointed on January 16, 2020, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 3, 2020

SGA 9386 ALBERT L. TRIPP, appointed on January 23, 2020, for the term ending June 30, 2023, as Member of the Housing Finance Commission. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6623 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6672 by Senator Walsh

AN ACT Relating to feeding all children in Washington schools; and adding new sections to chapter 28A.235 RCW.

TWENTY THIRD DAY, FEBRUARY 4, 2020

2020 REGULAR SESSION

Referred to Committee on Early Learning & K-12 Education.

SB 6673 by Senator Fortunato

AN ACT Relating to removing restrictions on the right to bear arms and ensuring personal protection for Washington citizens; amending RCW 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.122, 9.41.124, 9.41.129, 9.41.220, 9.41.240, 43.06.220, 9.41.345, 10.99.040, 7.90.090, 7.90.110, 7.92.100, 7.92.120, 26.50.070, and 26.09.060; reenacting and amending RCW 9.41.010, 9.41.300, 9.41.047, 10.99.030, and 10.14.080; adding a new section to chapter 9.41 RCW; creating new sections; repealing RCW 9.41.049, 9.41.092, 9.41.113, 9.41.115, 9.41.137, 9.41.139, 9.41.360, 9.41.365, 71.05.182, and 82.08.833; and repealing 2019 c 244 s 2 (uncodified).

Referred to Committee on Law & Justice.

SB 6674 by Senator Fortunato

AN ACT Relating to requiring zero-based budget reviews to improve state budgeting; adding a new section to chapter 43.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6675 by Senators Stanford, Fortunato, Saldaña, Rivers, Conway, Zeiger and Kuderer

AN ACT Relating to railroad grade crossings; adding a new section to chapter 81.53 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SJR 8217 by Senator Walsh

Amending the Constitution with regard to the term length of members of the Legislature.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 5, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 5, 2020

The Senate was called to order at 10:07 a.m. by the President Pro Tempore of the Senate, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. John Ryu and Miss Sri Waters, presented the Colors. Page Miss Jorja Albert led the Senate in the Pledge of Allegiance. The prayer was offered by Pastor Aaron Baughman of the Lutheran Church of the Good Shepherd in Olympia.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2020

SB 5473 Prime Sponsor, Senator Saldaña: Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 5601 Prime Sponsor, Senator Rolfes: Concerning health care benefit management. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Muzzall and Rivers.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6081 Prime Sponsor, Senator Liias: Concerning the calculation of compensation of an employee of a medical school and an affiliated faculty group practice for purposes of a noncompetition agreement. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6095 Prime Sponsor, Senator Keiser: Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña; Schoesler and Stanford.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6100 Prime Sponsor, Senator Wellman: Expanding background check requirements for certain educational institutions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6117 Prime Sponsor, Senator Wellman: Concerning appropriations for special education programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6117 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

TWENTY FOURTH DAY, FEBRUARY 5, 2020

2020 REGULAR SESSION

Referred to Committee on Ways & Means.

February 4, 2020

SB 6120 Prime Sponsor, Senator Conway: Amending types of nonprofit organizations qualified to engage in gambling activities. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6138 Prime Sponsor, Senator Hasegawa: Concerning the beginning educator support team program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6144 Prime Sponsor, Senator Hasegawa: Concerning implementation credits and performance standards. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Das and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member and Ericksen.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6173 Prime Sponsor, Senator Sheldon: Regarding the sale of beer for off-premises consumption. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; King, Ranking Member; Braun; Schoesler; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Vice Chair and Stanford.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6205 Prime Sponsor, Senator Cleveland: Preventing harassment, abuse, and discrimination experienced by long-term

care workers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6205 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6206 Prime Sponsor, Senator Rivers: Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6206 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6217 Prime Sponsor, Senator Keiser: Concerning minimum labor standards for certain employees working at an airport or air navigation facility. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6242 Prime Sponsor, Senator Carlyle: Adjusting school directors' compensation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6254 Prime Sponsor, Senator Kuderer: Protecting public health and safety by enhancing the regulation of vapor products. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6254 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Randall, Vice Chair; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6265 Prime Sponsor, Senator McCoy: Concerning the lease or rental of surplus property of school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6267 Prime Sponsor, Senator Takko: Modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6267 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6282 Prime Sponsor, Senator Pedersen: Concerning the development of individualized highly capable learning plans. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Hawkins, Ranking Member; Hunt; Mullet; Padden; Pedersen; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, C., Vice Chair and McCoy.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6392 Prime Sponsor, Senator Van De Wege: Creating a local wine industry association license. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6409 Prime Sponsor, Senator King: Providing an exemption from electrical licensing, certification, and inspection for industrial equipment. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6409 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6413 Prime Sponsor, Senator Cleveland: Establishing the primary care collaborative. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6413 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6414 Prime Sponsor, Senator Stanford: Waiving utility connection charges for certain properties. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Ranking Member.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6415 Prime Sponsor, Senator Das: Allowing a permanent fire protection district benefit charge with voter approval. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6415 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

TWENTY FOURTH DAY, FEBRUARY 5, 2020

2020 REGULAR SESSION

February 3, 2020

SB 6416 Prime Sponsor, Senator Cleveland: Providing telehealth services to schools. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 3, 2020

SB 6486 Prime Sponsor, Senator Rivers: Expanding medicaid coverage for individuals with a rare disease. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6486 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Dhingra; Frockt; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6504 Prime Sponsor, Senator Darneille: Clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6514 Prime Sponsor, Senator Schoesler: Addressing irrigation district elections. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6514 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Salomon, Vice Chair.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 3, 2020

SB 6515 Prime Sponsor, Senator Van De Wege: Adjusting the medicaid payment methodology for skilled nursing facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6523 Prime Sponsor, Senator Takko: Concerning local government issuance of a certificate of birth resulting in stillbirth. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6531 Prime Sponsor, Senator Braun: Concerning the performance of personal services by a craft distillery, distiller, spirits certificate of approval holder, or distributor. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Schoesler; Walsh and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6545 Prime Sponsor, Senator Zeiger: Concerning the voluntary stewardship program. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6545 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6566 Prime Sponsor, Senator Randall: Amending the schedule for updates to the comprehensive plan of Kitsap county that are required under the growth management act to match the update schedules of other central Puget Sound counties. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6566 be substituted therefor, and the substitute bill do

pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6574 Prime Sponsor, Senator Takko: Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6574 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Salomon, Vice Chair and Honeyford.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6592 Prime Sponsor, Senator Holy: Concerning tourism authorities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 6592 be substituted therefor, and the substitute bill do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6643 Prime Sponsor, Senator Takko: Combining a resolution proposing abandonment and a resolution proposing a council-manager plan of government into a single proposition. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6656 Prime Sponsor, Senator Hasegawa: Concerning engagement with key international markets. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice

Chair; Wilson, L., Ranking Member; Das; Ericksen and Hobbs.

Referred to Committee on Ways & Means.

February 4, 2020

SHB 1847 Prime Sponsor, Committee on Local Government: Addressing aircraft noise abatement. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5473; Senate Bill No. 6144; and Senate Bill No. 6392 which had been designated to the Committee on Ways & Means and were referred to the Committee on Rules.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6676 by Senators Frockt, Randall, Rolfes, Darneille, Braun, Billig, Salomon, Stanford, Dhingra and Van De Wege
AN ACT Relating to reimbursement for primary care services for medicaid beneficiaries; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, Senate Bill No. 6676, which had been designated to the Committee on Health & Long Term Care, was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION 8671

By Senators Becker, Fortunato, Hawkins, Short, King, Saldaña, Warnick, Brown, Wilson, L., Zeiger, Ericksen, Wagoner, Muzzall, Sheldon, Honeyford, Padden, Walsh, O'Ban, Holy, Lovelett, Kuderer, and Rivers

TWENTY FOURTH DAY, FEBRUARY 5, 2020

2020 REGULAR SESSION

WHEREAS, The first creamery in Washington was started in Cheney in 1880; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, Cows were first brought to Washington in 1838; and

WHEREAS, Dairy farms can be found in twenty-nine of Washington's thirty-nine counties; and

WHEREAS, There are thirty-three certified organic dairies in Washington; and

WHEREAS, Families across Washington have depended on the safe and nutritious dairy products provided by the dairy farmers of Washington state for generations; and

WHEREAS, Dairy is an essential part of a healthy diet, is one of the major food groups represented on the United States Department of Agriculture's "MyPlate" dietary guidelines, and three cups of dairy products per day are recommended for people nine years old and older; and

WHEREAS, There are approximately three hundred sixty family dairy farms in Washington state with approximately two hundred seventy-seven thousand dairy cows; and

WHEREAS, Dairy ranks as the second highest agricultural commodity produced in Washington, with an economic impact of over five billion dollars; and

WHEREAS, Washington is the tenth largest total milk producer among the fifty United States; and

WHEREAS, Dairy Day at the legislature takes place on February 5, 2020, when legislators will visit with Washington dairy producers and enjoy delicious dairy products that are produced in Washington and handed out by the Washington State Dairy Federation, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Kayla VanWieringen, alternate Ambassadors Kara Teachman and Emily Rockey, Dairy Farmers of Washington, and the Washington State Dairy Federation.

Senators Becker, Warnick, Ericksen, Muzzall, Kuderer, Fortunato and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8671.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dairy Farmers of Washington representatives who were seated in the gallery, including: 2019-2020 Washington State Dairy Ambassador Kayla VanWieringen of Yakima County; Alternate State Ambassador Kara Teachman of Grays Harbor County; State Ambassador Emily Rockey of King & Pierce Counties; and a delegation from the Washington State Dairy Women.

MOTION

At 10:34 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 a.m. by President Pro Tempore.

MOTION

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

PERSONAL PRIVILEGE

Senator Padden: "Thank you Madam President. I just wanted to point out to the body here, that tomorrow will be what would have been the 109th birthday of former President Ronald Reagan. And, I will have a resolution but it's a pro forma session tomorrow so I wanted to just notify the members it's up there and thank you. It's a bi-partisan resolution, those that have haven't signed they still have an opportunity. And just briefly, indicate that Ronald Reagan came from humble beginnings, Madam President. Born in Tampico, Illinois. Family did not have much money. Later became a lifeguard and saved a whole number of people from drowning as a lifeguard and, of course, the thing that I remember the most, my earliest recollection, was his speech he gave in 1964, televised speech, in support of candidate Barry Goldwater. And although Barry was, got a lot of very intense support, the election results weren't all that great but it set the stage for Reagan's later being elected, two years later, Governor of California, and then ran for president in '76 unsuccessfully, but ran in '80 and was reelected in '84. In any event, a great president, one of the people I've admired most and just wanted to notify the body that there is an opportunity to sign on the resolution and we will be talking about it tomorrow at noon if you can join us. Thank you."

SECOND READING

SENATE BILL NO. 6127, by Senators Randall, Conway, Hunt, Stanford, Saldaña, and Wilson, C.

Adding a graduate student to the student achievement council.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6127 was substituted for Senate Bill No. 6127 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 6127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6127.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6127 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 6127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6158, by Senators Dhingra, Cleveland, Wilson, C., Das, Darneille, Hunt, Keiser, Kuderer, Lovelett, Randall, Stanford and Carlyle

Concerning model sexual assault protocols for hospitals and clinics.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6158 was substituted for Senate Bill No. 6158 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6305, by Senators Lias, Braun, Wagoner, and Wilson, C.

Concerning library districts.

The measure was read the second time.

MOTION

On motion of Senator Lias, the rules were suspended, Senate Bill No. 6305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias, Short and Takko spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

MOTION

On motion of Senator Rivers, Senator O'Ban was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Fortunato, Hasegawa, O'Ban, Padden and Schoesler

Excused: Senator Sheldon

SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5640, by Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer

Concerning youth courts.

MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 5640 was substituted for Senate Bill No. 5640 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holy, the rules were suspended, Substitute Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5640.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

TWENTY FOURTH DAY, FEBRUARY 5, 2020

2020 REGULAR SESSION

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6143, by Senators Cleveland, Rivers and Becker

Concerning the podiatric medical board.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6119, by Senators Conway, Holy, King, Keiser, Pedersen, Van De Wege, Wilson, L. and Saldaña

Authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6119.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6119 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Saldaña

SENATE BILL NO. 6119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6131, by Senators Mullet, Hobbs, Short, Wilson, L. and Das

Repealing the debenture company laws from the securities act of Washington.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Sensors Mullet and Wilson, L. spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6131.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6131 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 6131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6038, by Senators Rivers, Cleveland, Keiser, Short, Conway, Kuderer, Saldaña, and Wilson, C.

Concerning acupuncture and Eastern medicine.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 6038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6038.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6038 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

SENATE BILL NO. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6136, by Senators Nguyen and O'Ban

Updating restrictions on electronic benefit cards.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, Senate Bill No. 6136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Walsh spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6136.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6136 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

SENATE BILL NO. 6136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6468, by Senators Randall, Frockt, Saldaña, and Wilson, C.

Repealing the legislative advisory committee to the committee on advanced tuition payment.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 6468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Frockt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6468.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6468 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 6468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:19 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, February 6, 2020.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY FIFTH DAY, FEBRUARY 6, 2020

2020 REGULAR SESSION

TWENTY FIFTH DAY**NOON SESSION**Senate Chamber, Olympia
Thursday, February 6, 2020

The Senate was called to order at 12:01 p.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2020

SB 5494 Prime Sponsor, Senator Zeiger: Concerning the baby court initiative. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5494 be substituted therefor, and the second substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 5759 Prime Sponsor, Senator Cleveland: Increasing opportunities for the use of remote technology in eye exams. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member; Muzzall and Van De Wege.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 5900 Prime Sponsor, Senator Randall: Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair,

Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Schoesler.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 5976 Prime Sponsor, Senator Rolfes: Concerning the access to baby and child dentistry program for children with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5976 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6050 Prime Sponsor, Senator Cleveland: Concerning insurance guaranty fund. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6050 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker and Rivers.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6064 Prime Sponsor, Senator Wagoner: Requiring full body scanners at each department of corrections institution. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6068 Prime Sponsor, Senator Warnick: Concerning sales and use tax exemptions for large private airplanes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6091 Prime Sponsor, Senator Warnick: Continuing the work of the Washington food policy forum. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6097 Prime Sponsor, Senator Rolfes: Requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6097 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Frockt; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member; Becker; Dhingra and Muzzall.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6141 Prime Sponsor, Senator Randall: Expanding access to higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6142 Prime Sponsor, Senator Liias: Creating the Washington common application. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6190 Prime Sponsor, Senator Braun: Preserving the developmental disabilities community trust. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6204 Prime Sponsor, Senator Darneille: Concerning prisoner fatality and near fatality reviews for persons in the custody of the department of corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6204 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers; Schoesler and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6209 Prime Sponsor, Senator Randall: Joining the nurse licensure compact. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6209 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice

TWENTY FIFTH DAY, FEBRUARY 6, 2020

2020 REGULAR SESSION

Chair; O'Ban, Ranking Member; Dhingra; Frockt; Muzzall and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Conway and Keiser.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6270 Prime Sponsor, Senator Darneille: Concerning the resolution of warrants by persons serving a term of confinement in prison or juvenile rehabilitation. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6270 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6306 Prime Sponsor, Senator Liias: Creating the Washington soil health initiative. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6306 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6334 Prime Sponsor, Senator Salomon: Concerning urban housing supply. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6336 Prime Sponsor, Senator Hunt: Allowing the use of parental leave after a pregnancy disability is resolved. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 5, 2020
SB 6354 Prime Sponsor, Senator King: Providing enhanced payment to low volume, small rural hospitals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; O'Ban, Ranking Member; Becker; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6358 Prime Sponsor, Senator Randall: Requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6359 Prime Sponsor, Senator Short: Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6364 Prime Sponsor, Senator Zeiger: Incentivizing smaller, more affordable single-family home development through impact fee schedule modifications. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6365 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real property taxes by the department of fish and wildlife. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra;

Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6370 Prime Sponsor, Senator Nguyen: Concerning individuals under the department of corrections' jurisdiction. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6385 Prime Sponsor, Senator Zeiger: Providing for jobs training for homeless individuals. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6397 Prime Sponsor, Senator Frockt: Concerning nonparticipating providers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6400 Prime Sponsor, Senator Randall: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member and Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall and Rivers.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6404 Prime Sponsor, Senator Frockt: Adopting prior authorization and appropriate use criteria in patient care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6404 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6407 Prime Sponsor, Senator Van De Wege: Concerning spinal manipulation endorsement requirements for physical therapists. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Dhingra; Frockt; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Conway.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member; Becker; Keiser and Muzzall.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6411 Prime Sponsor, Senator Das: Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6411 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille and Warnick.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6419 Prime Sponsor, Senator Keiser: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 4, 2020

TWENTY FIFTH DAY, FEBRUARY 6, 2020

SB 6425 Prime Sponsor, Senator Stanford: Establishing the American Indian cultural study grant. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6428 Prime Sponsor, Senator Cleveland: Providing funding for medical evaluations of suspected victims of child abuse. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6443 Prime Sponsor, Senator Kuderer: Concerning convictions for offenses that were committed at age sixteen or seventeen and placed in exclusive jurisdiction of the juvenile court in 2018. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senator Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6444 Prime Sponsor, Senator Kuderer: Concerning juvenile records. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban and Zeiger.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6449 Prime Sponsor, Senator Wellman: Requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards. Reported by Committee on Early Learning & K-12 Education

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6472 Prime Sponsor, Senator Lovelett: Standardizing definitions of homelessness to improve access to services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6479 Prime Sponsor, Senator Wellman: Concerning optional benefits offered by school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frock, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Schoesler and Wilson, L.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6495 Prime Sponsor, Senator Walsh: Regarding essential needs and housing support eligibility. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6500 Prime Sponsor, Senator Padden: Addressing foster care licensing following a foster-family home licensee's move to a new location. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6500 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6507 Prime Sponsor, Senator Nguyen: Concerning legislative reporting requirements for certain department of children, youth, and families programs. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6512 Prime Sponsor, Senator Rolfes: Providing housing to school district employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Mullet.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6521 Prime Sponsor, Senator Wellman: Creating an innovative learning pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6526 Prime Sponsor, Senator Cleveland: Reusing and donating unexpired prescription drugs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6526 be substituted therefor, and the substitute bill do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6536 Prime Sponsor, Senator Das: Creating more housing options in traditionally single-family zones. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Zeiger, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6542 Prime Sponsor, Senator Liias: Adopting a uniform statewide automatic admissions policy at the four-year institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6551 Prime Sponsor, Senator Stanford: Integrating international medical graduates into Washington's health care delivery system. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member; Becker; Muzzall and Rivers.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6556 Prime Sponsor, Senator Cleveland: Expanding reporting options for mandated reporters of child abuse and neglect. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6557 Prime Sponsor, Senator Saldaña: Adding individual tax identification number filers to the working families tax credit. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland and Wilson, C.

TWENTY FIFTH DAY, FEBRUARY 6, 2020

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Walsh, Ranking Member and O'Ban.

MINORITY recommendation: Do not pass. Signed by Senator Zeiger.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6559 Prime Sponsor, Senator Conway: Increasing the maximum Washington college grant award at independent institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 4, 2020

SB 6561 Prime Sponsor, Senator Liias: Creating the undocumented student support loan program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6561 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Holy, Ranking Member and Brown.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6564 Prime Sponsor, Senator Braun: Providing incentives to employers to hire certain hard-to-place job seekers. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6564 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6567 Prime Sponsor, Senator Frockt: Recognizing the eighteenth day of December as blood donor day. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 4, 2020

SB 6577 Prime Sponsor, Senator Liias: Creating a statewide child savings account program. Reported by Committee on Higher Education & Workforce Development

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6617 Prime Sponsor, Senator Liias: Concerning accessory dwelling unit regulation. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6617 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Zeiger, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6626 Prime Sponsor, Senator Conway: Creating the position of military spouse liaison. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6630 Prime Sponsor, Senator Zeiger: Increasing accountability for public housing authorities. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6630 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6631 Prime Sponsor, Senator Saldaña: Concerning the sales and use tax for affordable and supportive housing. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6631 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6649 Prime Sponsor, Senator Zeiger: Establishing a local sales and use tax option to fund emergency homeless shelters. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: That Substitute Senate Bill No. 6649 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Warnick.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6663 Prime Sponsor, Senator Brown: Studying dual diagnoses of eating disorder and diabetes mellitus type 1. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

Referred to Committee on Ways & Means.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6358 and Senate Bill No. 6557 which had been designated to the Committee on Ways & Means and were referred to the Committee on Rules; and Senate Bill No. 6495 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 5, 2020

MADAM PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6677 by Senators Lovelett and Nguyen

AN ACT Relating to restoring voter-approved transportation benefit district vehicle fees; amending RCW 36.73.065; adding a new section to chapter 82.80 RCW; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6678 by Senators Honeyford, Braun, Conway, Muzzall, Hobbs and Wagoner

AN ACT Relating to providing a sales and use tax exemption for materials and labor purchased by veterans' organizations

in the construction of memorials; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6679 by Senators Zeiger, Wellman, O'Ban, Nguyen, Rivers, Hasegawa, Conway, Schoesler, Billig and Warnick
AN ACT Relating to declaring January as Chinese American history month and encouraging public schools to commemorate the month; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6680 by Senators Lovelett, Nguyen, Randall and Kuderer
AN ACT Relating to providing a local government option for the funding of essential affordable housing programs; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Housing Stability & Affordability.

SJR 8218 by Senator Stanford

Amending the state Constitution to provide property tax relief.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION 8673

By Senators Padden, Becker, Braun, Rolfes, O'Ban, Hobbs, King, Sheldon, Zeiger, Fortunato, and Wagoner

WHEREAS, On February 6, 1911, Ronald Wilson Reagan was born in Tampico, Illinois to parents John Edward and Nellie Wilson Reagan; and

WHEREAS, Ronald Reagan modeled the American dream, from growing up in a struggling family to obtaining a higher education, acting in movies, and working in public office; and

WHEREAS, After making unsuccessful bids for the Republican nomination twice, he ran in the 1980 presidential election; and

WHEREAS, Ronald Reagan was elected to be the 40th President of the United States and served two terms from 1981 to 1989; and

TWENTY FIFTH DAY, FEBRUARY 6, 2020

2020 REGULAR SESSION

WHEREAS, He won 525 of the 538 electoral college votes in his bid for reelection, the most ever won by a presidential candidate; and

WHEREAS, Ronald Reagan was nicknamed "the great communicator" because of his honesty and connection with the people of the United States; and

WHEREAS, He was dedicated to improving the lives of everyone around the world, emphasizing that "America is a shining city upon a hill whose beacon light guides freedom-loving people everywhere"; and

WHEREAS, In 1987, Ronald Reagan stood firmly on the side of freedom and denounced the Soviet Union, demanding Mikhail Gorbachev "tear down this wall" at the Brandenburg Gate in Berlin; and

WHEREAS, His understanding that "peace is not the absence of conflict but the ability to cope with conflict by peaceful means" brought an end to the Cold War; and

WHEREAS, Ronald Reagan stressed the importance of preserving individual freedoms by asking "what kind of people do we think we are"? and answering it with "free people, worthy of freedom and determined not only to remain so but to help others gain their freedom as well"; and

WHEREAS, While taking inspiration from the past, Ronald Reagan envisioned a bright future for the nation; and

WHEREAS, Ronald Reagan was the embodiment of a leader, stating, "there are no great limits to growth because there are no limits of human intelligence, imagination, and wonder"; and

WHEREAS, By decreasing unemployment, federal interest rates, and inflation, Ronald Reagan became a symbol of hope for the American people and made our country "prouder, and stronger, and better"; and

WHEREAS, On June 5, 2004, Ronald Reagan passed away after a decade long battle with Alzheimer's Disease; and

WHEREAS, His tombstone is inscribed with the inspirational words he once spoke to the people, "I know in my heart that man is good, that what is right will always eventually triumph and that there is purpose and worth to each and every life";

NOW, THEREFORE, BE IT RESOLVED, That on this day, the Senate honor the 40th president of the United States, Ronald Wilson Reagan, a patriot who restored America's spirit and improved the quality of life for individuals at home and around the world.

Senator Padden spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

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

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Madam President. I always appreciate Senator Padden reminding us of the February 6 anniversary. I also like to share other February 6th notable dates, 94 years ago the first donut making machine appeared on February 6th. So, whether you like President Reagan or you like donuts, February 6th is a big day in the United States of America."

MOTION

At 12:12 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock p.m. Friday, February 7, 2020.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

TWENTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia
Friday, February 7, 2020

The Senate was called to order at 12:00 o'clock noon by the Vice President Pro Tempore, Senator Conway presiding. No roll call was taken.

MOTION

Pursuant to Rule 46, on motion of Senator Liias and without objection, the Committee on State Government, Tribal Relations & Elections was granted special leave to meet during the day's floor session.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2020

SB 5299 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5299 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet and Hasegawa.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 5867 Prime Sponsor, Senator Zeiger: Resentencing of persons convicted of drug offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6087 Prime Sponsor, Senator Keiser: Imposing cost-sharing requirements for coverage of insulin products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6087 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6113 Prime Sponsor, Senator Keiser: Creating a central insulin purchasing program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6122 Prime Sponsor, Senator Keiser: Protecting temporary workers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6122 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Schoesler and Walsh.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6123 Prime Sponsor, Senator Hunt: Allowing state employee leave for organ donation. Reported by Committee on Ways & Means

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Rivers and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6135 Prime Sponsor, Senator Sheldon: Concerning system reliability under the clean energy transformation act. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6135 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6139 Prime Sponsor, Senator Mullet: Extending the joint center for aerospace technology innovation program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6139 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6172 Prime Sponsor, Senator Braun: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy

& Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6210 Prime Sponsor, Senator Lovelett: Concerning antifouling paints on recreational water vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6211 Prime Sponsor, Senator Dhingra: Concerning drug offender sentencing. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6239 Prime Sponsor, Senator Conway: Addressing compliance with apprenticeship utilization requirements and bidding on public works projects. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6247 Prime Sponsor, Senator Saldaña: Providing labor protections for domestic workers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6247 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Schoesler and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6259 Prime Sponsor, Senator McCoy: Improving the Indian behavioral health system. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6278 Prime Sponsor, Senator Carlyle: Concerning water withdrawals for commercial bottled water production. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6281 Prime Sponsor, Senator Carlyle: Concerning the management and oversight of personal data. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6281 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Dhingra; Hunt; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Darneille; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6286 Prime Sponsor, Senator Frockt: Permitting athlete agents to provide some benefits to student athletes. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Braun and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6289 Prime Sponsor, Senator Dhingra: Concerning the restoration of the right to possess a firearm. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6289 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6295 Prime Sponsor, Senator Salomon: Concerning false reporting of a crime or emergency. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6307 Prime Sponsor, Senator Liias: Communicating mass violence threats. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6329 Prime Sponsor, Senator Warnick: Concerning the misbranding of meat and poultry products. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6329 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

MINORITY recommendation: Do not pass. Signed by Senator Salomon, Vice Chair.

Referred to Committee on Rules for second reading.

February 6, 2020

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

SB 6331 Prime Sponsor, Senator Mullet: Concerning captive insurers. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Wilson, L., Ranking Member; Braun; Ericksen and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa, Vice Chair and Das.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6340 Prime Sponsor, Senator Conway: Preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6341 Prime Sponsor, Senator Stanford: Requiring the liquor and cannabis board to provide written interpretations of liquor statutes and rules. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6355 Prime Sponsor, Senator Van De Wege: Recognizing the contributions of the state's forest products sector as part of the state's global climate response. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6355 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6356 Prime Sponsor, Senator Padden: Requiring training on human trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6361 Prime Sponsor, Senator Kuderer: Concerning the administration of election campaign activities and reporting statements of financial affairs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6361 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Lias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6369 Prime Sponsor, Senator Nguyen: Concerning individuals serving community custody terms. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6369 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6374 Prime Sponsor, Senator Holy: Concerning apprenticeship materials for dual credit scholarship programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Lias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6393 Prime Sponsor, Senator Conway: Concerning cannabis industry workplace standards. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Schoesler and Walsh.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6394 Prime Sponsor, Senator Saldaña: Authorizing sports wagering subject to the terms of tribal-state gaming compacts. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6394 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Schoesler.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6401 Prime Sponsor, Senator Warnick: Concerning noxious weeds. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Short.

Referred to Committee on Ways & Means.

February 5, 2020

SB 6408 Prime Sponsor, Senator Wilson, L.: Concerning agency responsibilities to regulated businesses and professions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6440 Prime Sponsor, Senator Stanford: Concerning industrial insurance medical examinations. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6440 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6442 Prime Sponsor, Senator Saldaña: Concerning private detention facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6450 Prime Sponsor, Senator Padden: Establishing the warm water fishing advisory group. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6470 Prime Sponsor, Senator Fortunato: Reducing unnecessary paperwork to promote development. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Nguyen; Rivers; Short and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair; Liias and Stanford.

Referred to Committee on Rules for second reading.

February 6, 2020

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

SB 6476 Prime Sponsor, Senator Stanford: Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6476 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6488 Prime Sponsor, Senator Rolfes: Concerning aerial herbicides in forestlands. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick, Ranking Member.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6489 Prime Sponsor, Senator Saldaña: Concerning possession of vapor, vapor products, tobacco, and tobacco products by persons under the age of twenty-one. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6489 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland; Wilson, C. and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator O'Ban.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh, Ranking Member.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6494 Prime Sponsor, Senator Rolfes: Concerning trust water rights. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy; Rolfes and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6501 Prime Sponsor, Senator Padden: Concerning the unlawful disposition of human remains. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6518 Prime Sponsor, Senator Rolfes: Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6527 Prime Sponsor, Senator Frockt: Collecting information regarding police use of deadly force. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6528 Prime Sponsor, Senator Lovelett: Concerning the prevention of derelict vessels. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6528 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6537 Prime Sponsor, Senator McCoy: Concerning the membership of the criminal justice training commission. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6560 Prime Sponsor, Senator Wilson, C.: Studying the feasibility of postsecondary student housing within retirement facilities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6578 Prime Sponsor, Senator Honeyford: Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6578 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6584 Prime Sponsor, Senator Zeiger: Concerning the unlawful purchase of a firearm. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6585 Prime Sponsor, Senator Zeiger: Encouraging the use of medication-assisted treatment within jails. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6585 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6591 Prime Sponsor, Senator Dhingra: Establishing a work group to address mental health advance directives. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6591 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frock and O'Ban.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6599 Prime Sponsor, Senator Nguyen: Updating food benefit references. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6605 Prime Sponsor, Senator Holy: Licensing security guards. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6611 Prime Sponsor, Senator Darneille: Concerning families in conflict. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6611 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6613 Prime Sponsor, Senator Rolfes: Concerning the inspection of marine aquatic farming locations. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 6, 2020

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

SB 6622 Prime Sponsor, Senator Das: Establishing a comprehensive, statewide photovoltaic module recovery, reuse, recycling, and end-of-life program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6622 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fortunato, Assistant Ranking Member, Environment.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6628 Prime Sponsor, Senator Carlyle: Concerning emissions of greenhouse gases. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 6628 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Brown; Rivers and Short.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6635 Prime Sponsor, Senator Fortunato: Allowing for alternative public notice of applications for coverage under the construction stormwater general permit. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Lovelett, Vice Chair.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6638 Prime Sponsor, Senator Wilson, C.: Providing reentry services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6638 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice

Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6641 Prime Sponsor, Senator O'Ban: Increasing the availability of certified sex offender treatment providers. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6651 Prime Sponsor, Senator Fortunato: Preventing the local prohibition of tenant evictions for any period of time. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 6651 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Wilson, L., Ranking Member; Braun; Ericksen and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Vice Chair.

MINORITY recommendation: Do not pass. Signed by Senator Das.

Referred to Committee on Rules for second reading.

February 5, 2020

SB 6660 Prime Sponsor, Senator Rolfes: Improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6660 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6668 Prime Sponsor, Senator Stanford: Increasing services and activities fee transparency at colleges and universities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6670 Prime Sponsor, Senator Billig: Encouraging access to state parks through cooperative programs with libraries. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6670 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6671 Prime Sponsor, Senator Van De Wege: Authorizing the department of revenue to collect tribal timber harvest excise tax under a timber harvest excise tax agreement authorized in chapter 43.06 RCW. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Ways & Means.

February 6, 2020

SGA 9349 JERRY J. MENINICK, appointed on October 30, 2019, for the term ending June 12, 2023, as Member of the Columbia River Gorge Commission. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 6, 2020

SGA 9353 WARREN P. ROCKEFELLER, appointed on November 25, 2019, for the term ending July 15, 2023, as Chair of the Salmon Recovery Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy; Rolfes and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 6, 2020

SGA 9359 JENNIFER R. ALBRIGHT, reappointed on December 5, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SGA 9379 DEREK M. YOUNG, appointed on January 15, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SGA 9384 SHILOH BURGESS, appointed on January 23, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 6440 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules and Senate Bill No. 6394 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 6, 2020

MR. PRESIDENT:
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6681 by Senator Van De Wege

AN ACT Relating to increasing housing access and affordability by decreasing construction costs associated with implementing the Washington state energy code for residential buildings; amending RCW 19.27A.020, 19.27A.045, and 19.27A.160; creating a new section; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SJM 8021 by Senator Fortunato

Requesting to commence proceedings naming state route number 165 The Glacier Highway.

Referred to Committee on Transportation.

E2SHB 1521 by House Committee on Appropriations (originally sponsored by Dolan, Harris, Valdez, Frame, Caldier, MacEwen, Griffey, Blake, Sells, Tarleton, Fitzgibbon, Ryu, Kilduff and Ormsby)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 41.06.142, 39.26.200, and 39.26.180; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8672

By Senators Schoesler and Liias

WHEREAS, Since its founding on February 18, 1950, representing over eight thousand members in fourteen local associations across the state, the Building Industry Association of Washington (BIAW) has provided safe, decent, and attainable housing for our population; and

WHEREAS, BIAW represents not only the nation's oldest and largest local home building association, it is the third largest statewide association in the country; and

WHEREAS, In 2018 alone, the building industry provided economic growth to our state through the creation of 103,315 jobs, generating 8.4 billion dollars in family wages; and

WHEREAS, Home builders pay more than 2.2 billion dollars in state and local taxes annually through the direct and indirect impact of new home construction; and

WHEREAS, Home builders strive to beautify the community and conserve our environment by developing parks, green space, and wooded landscapes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the seventieth anniversary of the Building Industry Association of Washington and its members; and

BE IT FURTHER RESOLVED, That the copies of this resolution be transmitted by the Secretary of the Senate to the leadership team of the Building Industry Association of Washington.

Senators Schoesler and Liias spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

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

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced representatives of the Building Industry Association of Washington, consisting of President Sherry Schwab, First Vice President Tracey Doriot, Executive Vice President Greg Lane and Treasurer Joseph Irons who were seated in the gallery.

SIGNED BY THE VICE PRESIDENT PRO TEMPORE

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the Vice President Pro Tempore announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492

REMARKS BY SENATOR LIAS

Senator Liias: "I do just want to note that today is an important milestone, it is Charles Dickens anniversary of his birthday and as Charles Dickens said 'It was the best of times, it was the worst of times.' I think that also applies to Bob Cantore who is celebrating his 72nd birthday today and it has become a popular Senate tradition. We celebrate Bob Cantore Day here at the Senate."

Vice President Pro Tempore Conway: "I join also in wishing Happy Birthday to Bob Cantore."

MOTION

At 12:10 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in committee reports later in the day.

The Senate was called to order at 3:50 p.m. by the acting President Pro Tempore, Senator Hunt presiding.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2020

SB 5908 Prime Sponsor, Senator Das: Providing training for equity and cultural competency in the public school system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5908 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Ways & Means.

February 6, 2020

SB 6027 Prime Sponsor, Senator Pedersen: Concerning floating residences. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6027 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6040 Prime Sponsor, Senator Braun: Concerning the budgeting process for certain state waiver services for individuals with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6040 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6183 Prime Sponsor, Senator Hunt: Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6183 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6262 Prime Sponsor, Senator McCoy: Teaching Washington's tribal history, culture, and government. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Holy and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6263 Prime Sponsor, Senator McCoy: Creating a model educational data sharing agreement between school districts and tribes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6264 Prime Sponsor, Senator McCoy: Concerning school district consultation with local tribes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6274 Prime Sponsor, Senator Keiser: Protecting patient safety in psychiatric hospitals and other health care facilities.

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6297 Prime Sponsor, Senator Padden: Recognizing the experience of existing early learning providers to meet educational requirements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6311 Prime Sponsor, Senator Zeiger: Concerning persons with substance use disorders. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6311 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6339 Prime Sponsor, Senator Hunt: Creating a computer science grant program for school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6371 Prime Sponsor, Senator Hunt: Expanding school library information and technology programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6447 Prime Sponsor, Senator Liias: Requiring a coprescription of opioid overdose reversal medication. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6480 Prime Sponsor, Senator Mullet: Developing comprehensive school counseling programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; McCoy; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6482 Prime Sponsor, Senator Wilson, C.: Concerning licensing by the department of children, youth, and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6482 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy and Padden.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6483 Prime Sponsor, Senator Wilson, C.: Concerning rating requirements for child care providers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6499 Prime Sponsor, Senator Schoesler: Concerning the confidentiality of retirement system files and records relating to health information. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6505 Prime Sponsor, Senator Mullet: Expanding access to dual credit opportunities by eliminating direct costs to students and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Padden.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6511 Prime Sponsor, Senator Carlyle: Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6511 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6513 Prime Sponsor, Senator Frockt: Restricting the use of deepfake audio or visual media in campaigns for elective office. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6540 Prime Sponsor, Senator Wilson, C.: Concerning working connections child care payment authorizations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6547 Prime Sponsor, Senator Wellman: Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6547 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Holy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6563 Prime Sponsor, Senator Conway: Creating statutory authorization for school-based health centers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6570 Prime Sponsor, Senator King: Concerning law enforcement officer mental health and wellness. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

TWENTY SIXTH DAY, FEBRUARY 7, 2020

2020 REGULAR SESSION

Referred to Committee on Ways & Means.

February 7, 2020

SB 6607 Prime Sponsor, Senator Billig: Permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; McCoy; Mullet; Padden; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6610 Prime Sponsor, Senator Kuderer: Concerning advisory votes. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6610 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Muzzall, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2020

SB 6646 Prime Sponsor, Senator Zeiger: Creating a pilot program for gender-responsive and trauma-informed outpatient substance abuse treatment. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Froct and O'Ban.

Referred to Committee on Ways & Means.

February 7, 2020

SB 6648 Prime Sponsor, Senator Zeiger: Establishing a safe station pilot program. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Froct and O'Ban.

Referred to Committee on Ways & Means.

February 7, 2020

SJM 8006 Prime Sponsor, Senator Hasegawa: Requesting that Congress establish more checks and balances to reduce the possibility of nuclear war. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8006 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 7, 2020

SJM 8017 Prime Sponsor, Senator Hasegawa: Addressing compacts of free association. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8017 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

February 7, 2020

SJM 8019 Prime Sponsor, Senator Liias: Requesting Congress to address volcano early warning and monitoring. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8019 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5908 and Senate Bill No. 6339 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 7, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6492 and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 3:53 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, February 10, 2020.

STEVE CONWAY, Vice President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY NINTH DAY, FEBRUARY 10, 2020

2020 REGULAR SESSION

TWENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 10, 2020

The Senate was called to order at 12:02 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 2020

SB 5908 Prime Sponsor, Senator Das: Providing training for equity and cultural competency in the public school system. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6181 Prime Sponsor, Senator Padden: Concerning compensation for parents of minor victims of crime. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6181 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6646 Prime Sponsor, Senator Zeiger: Creating a pilot program for gender-responsive and trauma-informed outpatient substance abuse treatment. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member,

Capital; Becker; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

Agriculture, Department of – “*Pesticide Management Division 2019 Annual Report*” pursuant to 15.58.420 RCW;

Auto Theft Prevention Authority, Washington – “*Auto Theft Prevention Authority 2019 Annual Report*” in accordance with Engrossed Third Substitute House Bill No. 1001;

Children, Youth, and Families, Department of – “*Behavioral Rehabilitation Services July - December 2019 Report*” in accordance with Engrossed Substitute House Bill No. 1109;

Commerce, Department of – “*Regulatory Streamlining - Regulatory Roadmap, January 2020 Update*” pursuant to 43.330.440 RCW; “*State Surplus Property Program, 2019 Annual Report of Inventory of State-Owned Real Properties and Recommendations*” pursuant to 43.63A.510 RCW; “*Homelessness in Washington State, 2019 Annual Report to the Legislature*” pursuant to 43.185C RCW; “*Defense Community Compatibility Account, 2020 Legislative Report*” in accordance with Substitute Senate Bill No. 5748; “*Improving Stability for Youth Exiting Systems of Care*” pursuant to 43.330.720 RCW;

Education, Washington State Board of – “*Graduation Pathway Options, Interim Report*” in accordance with Engrossed Second Substitute House Bill No. 1599;

Health Care Authority – “*Treatment of Adults on 90 or 180 Day Civil Commitment Orders*” in accordance with Second Substitute House Bill No. 1394;

Health, Department of – “*Evaluating Potential Transfer of Peer Counselor Program*” in accordance with Second Substitute House Bill No. 1907; “*Bone Marrow Donation Registry Participation*” pursuant to 46.20.1132 RCW; “*Community Health Improvement in Rural Washington: Learning from Global Health Strategies and Programs*” in accordance with Engrossed Substitute Senate Bill No. 6032;

Military Department – “*Enhanced 911 Advisory Committee 2019 Annual Legislative Update*” pursuant to 38.52.532 RCW;

Office of Equity Task Force – “*Office of Equity Task Force Preliminary Report*” in accordance with Engrossed Substitute House Bill No. 1109;

Pacific Northwest University of Health Sciences – “*Student Loan Information Compliance Report*” in accordance with Substitute Senate Bill No. 5022;

Public Instruction, Office of the Superintendent of –
*“Barriers to Recruitment of Military Personnel and Spouses to
 Serve in K-12 Positions”* in accordance with House Bill No. 1139;

Social & Health Services, Department of – *“Staffing Levels
 Compared to Allotments October - December 2019”* in
 accordance with Engrossed Substitute House Bill No. 1109;
“Naturalization Services -- 2019 Report” in accordance with
 Engrossed Substitute House Bill No. 1109; *“State Hospital
 Clinical Staffing Model and Acuity Tool -- Implementation
 Program”* in accordance with Engrossed Substitute House Bill
 No. 1109;

Transportation, Department of – *“Diesel Fuel Price
 Hedging FY 2019 Report”* pursuant to 47.60.830 RCW.

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

February 4, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject
 to your confirmation.

ANN M. ROBBINS, appointed February 4, 2020, for the term
 ending June 30, 2022, as Member of the Professional Educator
 Standards Board.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education
 as Senate Gubernatorial Appointment No. 9390.

MOTION

On motion of Senator Liias, the appointee listed on the
 Gubernatorial Appointment report was referred to the committee
 as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth
 order of business.

INTRODUCTION AND FIRST READING

SB 6682 by Senator Fortunato

AN ACT Relating to a surcharge for electricity used to
 charge vehicles; and adding a new section to chapter 19.29A
 RCW.

Referred to Committee on Environment, Energy &
 Technology.

SB 6683 by Senator Becker

AN ACT Relating to limiting the number of bills a legislator
 may sponsor; and adding a new section to chapter 44.04
 RCW.

Referred to Committee on State Government, Tribal
 Relations & Elections.

SB 6684 by Senators Das, Saldaña, Nguyen, Hobbs and Lovelett

AN ACT Relating to electric vehicle readiness; and adding
 a new section to chapter 19.27 RCW.

Referred to Committee on Environment, Energy &
 Technology.

SB 6685 by Senators Das, Kuderer, Darneille, Saldaña, Wilson,
 C., Lovelett, Nguyen and Billig

AN ACT Relating to requiring health insurance coverage for
 an annual mental wellness examination performed by a
 qualified mental health care provider; adding a new section
 to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 6686 by Senators Das, Wellman, Kuderer, Carlyle, Hunt,
 Cleveland, Frockt, Lovelett, Wilson, C. and Saldaña

AN ACT Relating to prohibiting the possession of weapons
 on state capitol grounds; and reenacting and amending RCW
 9.41.300.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Liias, all measures listed on the
 Introduction and First Reading report were referred to the
 committees as designated.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
 8675

By Senator Hobbs

WHEREAS, Keith Cotton first began his long and valued
 service to the state in 2001 as an intern in the Washington State
 Department of Transportation in the planning office where he
 helped launch the first editions of the Gray Notebook, the national
 standard for performance reporting by a state agency; and

WHEREAS, Keith met his wife Megan while working in the
 Environmental Services Office in 2003, where he collaborated
 with others to assist in mitigating the environmental impacts
 associated with improving and preserving the state highway
 system; and

WHEREAS, Keith brought his talents (and his houseplants) to
 the Public Transportation Division in 2005, which would become
 his WSDOT home for the next fourteen years, the Public
 Transportation Division; and

WHEREAS, Keith's vision, diligence, and sense of innovation
 helped WSDOT develop and implement several projects while
 managing the state Commute Trip Reduction Program, a program
 that kept over 34,500 cars off of Puget Sound area streets and
 highways to help reduce congestion between 2017 and 2018 and
 saves more than four million gallons of fuel each year; and

WHEREAS, Keith's consistency of character, sense of humor,
 humility, and empathy for others made him an employee that his
 bosses, coworkers, and direct reports would run through walls for
 if asked to; and

WHEREAS, Keith established a sense of community through
 organizing events and outings within the public transportation
 division at WSDOT and beyond through his athleticism and

TWENTY NINTH DAY, FEBRUARY 10, 2020

2020 REGULAR SESSION

leadership in putting together some of the most dominant softball and dodge ball teams the department has ever fielded; and

WHEREAS, Keith learned that he had a brain tumor the size of a lemon in January of 2013 and responded by fighting his cancer with determination and great ferocity to realize dreams and goals he had made with Megan; and

WHEREAS, Keith and Megan had a beautiful daughter named Grace in 2015 and a handsome son named William in 2018; and

WHEREAS, Keith was a lifelong fan of his beloved Chicago Cubs and was able to attend the 2016 World Series in person and was able to fly his "W" flag with pride after the Cubs won their first World Series since 1908; and

WHEREAS, Keith raised thousands of dollars for brain cancer research and clinical trials through his participation in the Seattle Brain Cancer Walk with friends, family, and fellow employees; and

WHEREAS, Keith Carroll Cotton passed away on November 9, 2019, and left behind a legacy as a fighter, a devoted father and husband, an amazing friend, and a standout employee for the Washington State Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and laud the important contributions of former WSDOT employee Keith Cotton, and offer our most heartfelt condolences to Keith's family and many friends.

Senators Hobbs, Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

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

REMARKS BY THE PRESIDENT

President Habib: "The President would like to thank Senator Hobbs for bringing this resolution and give the entire Senate's condolences to the family and friends and co-workers of Mr. Keith Cotton, whom we mourn with you. And whose contributions that have been stated here in Senate Resolution No. 8675, in the words of the Transportation Chairman and the other Senators. So, please know that we are all in the Senate mourning his loss. and stand with you in this time of grieving, and in time healing."

MOTION

At 12:21 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, February 11, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, February 11, 2020

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

Pursuant to Rule 46, on motion of Senator Liias and without objection, the Committee on Ways & Means was granted special leave to meet during the day's floor session.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 10, 2020

SSB 5164 Prime Sponsor, Committee on Ways & Means: Providing public assistance to certain victims of human trafficking. Reported by Committee on Ways & Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5164 be substituted therefor, and the third substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 5400 Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 5533 Prime Sponsor, Senator Braun: Concerning certificates of parental improvement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Fourth Substitute Senate Bill No. 5533 be substituted therefor, and the fourth substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 5601 Prime Sponsor, Senator Rolfes: Concerning health care benefit management. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5601 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital and Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 5607 Prime Sponsor, Senator Wellman: Concerning dual language learning in early learning and K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5607 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Wagoner.

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Rivers; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 5789 Prime Sponsor, Senator Liias: Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Randall; Takko and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; O'Ban; Padden and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6074 Prime Sponsor, Senator Dhingra: Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6084 Prime Sponsor, Senator Takko: Concerning roundabouts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6117 Prime Sponsor, Senator Wellman: Concerning appropriations for special education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6117 be substituted therefor, and the second

substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6156 Prime Sponsor, Senator Takko: Modifying the requirements for collector vehicle registrations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; Randall; Takko and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban; Padden and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6189 Prime Sponsor, Senator Wellman: Clarifying eligibility for school employees' benefits board coverage. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Wagoner.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6212 Prime Sponsor, Senator Das: Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6218 Prime Sponsor, Senator Schoesler: Modifying the definition of salary for the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6268 Prime Sponsor, Senator Rolfes: Preventing abusive litigation between intimate partners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 6, 2020

SB 6288 Prime Sponsor, Senator Dhingra: Creating the Washington office of firearm violence prevention. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Rivers.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6314 Prime Sponsor, Senator Holy: Protecting taxpayers from home foreclosure. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6314 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member,

Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6319 Prime Sponsor, Senator Takko: Concerning administration of the senior property tax exemption program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6342 Prime Sponsor, Senator Dhingra: Concerning chemical contaminants in drinking water. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6342 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6417 Prime Sponsor, Senator Holy: Allowing retirees to change their survivor option election after retirement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

THIRTIETH DAY, FEBRUARY 11, 2020

SB 6429 Prime Sponsor, Senator Brown: Providing a designation on a driver's license or identicard that a person has a developmental disability. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6429 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6466 Prime Sponsor, Senator Randall: Concerning traffic control signals. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6475 Prime Sponsor, Senator Hasegawa: Assisting homeless individuals with obtaining identification. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6493 Prime Sponsor, Senator Liias: Concerning the Cooper Jones active transportation safety council. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6553 Prime Sponsor, Senator Frockt: Facilitating treatment for gun violence victims. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6553 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet;

2020 REGULAR SESSION

Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6560 Prime Sponsor, Senator Wilson, C.: Studying the feasibility of postsecondary student housing within retirement facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6565 Prime Sponsor, Senator Randall: Establishing permissible methods of parking a motorcycle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6574 Prime Sponsor, Senator Takko: Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6580 Prime Sponsor, Senator Mullet: Concerning organ transport vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6586 Prime Sponsor, Senator Saldaña: Implementing a per mile charge on electric and hybrid vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6586 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; O'Ban; Padden; Takko and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6606 Prime Sponsor, Senator Liias: Concerning regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6606 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Cleveland; Das; Lovelett; Nguyen; Randall; Takko and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; O'Ban; Padden and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña, Vice Chair.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6632 Prime Sponsor, Senator Takko: Providing additional funding for the business licensing service program administered by the department of revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6632 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 10, 2020

SB 6676 Prime Sponsor, Senator Frockt: Concerning reimbursement for primary care services for medicaid beneficiaries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6676 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

February 10, 2020

SJR 8211 Prime Sponsor, Senator Braun: Proposing an amendment to the Constitution concerning revenues from certain premiums, contributions, and other charges imposed on wages. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8211 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Darneille; Dhingra; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt, Vice Chair, Operating, Capital Lead.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa; Hunt and Van De Wege.

Referred to Committee on Rules for second reading.

February 10, 2020

SGA 9304 SHIV BATRA, reappointed on July 1, 2019, for the term ending June 30, 2025, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 10, 2020

SGA 9306 ROY D. JENNINGS, reappointed on July 1, 2019, for the term ending June 30, 2025, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 10, 2020

SGA 9364 JASON R. HAMILTON, appointed on January 3, 2020, for the term ending December 26, 2021, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; O'Ban; Padden; Takko and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6687 by Senator Conway

AN ACT Relating to granting interest arbitration to employees of the state parks and recreation commission and the liquor and cannabis board; and amending RCW 41.80.200.

Referred to Committee on Labor & Commerce.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

MOTION

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

MOTION

Senator Short moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senators Short, Schoesler, Holy, Warnick, Walsh, Honeyford, Billig, and Brown

WHEREAS, George R. Nethercutt, Jr. was born and raised in Spokane where he attended North Central High School. He earned his bachelor's degree in English from Washington State University and his Law Degree from Gonzaga University; and

WHEREAS, George and his wife, Mary Beth, welcomed two children, Meredith and Elliott, into their family; and

WHEREAS, Faith, family, community, education, leadership, and mentorship continue to be at the forefront of his life and legacy; and

WHEREAS, During George's eighteen years as a lawyer, he provided legal support for over two thousand adoptions, helping to transform individuals into loving parents to bring joy and security to adoptive children and families; and

WHEREAS, Soon after his daughter was diagnosed with diabetes, he became President of the Spokane Chapter of the Juvenile Diabetes Foundation, an organization tasked with helping to fund research, expanding access to treatment, and bringing awareness to juvenile diabetes; and

WHEREAS, Witnessing the significant need that existed in Spokane for a respite care facility to protect children from abuse and provide support to families, George became a founding member of the Vanessa Behan Crisis Nursery; since its inception in 1987, the nursery has impacted the lives of 103,000 children and their families; and

WHEREAS, In 1994, George entered a three-way primary to become the Republican candidate for the 5th Congressional District. He became only the second person in United States history to defeat a sitting Speaker of the United States House of Representatives. George went on to serve the 5th Congressional District from 1995-2004; and

WHEREAS, During his tenure in Congress, George was named by the Speaker of the House of Representatives as first cochairman of the Congressional Diabetes Caucus; and

WHEREAS, Further, he served on the prestigious Appropriations committee, Science Committee, and Energy and Space & Aeronautics subcommittees. He increased open trade with foreign countries, appropriations to bring high-technology capability to the United States Defense Department, worked side-by-side with farmers to bring independence and freedom back into farming, and developed cutting edge collaborative pilot projects between the timber industry and the Forest Service that improved forest health, wildlife habitat, and the local economy; and

WHEREAS, In 1996, George formed a foundation whose mission was to foster understanding of government and public policies in young adults; offering unprecedented opportunities to engage with elected officials, issue advocates, government leaders, and the national press; and

WHEREAS, After his career in Congress, he continued his mission of educating younger generations on civics, active citizenship and service, the importance of understanding how government works, and why our country's history is so important to its future; and

WHEREAS, George also authored the book entitled "In Tune with America – Our History in Song" that detailed significant events, trials and attributions, outstanding leaders, and heroic acts;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize George R. Nethercutt, Jr. for his service to the 5th Congressional District in Congress, his dedication to community, to educating young adults on the importance of service and civic engagement, and his mentorship to so many who learned the value of humility, patience, listening, compassion, and service.

Senator Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

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

MOTION

At 12:05 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in standing committee reports later in the day.

The Senate was called to order at 7:00 p.m. by acting President Pro Tempore, Senator Van De Wege presiding.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 11, 2020

SB 5144 Prime Sponsor, Senator Dhingra: Implementing child support pass-through payments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 5481 Prime Sponsor, Senator Warnick: Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining, including interest arbitration. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5481 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member and Becker.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 5494 Prime Sponsor, Senator Zeiger: Concerning the baby court initiative. Reported by Committee on Ways & Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5494 be substituted therefor, and the third substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Dhingra.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6050 Prime Sponsor, Senator Cleveland: Concerning insurance guaranty fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Rivers and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Muzzall; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6064 Prime Sponsor, Senator Wagoner: Requiring full body scanners at each department of corrections institution. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6064 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6079 Prime Sponsor, Senator Mullet: Clarifying the scope of taxation on land development or management services. Reported by Committee on Ways & Means

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6088 Prime Sponsor, Senator Keiser: Establishing a prescription drug affordability board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6088 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6112 Prime Sponsor, Senator Wilson, C.: Concerning youth solitary confinement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6128 Prime Sponsor, Senator Randall: Extending coverage during the postpartum period. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6128 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital

Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6134 Prime Sponsor, Senator Hunt: Concerning state reimbursement of election costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6134 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6141 Prime Sponsor, Senator Randall: Expanding access to higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Schoesler and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6142 Prime Sponsor, Senator Liias: Creating the Washington common application. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6179 Prime Sponsor, Senator Takko: Concerning the Washington search and rescue grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6205 Prime Sponsor, Senator Cleveland: Preventing harassment, abuse, and discrimination experienced by long-term care workers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6205 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Becker.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6207 Prime Sponsor, Senator Saldaña: Concerning the scope of collective bargaining for language access providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Wagoner and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6211 Prime Sponsor, Senator Dhingra: Concerning drug offender sentencing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6211 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6213 Prime Sponsor, Senator Das: Concerning certain expanded polystyrene products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6213 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Hunt; Muzzall; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Rivers and Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6224 Prime Sponsor, Senator Lovelett: Concerning collective bargaining for administrative law judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Rivers; Schoesler; Wagoner and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6255 Prime Sponsor, Senator Wilson, C.: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6255 be substituted therefor, and the second

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6264 Prime Sponsor, Senator McCoy: Concerning school district consultation with local tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Schoesler and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Muzzall; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6267 Prime Sponsor, Senator Takko: Modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6275 Prime Sponsor, Senator Cleveland: Increasing patient access rights to timely and appropriate postacute care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6275 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6309 Prime Sponsor, Senator Lovelett: Expanding access to nutritious food. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6309 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6311 Prime Sponsor, Senator Zeiger: Concerning persons with substance use disorders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6311 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6346 Prime Sponsor, Senator Takko: Establishing tribal representation on the emergency management council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6351 Prime Sponsor, Senator Nguyen: Concerning working connections child care eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Schoesler; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6354 Prime Sponsor, Senator King: Providing enhanced payment to low volume, small rural hospitals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6355 Prime Sponsor, Senator Van De Wege: Recognizing the contributions of the state's forest products sector as part of the state's global climate response. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6382 Prime Sponsor, Senator Ericksen: Concerning state-inspected commercial custom meat facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6382 be substituted therefor, and the second

substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Darneille.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6385 Prime Sponsor, Senator Zeiger: Providing for jobs training for homeless individuals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6385 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Carlyle; Conway; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Hasegawa; Hunt and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Dhingra.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6400 Prime Sponsor, Senator Randall: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6400 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6404 Prime Sponsor, Senator Frockt: Adopting prior authorization and appropriate use criteria in patient care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown,

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6405 Prime Sponsor, Senator Stanford: Supporting student success at community and technical colleges by increasing full-time faculty and stabilizing the use of part-time faculty. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6405 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Wagoner and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6411 Prime Sponsor, Senator Das: Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban growth areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6411 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Conway; Darneille; Warnick and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Hasegawa and Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6419 Prime Sponsor, Senator Keiser: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding

residential habilitation center clients. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6422 Prime Sponsor, Senator Darneille: Establishing the family connections program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6425 Prime Sponsor, Senator Stanford: Establishing the American Indian cultural study grant. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6430 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra;

Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6476 Prime Sponsor, Senator Stanford: Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6478 Prime Sponsor, Senator Nguyen: Revising economic assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6478 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6488 Prime Sponsor, Senator Rolfes: Concerning aerial herbicides in forestlands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6495 Prime Sponsor, Senator Walsh: Regarding essential needs and housing support eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6511 Prime Sponsor, Senator Carlyle: Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Muzzall; Schoesler; Wagoner and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6515 Prime Sponsor, Senator Van De Wege: Adjusting the medicaid payment methodology for skilled nursing facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6515 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 11, 2020

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

SB 6518 Prime Sponsor, Senator Rolfes: Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6518 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6521 Prime Sponsor, Senator Wellman: Creating an innovative learning pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6528 Prime Sponsor, Senator Lovelett: Concerning the prevention of derelict vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6528 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senator Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6534 Prime Sponsor, Senator Cleveland: Creating an ambulance transport quality assurance fee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Mullet, Capital Budget Cabinet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6540 Prime Sponsor, Senator Wilson, C.: Concerning working connections child care payment authorizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6545 Prime Sponsor, Senator Zeiger: Concerning the voluntary stewardship program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6551 Prime Sponsor, Senator Stanford: Integrating international medical graduates into Washington's health care delivery system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Schoesler and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Rivers; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6556 Prime Sponsor, Senator Cleveland: Expanding reporting options for mandated reporters of child abuse and neglect. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6561 Prime Sponsor, Senator Liias: Creating the undocumented student support loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6561 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Muzzall; Schoesler; Warnick and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6570 Prime Sponsor, Senator King: Concerning law enforcement officer mental health and wellness. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital;

Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6587 Prime Sponsor, Senator Zeiger: Exempting statewide from state property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Dhingra; Hunt; Muzzall; Rivers; Schoesler; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Carlyle; Conway; Darneille; Liias and Van De Wege.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6591 Prime Sponsor, Senator Dhingra: Establishing a work group to address mental health advance directives. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6591 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6601 Prime Sponsor, Senator Rolfes: Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6601 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking

THIRTIETH DAY, FEBRUARY 11, 2020

2020 REGULAR SESSION

Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6626 Prime Sponsor, Senator Conway: Creating the position of military spouse liaison. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6638 Prime Sponsor, Senator Wilson, C.: Providing reentry services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6656 Prime Sponsor, Senator Hasegawa: Concerning engagement with key international markets. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6656 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Schoesler; Van De Wege and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6663 Prime Sponsor, Senator Brown: Studying dual diagnoses of eating disorder and diabetes mellitus type 1. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6663 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 11, 2020

SB 6668 Prime Sponsor, Senator Stanford: Increasing services and activities fee transparency at colleges and universities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

MOTION

At 7:32 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 12, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 12, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Braun and Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Mr. Isaac Yi and Miss Sarah Mott, presented the Colors. Page Mr. Alec Benson led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein of Temple Beth Hatfiloh, Olympia.

MOTION

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

MOTION

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

MOTION

Senator Wilson, C. moved adoption of the following resolution:

**SENATE RESOLUTION
8677**

By Senators Wilson, C., Kuderer, Wellman, Wagoner, Brown, Hasegawa, and Conway

WHEREAS, This month marks the 150th anniversary of the ratification of the 15th Amendment to the United States Constitution; and

WHEREAS, The 15th Amendment granted Black men the right to vote by decreeing that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."; and

WHEREAS, Even though additional laws and enforcement were needed over the next century to more effectively implement and enforce the 15th Amendment, this fundamental principle set the stage for all voting rights that followed; and

WHEREAS, The 15th Amendment's landmark language introduced the absolute and unwavering principle that voting is an inalienable right of citizenship and not a benefit limited to the privileged; and

WHEREAS, This bedrock document not only addressed the existential injustice of the day but laid the foundation for our understanding and expansion of voting rights from that day forward; and

WHEREAS, The 15th Amendment's core concept paved the way for the 19th Amendment, establishing the rights of women to vote, and the Snyder Act, establishing the rights of all Native Americans to vote, and continues to influence and inform our expansion of voting rights; and

WHEREAS, The 15th Amendment has transformed and enriched countless lives and generations, and its foundational principle continues to empower and assert the rights of new generations today and into the future; and

WHEREAS, We benefit today and tomorrow by making sure to remember and honor the historic accomplishments of our predecessors;

NOW, THEREFORE, BE IT RESOLVED, That the Senate acknowledge and reaffirm its respect and support for the 15th Amendment and the precious rights it established, for now and forever.

Senators Wilson, C., O'Ban and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

The motion by Senator Wilson, C. carried and the resolution was adopted by voice vote.

MOTION

At 10:20 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

Senator Short announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 12:45 p.m. by President Habib.

MOTION

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

**THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Van De Wege moved that J. Vander Stoep, Senate Gubernatorial Appointment No. 9075, be confirmed as a member of the Chehalis Board.

Senators Van De Wege, Honeyford and Padden spoke in favor of passage of the motion.

APPOINTMENT OF J. VANDER STOEP**MOTION**

On motion of Senator Rivers, Senators Braun, Fortunato and Walsh were excused.

The President declared the question before the Senate to be the confirmation of J. Vander Stoep, Senate Gubernatorial Appointment No. 9075, as a member of the Chehalis Board.

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

The Secretary called the roll on the confirmation of J. Vander Stoep, Senate Gubernatorial Appointment No. 9075, as a member of the Chehalis Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator O'Ban

Excused: Senators Braun, Fortunato and Walsh

J. Vander Stoep, Senate Gubernatorial Appointment No. 9075, having received the constitutional majority was declared confirmed as a member of the Chehalis Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5834, by Senators Hunt, Wellman, Randall, Pedersen, Wilson, C., Salomon, Frockt, Hasegawa, Kuderer, Nguyen and Saldaña

Concerning the immigration status of students.

The measure was read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 961 by Senator Hunt be adopted:

On page 2, line 34, after "the" strike "2019-20" and insert "2020-21"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 961 by Senator Hunt on page 2, line 34 to Senate Bill No. 5834.

The motion by Senator Hunt carried and floor amendment no. 961 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hawkins spoke against passage of the bill.

MOTION

On motion of Senator Rivers, Senator O'Ban was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

ENGROSSED SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6066, by Senators Hasegawa, Kuderer, Nguyen, Stanford, Saldaña, and Wilson, C.

Expanding ethnic studies materials and resources for public school students in grades kindergarten through six.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6066.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6066 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Short, Wagoner and Warnick

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6132, by Senators Wellman, Billig, Hunt, Lovelett, Pedersen, Randall, Rolfes, Salomon, Van De Wege, and Wilson, C.

Allowing the learning assistance program to support school-wide behavioral health system of supports and interventions.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6132.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6132 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6262, by Senators McCoy, Wellman, Kuderer, Hasegawa, Lovelett, Stanford, Wilson, C., Conway, Das, Nguyen, Van De Wege, Darneille and Hunt

Teaching Washington's tribal history, culture, and government.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6262 was substituted for Senate Bill No. 6262 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

Senators Hawkins and Brown spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6262 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, King, Muzzall, Padden, Rivers, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6191, by Senators Braun, Darneille, Hasegawa, O'Ban, Rolfes, Short, and Wilson, C.

Assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services.

MOTIONS

On motion of Senator Hawkins, Substitute Senate Bill No. 6191 was substituted for Senate Bill No. 6191 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Substitute Senate Bill No. 6191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6191 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Padden and Wagoner

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6191, having received the constitutional majority, was declared passed. There being no

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6480, by Senators Mullet and Hasegawa

Developing comprehensive school counseling programs.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Hawkins, Rivers and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Erickson, McCoy and Padden
Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6138, by Senators Hasegawa, Nguyen, and Wilson, C.

Concerning the beginning educator support team program.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

Senators Hawkins and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Erickson, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5572, by Senate Committee on Ways & Means (originally sponsored by Honeyford, Takko, Short, Warnick, Schoesler and King)

Authorizing modernization grants for small school districts.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5572.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Erickson

Excused: Senators Braun, Fortunato and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5908, by Senators Das, Randall, Saldaña, Nguyen, Liias, Salomon, Conway, Darneille, Kuderer, and Wilson, C.

Providing training for equity and cultural competency in the public school system.

MOTION

On motion of Senator Das, Substitute Senate Bill No. 5908 was substituted for Senate Bill No. 5908 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Das moved that the following floor amendment no. 962 by Senator Wellman be adopted:

On page 2, beginning on line 27, after "training" strike all material through "dues" on line 28

On page 2, line 31, after "section." insert "The training provided must be funded through the use of the association's dues, from nominal fees charged to participants by the association, or a combination of both."

Senator Das spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 962 by Senator Wellman on page 2, line 27 to Substitute Senate Bill No. 5908.

The motion by Senator Das carried and floor amendment no. 962 was adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute Senate Bill No. 5908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5908.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5908 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Erickson, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6623, by Senators Darneille, Kuderer, Warnick, Zeiger, Das, Nguyen and Saldaña

Reducing host home funding restrictions.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 6623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban, Kuderer, Zeiger and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6623.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6623 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6072, by Senators Rolfes, Braun and Becker

Dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6072 was substituted for Senate Bill No. 6072 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6072.

ROLL CALL

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6072 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6045, by Senators Takko, Kuderer, Pedersen, Randall and Rolfes

Concerning vulnerable users of a public way.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6045.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Sheldon and Walsh

SENATE BILL NO. 6045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6091, by Senators Warnick, Saldaña, Lovelett, Stanford, and Wilson, C.

Continuing the work of the Washington food policy forum.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 6091 was substituted for Senate Bill No. 6091 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 6091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6091.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6091 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 6091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6101, by Senators Wellman, Conway, Dhingra, Kuderer, Mullet, Carlyle, and Wilson, C.

Concerning statewide implementation of early screening for dyslexia.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6101.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6101 and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Sheldon and Walsh

SENATE BILL NO. 6101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6208, by Senators Billig, Rivers, Liias, Randall, and Wilson, C.

Increasing mobility through the modification of stop sign requirements for bicyclists.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 6208 was substituted for Senate Bill No. 6208 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Honeyford

Excused: Senators Braun, Fortunato, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6392, by Senators Van De Wege, King, Walsh, Warnick, Rolfes, Honeyford, and Wilson, C.

Creating a local wine industry association license.

MOTIONS

On motion of Senator Van De Wege, Substitute Senate Bill No. 6392 was substituted for Senate Bill No. 6392 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Van De Wege, the rules were suspended, Substitute Senate Bill No. 6392 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6392.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6392 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 6392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6537, by Senators McCoy, Hasegawa, Dhingra, and Wilson, C.

Concerning the membership of the criminal justice training commission.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6537.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6537 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, today is February 12, and I want to take this moment and say, 'Happy Anniversary to my husband.' He is at home and in the last 12 years that I have been here, I have been with him one time on our anniversary. So, every year I stand up and say happy anniversary to my husband and this is year number 47. And so, we dated for three years before that so its kind of an unofficial 50 year and I'm pretty proud of that. And, I just wanted to say publicly to my husband how much I love him, how much I am glad we get to be spending our lives together, and it just my kind of annual thing to do and I just wanted to say. Thank you Mr. President for allowing me to do a point of personal privilege."

President Habib: "Hear, hear, Happy Anniversary."

PERSONAL PRIVILEGE

Senator Das: "I just wanted to let everyone know that you might have received a little white box on your desk. For the ladies, there are beautiful sashes that say 'Votes for Women' which is the historical phrase for the Women's Suffragette Movement. Tomorrow we are recognizing, celebrating the Women's Suffragette Movement with a resolution of the hundredth year, this year. For the men, I have provided or gifted I should say, a beautiful white tie. For those who choose to wear the sash or the tie tomorrow, it is my honor to provide you, or to give you a gift, it was my pleasure. For those women who would like a tie or those men who would like a sash, I have extra so, please let me know. I believe there has been white ties ordered for all of the men at the rostrum as well. Thank you."

SECOND READING

SENATE BILL NO. 6215, by Senator Braun

Establishing a collaborative process to alleviate the burden on local courts to determine indigency through proof of receipt of public assistance.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6215 was substituted for Senate Bill No. 6215 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6215 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6215.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6027, by Senators Pedersen, Carlyle, Warnick, Van De Wege, Hunt, Rolfes, Short and Honeyford

Concerning floating residences.

MOTIONS

On motion of Senator Pedersen, Second Substitute Senate Bill No. 6027 was substituted for Senate Bill No. 6027 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Second Substitute Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Warnick and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6027.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SECOND SUBSTITUTE SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6048, by Senators Das, Lovelett, Nguyen, Saldaña, Kuderer, and Wilson, C.

Addressing the group-wide supervision of internationally active insurance groups.

MOTIONS

On motion of Senator Das, Substitute Senate Bill No. 6048 was substituted for Senate Bill No. 6048 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Das, the rules were suspended, Substitute Senate Bill No. 6048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6155, by Senators Cleveland, Dhingra, Keiser, Kuderer, Mullet and Nguyen

Concerning the rape of a child.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6155 was substituted for Senate Bill No. 6155 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6326, by Senator Warnick

Concerning municipal conflicts of interest.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6326.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6326 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6102, by Senators Wellman, Mullet, Wilson, C. and Sheldon

Adjusting stop signal requirements for school buses.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6102.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6102 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Kuderer, Stanford and Van De Wege
Excused: Senators Braun, Fortunato, Muzzall and Walsh

SENATE BILL NO. 6102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5976, by Senators Rolfes, Kuderer and Walsh

Concerning the access to baby and child dentistry program for children with disabilities.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 5976 was substituted for Senate Bill No. 5976 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5976.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5976 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Braun, Fortunato, Muzzall and Walsh

SUBSTITUTE SENATE BILL NO. 5976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6046, by Senator Takko

Concerning special purpose district commissioner compensation.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6046.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger
Excused: Senators Braun, Fortunato, Muzzall and Walsh

SENATE BILL NO. 6046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6507, by Senators Nguyen, Darneille, and Wilson, C.

Concerning legislative reporting requirements for certain department of children, youth, and families programs.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, Senate Bill No. 6507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6507.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6507 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Muzzall and Walsh

SENATE BILL NO. 6507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6297, by Senators Padden, Wellman, Wagoner, Wilson, C., Hawkins, Billig and Zeiger

Recognizing the experience of existing early learning providers to meet educational requirements.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6297 was substituted for Senate Bill No. 6297 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6297.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6297 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato, Muzzall and Walsh

SUBSTITUTE SENATE BILL NO. 6297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6035, by Senators Keiser, King, Conway and Stanford

Concerning liquor license employees.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6035 was substituted for Senate Bill No. 6035 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6047, by Senators Hasegawa, Dhingra, Hunt, Keiser, Lovelett, Nguyen, Randall, Holy and Saldaña

Prohibiting retaliation against school district employees that report noncompliance with individualized education programs.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6047.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6047 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6403, by Senators Warnick, Van De Wege, Short and Takko

Concerning allowable uses for the multiuse roadway safety account.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 6403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6403.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6403 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6099, by Senators Hunt, and Wilson, C.

Repealing the education accountability system oversight committee.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 6099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6099.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6099 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6100, by Senators Wellman, Keiser, Kuderer, Nguyen, and Wilson, C.

Expanding background check requirements for certain educational institutions.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6409, by Senator King

Providing an exemption from electrical licensing, certification, and inspection for industrial equipment.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6409 was substituted for Senate Bill No. 6409 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6409.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6409 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SUBSTITUTE SENATE BILL NO. 6409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6120, by Senators Conway and King

Amending types of nonprofit organizations qualified to engage in gambling activities.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6120.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6420, by Senators Takko and Short

Concerning underground utilities and safety committee.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6420.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6420 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and Walsh

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:56 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

 EVENING SESSION

The Senate was called to order at 6:09 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Kimberly Gordon, Senate Gubernatorial Appointment No. 9095, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Padden and Darneille spoke in favor of passage of the motion.

MOTION

On motion of Senator Rivers, Senator Schoesler was excused.

APPOINTMENT OF KIMBERLY GORDON

The President declared the question before the Senate to be the confirmation of Kimberly Gordon, Senate Gubernatorial Appointment No. 9095, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Kimberly Gordon, Senate Gubernatorial Appointment No. 9095, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senators Braun, Fortunato and Schoesler

Kimberly Gordon, Senate Gubernatorial Appointment No. 9095, having received the constitutional majority was declared

confirmed as a member of the Sentencing Guidelines Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 6180, by Senators Darneille, Nguyen, Das, and Wilson, C.

Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 983 by Senator Padden be adopted:

On page 4, beginning on line 11, after "(7)" strike all material through "(c)" on line 25 and insert "(((a)))"

On page 4, line 26, after "alternative," strike all material through "offender,"

On page 4, at the beginning of line 29, strike "(i)" and insert "(a)"

On page 4, at the beginning of line 31, strike "(ii)" and insert "(b)"

On page 4, at the beginning of line 33, strike "(iii)" and insert "(c)"

On page 4, at the beginning of line 35, strike "(iv)" and insert "(d)"

On page 4, beginning on line 38, strike all material through "9A.44.143." on line 40

Senators Padden and Wagoner spoke in favor of adoption of the amendment.

Senators Darneille and Walsh spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 983 by Senator Padden on page 4, line 11 to Senate Bill No. 6180.

The motion by Senator Padden carried and floor amendment no. 983 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban, Padden, and Saldaña spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator King: "Well, I have a question for either Senator Darneille or Senator O'Ban. When we say 'children,' what age are we talking about? That is what I want to know."

President Habib: "Senator King, whom are you asking the question?"

Senator King: "I'll ask Senator Darneille."

President Habib: "Senator Darneille, do you yield to a question?"

Senator Darneille: "Yes, thank you Mr. President. These are children, I think, between the ages of 12 and 17."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

ENGROSSED SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6370, by Senators Nguyen, Padden, Dhingra, Darneille, Stanford, Das, Lovelett, Wilson and C.

Concerning individuals under the department of corrections' jurisdiction.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 982 by Senator Padden be adopted:

On page 6, at the beginning of line 11, strike "retroactively and"

Senator Padden spoke in favor of adoption of the amendment. Senators Nguyen and Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 982 by Senator Padden on page 6, line 11 to Senate Bill No. 6370.

The motion by Senator Padden did not carry and floor amendment no. 982 was not adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Senate Bill No. 6370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6370.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6370 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Honeyford

Excused: Senators Braun and Fortunato

SENATE BILL NO. 6370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6359, by Senators Short and Randall

Creating regulation exemptions for rural health clinics providing services in a designated home health shortage area.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Senate Bill No. 6359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6359.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6359 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

SENATE BILL NO. 6359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY FIRST DAY, FEBRUARY 12, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5441, by Senate Committee on Ways & Means (originally sponsored by Nguyen, Wilson, C., Darneille, Cleveland, Salomon, Randall, Hasegawa and Kuderer)

Extending rental vouchers for eligible offenders.

The bill was read on Third Reading.

Senators Nguyen and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5441.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6028, by Senators Pedersen, Padden, Dhingra, Holy, Kuderer, and Wilson, C.

Adopting the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following floor amendment no. 949 by Senator Pedersen be adopted:

Beginning on page 16, line 30, strike all of section 25

Renumber the remaining sections consecutively.

On page 96, beginning on line 24, strike all of section 93

Renumber the remaining section consecutively.

On page 1, line 4 of the title, after "9.38.060," strike "9A.72.085,"

On page 1, line 18 of the title, after "RCW;" insert "and"

On page 1, beginning on line 19 of the title, after "19.400.030" strike "; and providing an expiration date"

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 949 by Senator Pedersen on page 16, line 30 to Substitute Senate Bill No. 6028.

The motion by Senator Pedersen carried and floor amendment no. 949 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6028.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Braun and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5900, by Senators Randall, Wilson, C., Takko, Saldaña, Van De Wege, Salomon, Liias, Das, Pedersen and Nguyen

Promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5900 was substituted for Senate Bill No. 5900 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5900 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Zeiger, Hobbs, Wagoner and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5900.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5900 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden and Short

Excused: Senators Braun and Fortunato

SUBSTITUTE SENATE BILL NO. 5900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:21 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Thursday, February 13, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, February 13, 2020

The Senate was called to order at 9:08 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Miss Jamie Stout and Miss Anna Kropidowski, presented the Colors. Page Mr. Daniel Zipperer led the Senate in the Pledge of Allegiance. The prayer was offered by Gen Kelsang Kherdrub, Resident Teacher, Tushita, Kadampa Buddhist Center, Olympia.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on State Government, Tribal Relations & Elections was granted special leave to meet during the day's floor session.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 12, 2020
SGA 9309 JUDY GUENTHER, reappointed on July 2, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 12, 2020
SGA 9320 CRAIG A. RITCHIE, appointed on August 7, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

Referred to Committee on Rules for second reading.

February 12, 2020

SGA 9368 JERRIE L. ALLARD, reappointed on January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 12, 2020

SGA 9369 TERIL FERREIRA, reappointed on January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 12, 2020

SGA 9370 PATRICK L. GALLAHER, appointed on January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6688 by Senators Saldaña and Hunt
AN ACT Relating to requiring certain counties, cities, and towns to obtain preclearance before instituting voting

qualifications, prerequisites, standards, practices, or procedures; amending RCW 29A.92.010; and adding a new section to chapter 29A.92 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution which was read in part by the senators:

SENATE RESOLUTION 8670

By Senators Becker, Wellman, Saldaña, Salomon, Hunt, Lovelett, Nguyen, Pedersen, Hasegawa, Conway, Hobbs, Wilson, C., Kuderer, Frockt, Liias, Fortunato, Hawkins, Short, King, McCoy, Darneille, Van De Wege, Randall, Mullet, Dhingra, Cleveland, Carlyle, Warnick, Das, Zeiger, Ericksen, Rolfes, Wagoner, Muzzall, Sheldon, Honeyford, Walsh, Keiser, Padden, Rivers, O'Ban, Stanford, and Billig

WHEREAS, March 22, 2020, marks the one hundredth anniversary of the Washington State Legislature ratifying the 19th Amendment to the United States Constitution, legalizing the right to vote for most women in the United States; and

Senator Becker: "WHEREAS, Washington women and men fought with great perseverance in the face of often stern resistance for women's right to vote nationally and in our state for more than sixty-five years, both during Territorial days and after statehood before the 19th Amendment authorizing women's suffrage was approved by our state Legislature; and"

Senator Darneille: "WHEREAS, In 1853, eighteen-year old Catharine Paine Blaine, the youngest signer of the Declaration of Sentiments at the 1848 Women's Rights Convention in Seneca Falls, New York, brought the message of women's rights to the new Washington Territory and later became one of only two women who signed this historic Declaration to actually vote in their lifetime; and"

Senator Das: "WHEREAS, In 1854 early Washington Territorial legislator Arthur Denny proposed a women's suffrage bill that failed by only one vote; and

WHEREAS, In 1867 Washington Territorial legislator Edward Eldridge successfully prime sponsored an act that struck the word "male" from the voting laws, thus technically opening up voting to "all white American citizens above the age of twenty-one," most notably including women; however, this interpretation of the law was not widely embraced and women were routinely turned away at the polls; and"

Senator Brown: "WHEREAS, In 1870 sisters Mary Olney Brown and Charlotte Olney French launched several attempts to cast votes in Thurston County and, eventually succeeding,

became the first women to successfully cast ballots in Washington Territory and thus to encourage others; and"

Senator Dhingra: "WHEREAS, In 1871 Pacific Northwest women's rights leader Abigail Scott Duniway organized a speaking tour with national suffrage movement leader Susan B. Anthony through Washington Territory to promote women's suffrage; and

WHEREAS, In 1871 Susan B. Anthony became the first woman to address the Washington Territorial Legislature and cofounded the Washington Women's Suffrage Association; and"

Senator Keiser: "WHEREAS, In 1871, Washington Territorial Legislature passed an anti-suffrage law declaring that women could not vote until Congress made it the law of the land; and

WHEREAS, On November 23, 1883, women living in Washington Territory gained the right to vote by action of the Territorial Legislature; and"

Senator Rivers: "WHEREAS In 1883, when the Territorial Legislature enacted women's suffrage, African American women in Washington Territory became some of the first to have voting rights in the country; and

WHEREAS, On November 26, 1886, the Washington Territorial Legislature amended the 1883 act to state clearly that "all American citizens male and female" could vote; and"

Senator Kuderer: "WHEREAS, In 1887 the voting rights that were extended to women in Washington Territory in 1883 were revoked by the Washington Territory Supreme Court; and

WHEREAS, In 1888, the Territorial Legislature again enacted voting rights for women, but again it was overturned by the Territorial Supreme Court that same year; and"

Senator Lovelett: "WHEREAS, Washington women leaders such as Emma Smith DeVoe and May Arkwright Hutton and many others resurrected the local women's suffrage movement in the early 20th century and led Washington women to voting victory using the strategy of a calm and direct approach using campaigning posters, penny postcards and cookbooks in their campaigns; and"

Senator Short: "WHEREAS, On November 8, 1910, men voted in favor of women's suffrage 52,299 to 29,676, a nearly two-to-one margin, making Washington the first state in the 20th century and the fifth state in the Union to enfranchise women; and"

Senator Randall: "WHEREAS, This new Washington state constitutional provision, however, did not in itself authorize all women to vote, because two other factors blocked this right; (1) It authorized voting only for those who could read and speak English; and (2) many women, including immigrant Asians and Native Americans, were subject to other restrictive citizenship laws which denied the right to vote; and"

Senator Walsh: "WHEREAS, After women's suffrage was achieved in Washington in 1910, Washington women worked tirelessly to extend the woman's right to vote nationwide through astute political organizing, private persuasion, and mass action; and"

Senator Kuderer: "WHEREAS, Carrie Chapman Catt, who lived in Seattle and founded the Woman's Century Club there, was a leader in the national movement and met with President Woodrow Wilson to secure his support for suffrage in light of women's contributions during World War I; and"

Senator Saldaña: "WHEREAS, Washington's Emma Smith DeVoe founded the first national organization of voting women, the National Council of Women Voters, headquartered in Tacoma, which was the forerunner of the League of Women Voters; and"

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

Senator Warnick: "WHEREAS, In June 1919 Congress passed the 19th Amendment to the United States Constitution and sent it to the state Legislatures for ratification, requiring thirty-six states to ratify it; and

WHEREAS, On March 22, 1920, the Washington State Legislature unanimously ratified the 19th Amendment to the United States Constitution; and"

Senator Wilson, C.: "WHEREAS, On August 26, 1920, the last of the necessary thirty-six states ratified the 19th Amendment, thus enfranchising nearly half of the United States adult population; and

WHEREAS, The passionate, extended fight for women's suffrage, from the first women's rights convention in 1848 to national enfranchisement in 1920, lasted 72 years, with women from all walks of life, political views, and demographic backgrounds asking for the right to voice their opinions at the polls; and"

Senator Wilson, L.: "WHEREAS, Washington women by the thousands advocated for the right to vote—in parades, picketing, in newspapers, and in the state and federal capitols; and"

Senator Cleveland: "WHEREAS, Daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for over one hundred years in Washington state and nearly one hundred years nationwide; and

WHEREAS, Most of the women who worked for the right to vote did not live to see the success of enfranchisement of women; and"

Senator Wellman: "WHEREAS, In contemporary times, women are running for office in unprecedented numbers, with many current politicians, both male and female, keeping in mind that they follow in the footsteps of these great suffragists; and

WHEREAS, Many of the women and men who worked for Woman Suffrage in Washington Territory and then Washington state from 1854 to 1920 deserve recognition for their efforts and triumph;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate February 13, 2020, as the 100th Anniversary of the Washington State Legislature ratifying the 19th Amendment, and encourage accompanying celebrations throughout the state; and

BE IT FURTHER RESOLVED, That the Washington State Senate reaffirm its commitment to empowering and uplifting the voices of women across our great state.

Senator Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8670.

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

REMARKS BY THE PRESIDENT

President Habib: "The President would like to, first of all, thank the senators, the women senators, who organized in so many ways to make this and other celebrations today possible. Including, thank you for the tie Senator Das. But, thank you for organizing the very special reading of the resolution."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Secretary of State Kim Wyman, former State Senator Karen Fraser, and Jenifer Kilmer,

Director, Washington State Historical Society and her spouse, U.S. Congressman, and former State Senator, Derek Kilmer, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Darneille: "Thank you Mr. President. Standing before you today, actually accompanied by two of our other members holding the Suffragist flag [Senators Lovelett and Randall in the rear of the chamber], this is the United States version of the flag. The colors are symbolic and if I can read Mr. President from a journal called *The Suffragist* from 1913?"

President Habib: "Senator, please proceed."

Senator Darneille: "Thank you. In that article they describe the symbolism of these colors: 'Purple is the color of loyalty, constancy to purpose, unswerving steadfastness to a cause. White, the emblem of purity, symbolizes the quality of our purpose; and gold, the color of light and life, is as the torch that guides our purpose, pure and unswerving. Simplified, the tri-colors signified loyalty, purity, and life.' And, I have the flag here today. This is part of a little plan to commemorate forever this event today and that is that the women of the Legislature both in the Senate and the House will be signing this flag today and it will become the possession of the Washington State History Museum. Along with that, I wanted to have everyone involved in this event today. So all of you should have a business card with you. Your staff has probably provided one. And you're thinking, 'Why do I need a business card on the floor of the Senate?' We're asking you to write the name, on your business card, of the first woman in your family who would have been eligible to vote. So it might be, like me, it might be my grandmother. Henrietta Taylor Phillips from 410 Pioneer Avenue in Cashmere, Washington would be the first woman in my family that I'm going to put her name on my card. So, if all of you with think about it. Could be your mother, it could be, you know, if you are new to this country, it could be you that were the first woman in your family to vote. And so, if you would put that on there, we will collect all those cards again from all the members of the Legislature and we will, those will be with the flag in the purse and the permanent collection of the Washington State History Museum. So today we will start the signing. It will be down in the Rules Room, in the Lieutenant Governor's office until 10:30 for the women of this body and then it will move to Secretary of State Kim Wyman's office for the rest of the day. And so, the House members will go down to Secretary Wyman's office, and we will sign it down downstairs as soon as possible. Thank you so much for your indulgence Mr. President."

PERSONAL PRIVILEGE

Senator Walsh: "I think we would be remiss in not noticing and acknowledging the fact that we've got very strong women up on the rostrum with you today Mr President. And, I must tell you, there was just a little flutter of warmth in my heart when I saw Victoria standing there with her little belly, holding that beautiful baby and me thinking, you know, talk about the wonderment of being a woman. There it is! And the other thing is, I'm so proud that you're both attorneys and you're in such high positions representing the Senate. And I just think that's wonderful. And you, yesterday, mentioned, Mr President, that we have a birthday on stage. And I was wondering if I could get my fellow folks here on the floor to help me in celebrating Jeannie Gorrell's birthday by singing Happy Birthday?"

The Senate rose and, led by Senator Walsh, performed a rendition of "Happy Birthday" in recognition of the anniversary of the birth of Ms. Jeannie Gorrell, Senate Counsel.

REMARKS BY THE PRESIDENT

President Habib: "Well you all know the best gift that we could give Jeannie Gorrell today would be to end our, our business in a timely manner so that she could spend some time with her family because I know over the years there have been many occasions in which she has spent this birthday even working past midnight. So thank you for that Senator Walsh."

PERSONAL PRIVILEGE

Senator Das: "When Senator Wellman asked me to help secure the sashes for the women in the Senate I took I very seriously and my staff and I did a lot of research on the proper sashes and the appropriate colors and to make sure that every woman in the Senate and many of our staff would be wearing these beautiful sashes today and then I realized that I wanted the men who wanted to participate to also feel included and so we had this great idea to buy the men ties and I want to just thank Senator Liias for choosing the tie for all of you wonderful gentleman and I just want to say that sitting here standing here I guess today in the Senate chamber as a woman this is not meant to be here not only to vote but to vote on behalf of the state people of the state of Washington is such an honor. And such a true joy to do this work every day and I want to thank my colleagues Mr. President for their grace and their hard work and dedication and passion this job is so unusual people ask me what it's like on a daily basis and I just let them know that it's like no other job that I have the honor to be a part of this body and I just want you all to know and when Senator Darneille just asked a question about the right to vote I'll just share my story my family came here from India as you know when I was eight months old was six dollars and my father was the first to get his right to vote to become a citizen and when I was thirteen years old my mother went through the rigmarole of the testing and the studying and took that test and as a child back then I don't know if the rules have changed the laws are changed I was able to become a citizen at that moment when she did at age thirteen so to answer Senator Darneille's question if I may Mr. President I am the first woman in my family to vote along with my mother in the United States of America and today looking up at the gallery and seeing all the women and I see that Secretary Kim Wyman also has hers now um her sash I'm just really honored and I just want everyone to know how grateful I am to stand here and what a privilege and honor it is to serve and seeing everyone in their ties and sashes today has been just a true joy and I just thank everyone thank you Mr. President thank you."

MOTION

At 9:40 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:54 a.m. by the President Pro Tempore, Senator Keiser presiding.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wilson, L. moved that Charles Clark, Senate Gubernatorial Appointment No. 9287, be confirmed as a Director of the Department of Financial Institutions - Agency Head.

Senators Wilson, L. and Mullet spoke in favor of passage of the motion.

MOTION

On motion of Senator Rivers, Senators Braun and Fortunato were excused.

MOTION

On motion of Senator Mullet, Senator McCoy was excused.

APPOINTMENT OF CHARLES CLARK

The President Pro Tempore declared the question before the Senate to be the confirmation of Charles Clark, Senate Gubernatorial Appointment No. 9287, as a Director of the Department of Financial Institutions - Agency Head.

The Secretary called the roll on the confirmation of Charles Clark, Senate Gubernatorial Appointment No. 9287, as a Director of the Department of Financial Institutions - Agency Head and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun, Fortunato and McCoy

Charles Clark, Senate Gubernatorial Appointment No. 9287, having received the constitutional majority was declared confirmed as a Director of the Department of Financial Institutions.

MOTION

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

SECOND READING

SENATE BILL NO. 6152, by Senators Salomon, Billig, Hunt, Nguyen, McCoy, Lovelett, Kuderer, Rolfes, Liias, Van De Wege, Das, and Wilson, C.

Concerning certification of the level of foreign national ownership for corporations that participate in Washington state elections.

MOTION

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

On motion of Senator Salomon, Substitute Senate Bill No. 6152 was substituted for Senate Bill No. 6152 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following floor amendment no. 999 by Senator Ericksen be adopted:

On page 20, after line 24, insert the following:

"**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17A RCW to read as follows:

A nonprofit organization which receives more than one percent of its donations from foreign nationals or the affiliated committee of such an organization may not make a contribution or expenditure."

On page 1, line 4 of the title, after "42.17A.255;" insert "adding a new section to chapter 42.17A RCW;"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 999 by Senator Ericksen on page 20, after line 24 to Substitute Senate Bill No. 6152.

The motion by Senator Ericksen did not carry and floor amendment no. 999 was not adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 6152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6152 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frocht, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Walsh, Warnick and Wilson, L.

Excused: Senators Braun, Fortunato and McCoy

SUBSTITUTE SENATE BILL NO. 6152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6421, by Senators Muzzall, Hunt, Warnick, Takko, Schoesler, Wagoner, Padden, Hasegawa and Saldaña

Extending the farm internship program.

The measure was read the second time.

MOTION

Senator Muzzall moved that the following amendment no. 980 by Senator Muzzall be adopted:

On page 8, after line 20, insert the following:

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

On page 1, line 4 of the title, after "RCW;" strike "and providing expiration dates" and insert "providing expiration dates; and declaring an emergency

Senator Muzzall spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the senate to be the adoption of amendment no. 980 by Senator Muzzall on page 8, line 20 to Senate Bill No. 6421

The motion by Senator Muzzall carried and amendment no. 980 was adopted by voice vote.

MOTION

On motion of Senator Muzzall, the rules were suspended, Engrossed Senate Bill No. 6421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Muzzall and Liias spoke in favor of passage of the bill.

Senators Warnick, Sheldon, Rivers, Wellman, Hunt, Becker, Lovelett, Hawkins, Saldaña, Das and Wagoner spoke on passage of the bill.

POINT OF INQUIRY

Senator Conway: "Will Senator Muzzall yield to a question?"

President Pro Tempore Keiser: "Senator Muzzall, do you yield?"

Senator Muzzall: "I would like not too, but I feel some pressure to, so yes I will."

Senator Conway: "I wanted to ask you whether your predecessor, Senator Bailey, asked you to remove that emergency clause from the bill?"

Senator Muzzall: "No, it was on my own, thank you."

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6421.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6421 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frocht, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

ENGROSSED SENATE BILL NO. 6421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Muzzall: "The gift, which was put together by my wife and daughters, are all, all parts of our store. The pepperoni, as you can read on the label, is an all natural product and the other two items came out of the store, put together. I do have the privilege of serving as the managing partner, as a minority owner, of a woman owned organization and I am the fourth generation of, on a farm that has had four generations of extremely important, strong-willed women who have all taken a huge part in the operations so I guess just fitting that it be on this day. Thank you, Madam President."

The President Pro Tempore thanked Senator Muzzall and welcomed him to the senate.

PERSONAL PRIVILEGE

Senator Rivers: "Thank you Madam President. So, after excoriating my good friend from the 10th I feel compelled to stand up and say something nice about him. Enjoy this moment 'cause it rarely happens. So, it is my pleasure to sit next to Senator Muzzall in two committees ..."

President Pro Tempore Keiser: "So this is a point of personal privilege?"

Senator Rivers: "Oh, it is, yes. Thank you so much. Madam President, point of personal privilege?"

President Pro Tempore Keiser: "Yes."

Senator Rivers: "Thank you. And I have found Senator Muzzall to be a thoughtful well learned individual who has no fear of expressing his opinion and I have found that typically I am better off for the hearing of it so I extend my heartfelt welcome to the Senator. I think that he will indeed work across the aisle and I believe that this body is much better for his presence here. Thank you."

SECOND READING

SENATE BILL NO. 6051, by Senators Cleveland, O'Ban, Becker, and Wilson, C.

Concerning health coverage supplementing medicare part D provided through a federally authorized employer group waiver plan.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6051 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

SUBSTITUTE SENATE BILL NO. 6051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senators Wellman and Wilson, C.

Concerning educational reporting requirements.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6105, by Senators Hunt, Saldaña, and Wilson, C.

Concerning the administration of state education agencies.

MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 6105 was substituted for Senate Bill No. 6105 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 6105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Braun and Fortunato

SUBSTITUTE SENATE BILL NO. 6105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wellman: "Yes, those of you who might be concerned with the case of the mysterious moving flag or would like to know perhaps that it is in the Secretary of State's office and will be there all day. So, should we get a chance to take a lunch break, it would be nice to have everybody sign it. Also to tell you that Senator Conway has put some exhibits of original memorabilia from the women's suffrage movement and you might want to take a look at it at the dais. Thank you."

PERSONAL PRIVILEGE

Senator Conway: "Thank you for the reference. That was exactly what I was going to say. You know there's a quite a deal of memorabilia down there from the suffragette campaign to achieve the vote, including one of the very famous postcards called *The Suffragette Madonna*. You might want to look at that. That's a very interesting postcard. Suffragettes used postcards a

lot in their campaign and also they used jewelry. You'll see jewelry down there with the colors that, they used to wear, the colors of the suffragette movement in, on, on through jewelry. So its a very interesting display, take a look at it if you have time. Thank you."

Senator Liias announced a meeting of the Committee on Rules at 12:00 o'clock p.m. and that the senate intended to reconvene promptly at 1:00 o'clock p.m.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Madam President. With all this celebration of women's suffrage I thought I should point out that the first woman to vote in Washington state was Sacagawea or Sakakawea or however you want to pronounce it. With Lewis and Clark. When you're down at the mouth of the Columbia, where they were voting on whether to stay there, move back upstream, or move across the river to Oregon for their winter fort, which they did. So, I just thought we should announce that."

MOTION

At 11:45 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:06 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1255,
HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1293,
HOUSE BILL NO. 1347,
THIRD SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1750,
HOUSE BILL NO. 1983,
HOUSE BILL NO. 2109,
HOUSE BILL NO. 2189,
HOUSE BILL NO. 2217,
HOUSE BILL NO. 2218,
HOUSE BILL NO. 2229,
HOUSE BILL NO. 2242,
SUBSTITUTE HOUSE BILL NO. 2250,
HOUSE BILL NO. 2266,
HOUSE BILL NO. 2271,
SUBSTITUTE HOUSE BILL NO. 2287,
HOUSE BILL NO. 2315,
SUBSTITUTE HOUSE BILL NO. 2320,
HOUSE BILL NO. 2340,
HOUSE BILL NO. 2348,
SUBSTITUTE HOUSE BILL NO. 2374,
HOUSE BILL NO. 2402,

HOUSE BILL NO. 2449,
 SUBSTITUTE HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2476,
 HOUSE BILL NO. 2508,
 SUBSTITUTE HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2545,
 HOUSE BILL NO. 2579,
 HOUSE BILL NO. 2587,
 SUBSTITUTE HOUSE BILL NO. 2589,
 HOUSE BILL NO. 2602,
 SUBSTITUTE HOUSE BILL NO. 2632,
 HOUSE BILL NO. 2640,
 HOUSE BILL NO. 2664,
 HOUSE BILL NO. 2701,
 HOUSE JOINT MEMORIAL NO. 4012,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 12, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1187,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551,
 ENGROSSED HOUSE BILL NO. 1687,
 ENGROSSED HOUSE BILL NO. 2008,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551,
 ENGROSSED HOUSE BILL NO. 2811,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hawkins moved that Gene C. Sharratt, Senate Gubernatorial Appointment No. 9097, be confirmed as a member of the Higher Education Facilities Authority.

Senators Hawkins and Zeiger spoke in favor of passage of the motion.

MOTION

On motion of Senator Rivers, Senators Ericksen, Schoesler and Sheldon were excused.

APPOINTMENT OF GENE C. SHARRATT

The President declared the question before the Senate to be the confirmation of Gene C. Sharratt, Senate Gubernatorial Appointment No. 9097, as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gene C. Sharratt, Senate Gubernatorial Appointment No. 9097, as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Fortunato and Sheldon

Gene C. Sharratt, Senate Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

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

SECOND READING

SENATE BILL NO. 6259, by Senators McCoy, Hasegawa, Stanford, Wilson, C., Das, Nguyen, Van De Wege and Darneille

Improving the Indian behavioral health system.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6259 was substituted for Senate Bill No. 6259 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6259 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6263, by Senators McCoy, Wellman, Kuderer, Hasegawa, Lovelett, Wilson, C., Das, Nguyen and Hunt

Creating a model educational data sharing agreement between school districts and tribes.

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6263.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6263 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Fortunato and Sheldon

SENATE BILL NO. 6263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6363, by Senators Takko and Warnick

Concerning tracked and wheeled all-terrain vehicles.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6363.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6363 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6499, by Senators Schoesler, Hunt, Kuderer, Becker, Conway and Hasegawa

Concerning the confidentiality of retirement system files and records relating to health information.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6499.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6096, by Senators Keiser, Stanford and Saldaña

Preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, by Senate Committee on Law & Justice (originally sponsored by Wilson, C., Hunt, Keiser, Kuderer, Nguyen and Pedersen)

Restricting possession of weapons in certain locations.

The bill was read on Third Reading.

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

Senators Wilson, L. and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5247, by Senate Committee on Ways & Means (originally sponsored by Frockt, Zeiger, Hobbs, Bailey, Rolfes, Hunt, Conway, Das, Honeyford, Keiser and Mullet)

Addressing catastrophic incidents that are natural or human-caused emergencies by providing guidance that may be used by state public schools to plan for seismic catastrophic incidents.

The bill was read on Third Reading.

Senators Frockt and Zeiger spoke in favor of passage of the bill.

Senator Hasegawa spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5247.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5385, by Senate Committee on Health & Long Term Care (originally sponsored by Becker, Cleveland, Braun, O'Ban, Wilson, L., Brown, Warnick, Zeiger, Bailey and Van De Wege)

Concerning telemedicine payment parity.

The bill was read on Third Reading.

MOTION

On motion of Senator Becker, the rules were suspended and Substitute Senate Bill No. 5385 was returned to second reading for the purposes of amendment.

MOTION

Senator Becker moved that the following striking floor amendment no. 956 by Senators Becker and Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

"Sec. 7. RCW 48.43.735 and 2017 c 219 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~((b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 8. RCW 41.05.700 and 2018 c 260 s 30 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~(b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management

of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 9. RCW 74.09.325 and 2017 c 219 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

~~((a))~~ (i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

~~((b))~~ (ii) The health care service is medically necessary;

~~((c))~~ (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

~~((d))~~ (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~(b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;
(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(f) "Provider" has the same meaning as in RCW 48.43.005;

(g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(h) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.

Sec. 10. RCW 28B.20.830 and 2018 c 256 s 1 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

~~((5))~~ (6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, 2021.

NEW SECTION. Sec. 11. This act takes effect January 1, 2021."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "reimbursing for telemedicine services at the same rate as in person; amending RCW 48.43.735, 41.05.700, 74.09.325, and 28B.20.830; and providing an effective date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 956 by Senators Becker and Cleveland to Substitute Senate Bill No. 5385.

The motion by Senator Becker carried and striking floor amendment no. 956 was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Mullet

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, by Senate Committee on Local Government (originally sponsored by Hasegawa and Fortunato)

Concerning the transparency of local taxing districts.

The bill was read on Third Reading.

Senators Hasegawa and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6313, by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, and Wilson, C.

Increasing opportunities for young voters.

MOTION

Senator Liias moved that Substitute Senate Bill No. 6313 be substituted for Senate Bill No. 6313 and the substitute bill be placed on the second reading calendar and read the second time.

Senator Zeiger objected to the motion that Senate Bill No. 6313 be substituted.

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6313 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway, Wellman, Braun, Saldaña, Hasegawa, Wilson, C., Kuderer, Takko, Das and Frockt)

Encouraging apprenticeships.

The bill was read on Third Reading.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Walsh and Wilson, L.

Excused: Senators Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

MOTION

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

SECOND READING

SENATE BILL NO. 6034, by Senators Keiser, Conway, Wellman, Dhingra, Stanford, Saldaña, Pedersen, Darneille, Frockt, Hunt, Kuderer, Lovelett, Nguyen, Randall, Cleveland, and Wilson, C.

Extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Walsh spoke against passage of the bill.

Senator King spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6034.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Honeyford, Rivers, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6605, by Senators Holy and Pedersen

Licensing security guards.

MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 6605 was substituted for Senate Bill No. 6605 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holy, the rules were suspended, Substitute Senate Bill No. 6605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6605.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6605 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6383, by Senators Conway, Schoesler and Mullet

Concerning the retirement strategy funds in the plan 3 and the deferred compensation programs.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6383.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6383 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6500, by Senators Padden, Darneille, Nguyen, and Wilson, C.

Addressing foster care licensing following a foster-family home licensee's move to a new location.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6500 was substituted for Senate Bill No. 6500 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6500 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6567, by Senators Frockt, Conway, Short, Pedersen, Cleveland, Kuderer, Randall, Hunt, Saldaña, Takko, Wellman, and Wilson, C.

Recognizing the eighteenth day of December as blood donor day.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 6567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6567.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6567 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6643, by Senator Takko

Combining a resolution proposing abandonment and a resolution proposing a council-manager plan of government into a single proposition.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6643.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6643 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6670, by Senators Billig, Van De Wege, Salomon, Schoesler, Conway and Saldaña

Encouraging access to state parks through cooperative programs with libraries.

MOTIONS

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

On motion of Senator Billig, Substitute Senate Bill No. 6670 was substituted for Senate Bill No. 6670 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Warnick and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6670 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6265, by Senators McCoy, Hasegawa, Lovelett, Wilson, C. and Das

Concerning the lease or rental of surplus property of school districts.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6265.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden,

Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hawkins moved that Tamra L. Jackson, Senate Gubernatorial Appointment No. 9105, be confirmed as a member of the Wenatchee Valley College Board of Trustees.

Senator Hawkins spoke in favor of the motion.

APPOINTMENT OF TAMRA L. JACKSON

The President declared the question before the Senate to be the confirmation of Tamra L. Jackson, Senate Gubernatorial Appointment No. 9105, as a member of the Wenatchee Valley College Board of Trustees.

The Secretary called the roll on the confirmation of Tamra L. Jackson, Senate Gubernatorial Appointment No. 9105, as a member of the Wenatchee Valley College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Saldaña

Excused: Senators Ericksen and Fortunato

Tamra L. Jackson, Senate Gubernatorial Appointment No. 9105, having received the constitutional majority was declared confirmed as a member of the Wenatchee Valley College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Robert M. Ryan, Senate Gubernatorial Appointment No. 9109, be confirmed as a member of the Tacoma Community College Board of Trustees.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF ROBERT M. RYAN

The President declared the question before the Senate to be the confirmation of Robert M. Ryan, Senate Gubernatorial Appointment No. 9109, as a member of the Tacoma Community College Board of Trustees.

The Secretary called the roll on the confirmation of Robert M. Ryan, Senate Gubernatorial Appointment No. 9109, as a member of the Tacoma Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Saldaña

Excused: Senators Ericksen and Fortunato

Robert M. Ryan, Senate Gubernatorial Appointment No. 9109, having received the constitutional majority was declared confirmed as a member of the Tacoma Community College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hawkins moved that Thomas R. Stredwick, Senate Gubernatorial Appointment No. 9113, be confirmed as a member of the Big Bend Community College Board of Trustees.

Senator Hawkins spoke in favor of the motion.

MOTION

On motion of Senator Mullet, Senator Hasegawa was excused.

APPOINTMENT OF THOMAS R. STREDWICK

The President declared the question before the Senate to be the confirmation of Thomas R. Stredwick, Senate Gubernatorial Appointment No. 9113, as a member of the Big Bend Community College Board of Trustees.

The Secretary called the roll on the confirmation of Thomas R. Stredwick, Senate Gubernatorial Appointment No. 9113, as a member of the Big Bend Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

Thomas R. Stredwick, Senate Gubernatorial Appointment No. 9113, having received the constitutional majority was declared confirmed as a member of the Big Bend Community College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Donald R. McQuary, Senate Gubernatorial Appointment No. 9116, be confirmed as a member of the Walla Walla Community College Board of Trustees.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF DONALD R. MCQUARY

The President declared the question before the Senate to be the confirmation of Donald R. McQuary, Senate Gubernatorial Appointment No. 9116, as a member of the Walla Walla Community College Board of Trustees.

The Secretary called the roll on the confirmation of Donald R. McQuary, Senate Gubernatorial Appointment No. 9116, as a member of the Walla Walla Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

Donald R. McQuary, Senate Gubernatorial Appointment No. 9116, having received the constitutional majority was declared confirmed as a member of the Walla Walla Community College Board of Trustees.

MOTION

On motion of Senator Mullet, Senator Hobbs was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 5473, by Senators Saldaña and Nguyen

Making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes.

MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 5473 was substituted for Senate Bill No. 5473 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following floor amendment no. 969 by Senators King and Keiser be adopted:

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

On page 3, line 18, after "(4)" insert "While the employment security department is conducting the study, the department must meet at least three times with a representative of the largest business association and a representative from an organization which provides low-cost representation or free advice and counsel to people regarding their unemployment benefits to discuss the information gathered by the department.

(5)"

Senators King and Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 969 by Senators King and Keiser on page 3, line 18 to Substitute Senate Bill No. 5473.

The motion by Senator King carried and floor amendment no. 969 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King, Keiser and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5473.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Honeyford, Muzzall, Rivers, Wagoner and Wilson, L.

Excused: Senators Ericksen, Fortunato and Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5749, by Senators Mullet, Van De Wege and Kuderer

Concerning faith-based exemptions regarding criminal mistreatment of children and vulnerable adults.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5749.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Fortunato and Hobbs

SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6182, by Senators Padden, Becker, Stanford, Wilson, C. and Dhingra

Concerning closed captioning on televisions in places of public accommodation.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6182 was substituted for Senate Bill No. 6182 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Fortunato and Hobbs

SUBSTITUTE SENATE BILL NO. 6182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "I do want to point out, I do want to point out an irony, actually, and I feel it is appropriate to do this. Which is that the irony is that, right now, those who would be watching our deliberations, of this body, would not be able to receive closed captioning for the deliberations, of the deliberations of this body because of well-insufficient funding or TVW not providing closed captioning and that accommodation. So I do think it is appropriate for senators to be aware of that. That there's not real-time closed captioning available, and has not been for many years, of legislative gavel-to-gavel coverage. And I do feel that that is problematic and some legislators are working on it this year."

SECOND READING

SENATE BILL NO. 6455, by Senators Liias, King, Billig, Nguyen, Cleveland, Hunt, Saldaña, Van De Wege, and Wilson, C.

Requiring default beverages for children's meals.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 6455 was substituted for Senate Bill No. 6455 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 975 by Senator O'Ban be adopted:

On page 1, line 12, after "milk;" strike "or"
On page 1, line 14, after "serving" insert "; or
(d) One hundred percent juice"

MOTION

Senator Padden moved that the following floor amendment no. 1030 by Senator Padden to the amendment by Senator O'Ban be adopted:

On page 1, line 3, after "percent" insert "apple"

Senator Padden spoke in favor of adoption of the amendment to the amendment.

Senator Liias spoke against adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1030 by Senator Padden on page 1, line 3 to floor amendment no. 975.

The motion by Senator Padden did not carry and floor amendment no. 1030 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1031 by Senator Padden to the amendment by Senator O'Ban be adopted:

On page 1, line 3, after "percent" insert "grape"

Senator Padden spoke in favor of adoption of the amendment to the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 1031 by Senator Padden on page 1, line 3 to floor amendment no. 975 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 1032 by Senator Padden on page 1, line 3 to floor amendment no. 975 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 1032 by Senator Padden on page 1, line 3 to floor amendment no. 975 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 1033 by Senator Padden on page 1, line 3 to floor amendment no. 975 was withdrawn.

Senators O'Ban and Honeyford spoke in favor of adoption of floor amendment no. 975.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 975 by Senator O'Ban on page 1, line 12 to Substitute Senate Bill No. 6455.

The motion by Senator O'Ban did not carry and floor amendment no. 975 was not adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 1016 by Senator Muzzall be adopted:

On page 1, line 12, after "Unflavored milk" insert "or chocolate milk"

Senators Muzzall and Becker spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1016 by Senator Muzzall on page 1, line 12 to Substitute Senate Bill No. 6455.

The motion by Senator Muzzall did not carry and floor amendment no. 1016 was not adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 1017 by Senator Muzzall be adopted:

On page 1, line 13, after "nondairy" insert "nut"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1017 by Senator Muzzall on page 1, line 13 to Substitute Senate Bill No. 6455.

The motion by Senator Muzzall did not carry and floor amendment no. 1017 was not adopted by voice vote.

MOTION

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

Senator Becker moved that the following floor amendment no. 1028 by Senator Becker be adopted:

On page 2, after line 25, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

Any health care provider subject to this chapter providing prenatal care must provide prenatal nutritional education to pregnant women during at least one office visit."

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

On page 1, line 2 of the title, after "RCW;" insert "adding a new section to chapter 18.130 RCW;"

Senator Becker spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1028 by Senator Becker on page 2, after line 25 to Substitute Senate Bill No. 6455.

The motion by Senator Becker did not carry and floor amendment no. 1028 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senators Wagoner and Becker spoke against passage of the bill.

Senator Sheldon spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6455.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6455 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6357, by Senators Conway and King

Increasing the dollar limit of pull-tabs.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Frockt and Lovelett

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6032, by Senators Hawkins, Hobbs, King, Takko, Kuderer, Fortunato, Becker, Short, Sheldon, Warnick, Saldaña, Mullet, Zeiger, Wilson, C., Holy, Hunt, Wilson, L., Wellman, Padden, Hasegawa, Brown, Carlyle, Conway, Das, Dhingra, Ericksen, Lovelett, Muzzall, Nguyen, Pedersen, Rivers, Rolfes and Salomon

Creating a Washington apples special license plate.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 973 by Senator Hawkins be adopted:

On page 14, after line 37, insert the following:

"NEW SECTION. Sec. 5. This act takes effect July 1, 2020."

On page 1, line 3 of the title, after "46.68.420;" strike the remainder of the title and insert "adding a new section to chapter 46.04 RCW; and providing an effective date."

Senator Hawkins spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 973 by Senator Hawkins on page 14, after line 37 to Senate Bill No. 6032.

The motion by Senator Hawkins carried and floor amendment no. 973 was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

Excused: Senators Ericksen and Fortunato

ENGROSSED SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 6313 which had been deferred earlier in the day.

SECOND READING

SENATE BILL NO. 6313, by Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen, and Wilson, C.

Increasing opportunities for young voters.

On motion of Senator Liias, the motion by Senator Liias that Substitute Senate Bill No. 6313 be substituted for Senate Bill No. 6313 and the substitute bill be placed on the second reading calendar and read the second time was withdrawn.

MOTION

Senator Liias moved that the following striking floor amendment no. 1018 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

PART I

ACT NAME AND LEGISLATIVE FINDINGS

NEW SECTION. Sec. 1. This act may be known and cited as the voting opportunities through education act or the VOTE act.

NEW SECTION. Sec. 2. The legislature finds that robust participation by young voters in Washington state elections is critical to ensuring lifelong civic engagement. Research has shown that voting is a habitual behavior and that people who vote in the first three elections when they are eligible will likely vote for life. However, this is also the period of time when they are likely to face unique barriers to participate in the democratic process, including regularly changing their address, becoming

eligible shortly after an election, and exclusion from certain voter registration policies.

The legislature also finds that the period prior to election day is the most critical time to ensure ballot access for young voters. States with early voting have higher participation rates than states that do not and the use of early voting sites on college campuses helped produce record levels of participation for young voters in 2016 and 2018.

The legislature finds that students that have more opportunities to be registered and vote are more likely to participate. Limiting statutory voter registration opportunities on college campuses to days well in advance of election day is inconsistent with implementation of same-day voter registration. Making automatic voter registration unavailable to those registering for the first time denies young voters the same benefits as every other voter.

PART II

PERSONS ALLOWED TO VOTE IN PRIMARIES

Sec. 3. RCW 29A.08.210 and 2018 c 109 s 8 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The former address of the applicant if previously registered to vote;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;
- (8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;
- (9) A check box allowing the applicant to acknowledge that he or she is at least ~~((eighteen))~~ sixteen years old ~~((or is at least sixteen years old and will vote only after he or she reaches the age of eighteen))~~;
- (10) Clear and conspicuous language, designed to draw the applicant's attention, stating that ~~((the))~~;

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

Sec. 4. RCW 29A.08.230 and 2013 c 11 s 14 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I ~~((will be))~~ am at least ~~((eighteen))~~ sixteen years old ~~((when I vote))~~, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction."

Sec. 5. RCW 29A.08.330 and 2019 c 391 s 6 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 6. RCW 29A.08.810 and 2011 c 10 s 20 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony and the voter's civil rights have not been restored;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;

(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

PART III

AUTOMATIC VOTER SIGN-UP TO REGISTER

Sec. 7. RCW 29A.08.355 and 2018 c 110 s 102 are each amended to read as follows:

~~((The department of licensing ((shall implement an automatic voter registration system so that)) must allow a person age eighteen years or older ((who)) to be registered to vote or update voter registration information by automated process at the time of registration, renewal, or change of address if:~~

~~((and))~~;

~~((The person meets requirements for voter registration~~

~~((and))~~;

~~((The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard~~

pursuant to RCW 46.20.205 ~~((may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the)); and~~

(c) The department of licensing record associated with the applicant contains ~~((the))~~;

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010(~~;~~ other));

(ii) Other information as required by the secretary of state(~~;~~ and includes a)); and

(iii) A signature image.

(2) The department of licensing must allow a person sixteen or seventeen years of age to be signed up to register to vote by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

Sec. 8. RCW 46.20.155 and 2018 c 109 s 15 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

Sec. 9. RCW 28A.230.094 and 2018 c 127 s 2 are each amended to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washington state association of county auditors and a 501(c)(3) nonprofit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of the superintendent of public instruction's web site.

PART IV

STUDENT ENGAGEMENT HUBS

NEW SECTION. Sec. 10. A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each state university, regional university, and The Evergreen State College as defined in RCW 28B.10.016 and each higher education campus as defined in RCW 28B.45.012 shall open a student engagement hub on its campus. The student engagement hub may be open during business hours beginning eight days before, and ending at 8:00 p.m. on the day of, the general election. All student engagement hubs must provide replacement ballots pursuant to RCW 29A.40.070(3). Upon request of the student government organization to the administration and the county auditor, the student engagement hub at a state university, regional university, or The Evergreen State College as defined in RCW 28B.10.016 must allow voters to register in person pursuant to RCW 29A.08.140(1)(b) and provide voter registration materials.

(2) Each institution shall contract with the county auditor for the operation of a student engagement hub under this section.

PART V

VOTERS' PAMPHLETS

Sec. 11. RCW 29A.32.031 and 2013 c 283 s 2 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court.

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080; ~~((and))~~

(7) A list of all student engagement hubs as designated under section 10 of this act; and

(8) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

Sec. 12. RCW 29A.32.241 and 2016 c 83 s 2 are each amended to read as follows:

(1) The local voters' pamphlet shall include but not be limited to the following:

(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(b) A list of jurisdictions that have measures or candidates in the pamphlet;

(c) Information on how a person may register to vote and obtain a ballot;

(d) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(e) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; ~~((and))~~

(f) A list of all student engagement hubs in the county as designated under section 10 of this act; and

(g) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

(2) The county auditor's name may not appear in the local voters' pamphlet in his or her official capacity if the county auditor is a candidate for office during the same year. His or her name may only be included as part of the information normally included for candidates.

PART VI

HARMONIZING PROVISIONS

Sec. 13. RCW 29A.04.061 and 2003 c 111 s 111 are each amended to read as follows:

"Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution, including persons who are seventeen years of age at the primary

election or presidential primary election but who will be eighteen years of age by the general election.

Sec. 14. RCW 29A.08.110 and 2019 c 391 s 5 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of ~~((the))~~;

~~((a) The original date of receipt((-or when));~~

~~((b) When the person will be at least eighteen years old by the next election; or~~

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((2))~~ (3) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((3))~~ (4) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

Sec. 15. RCW 29A.08.170 and 2018 c 109 s 5 are each amended to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age ~~((and his or her name))~~ unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election. A person who signs up to register to vote may not be added to the statewide voter registration database list of voters until such time as he or she will be ((eighteen years of age by)) eligible to vote in the next election.

Sec. 16. RCW 29A.08.172 and 2018 c 109 s 6 are each amended to read as follows:

(1) A person who has attained sixteen years of age may sign up to register to vote, as part of the future voter program, by submitting a voter registration application by mail.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register by mail, the person must provide a signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday.

Sec. 17. RCW 29A.08.174 and 2018 c 109 s 14 are each amended to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identicard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

Sec. 18. RCW 29A.08.359 and 2019 c 391 s 8 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted in an expedited manner and must be received by an election official by the required voter registration deadline. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((b))~~ (d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail

requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

Sec. 19. RCW 29A.80.041 and 2009 c 106 s 3 are each amended to read as follows:

Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

Sec. 20. RCW 29A.84.140 and 2018 c 109 s 13 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons age sixteen or seventeen signing up to register to vote as authorized under RCW 29A.08.170 or 29A.08.355(2).

Sec. 21. RCW 46.20.156 and 2018 c 110 s 105 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

PART VII OTHER PROVISIONS

Sec. 22. RCW 29A.08.140 and 2019 c 391 s 4 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application that is received by an election official no later than eight days before the day of the primary, special election, or general election. For purposes of this subsection (1)(a), "received" means: (i) Being physically received by an election official by the close of business of the required

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline; or

(b) Register in person at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, a student engagement hub, or other location designated by the county auditor ~~((in his or her county of residence))~~ no later than 8:00 p.m. on the day of the primary, special election, or general election.

(2) ~~((a))~~ (a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by:

~~((a))~~ ~~((i))~~ (i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than eight days before the day of the primary, special election, or general election; or

~~((b))~~ ~~((ii))~~ (ii) Appearing in person, at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor ~~((in his or her county of residence))~~, no later than 8:00 p.m. on the day of the primary, special election, or general election to be in effect for that primary, special election, or general election.

~~((c))~~ ~~((b))~~ (b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register or update a voting address in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor ~~((in the county in which the person resides))~~ at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

NEW SECTION. Sec. 23. Subject to the availability of amounts appropriated for this specific purpose, the secretary of state may provide grants to county auditors to implement section 10 of this act.

NEW SECTION. Sec. 24. Sections 3, 5, 6, and 13 through 17 of this act take effect January 1, 2022.

NEW SECTION. Sec. 25. Sections 7, 8, 18, 20, and 21 of this act take effect September 1, 2023.

On page 1, line 2 of the title, after "amending", strike the remainder of the title and insert "RCW 29A.08.210, 29A.08.230, 29A.08.230, 29A.08.330, 29A.08.810, 29A.08.355, 46.20.155, 28A.230.094, 29A.32.031, 29A.32.241, 29A.04.061, 29A.08.110, 29A.08.170, 29A.08.172, 29A.08.174, 29A.08.359, 29A.80.041, 29A.84.140, 46.20.156, and 29A.08.140; adding a new section to chapter 29A.40 RCW; creating new sections; and providing effective dates."

MOTION

Senator Zeiger moved that the following floor amendment no. 1025 by Senator Zeiger be adopted:

On page 2, beginning on line 6, strike all material down through line 7

Beginning on page 2, line 8, strike sections 3, 4, 5, and 6

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

Beginning on page 13, line 19, strike all of sections 13, 14, 15, 16, and 17

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

On page 20, beginning on line 32, strike all of section 24

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

On page 21, line 7, after ""RCW", strike "29A.08.210, 29A.08.230, 29A.08.230, 29A.08.330, 29A.08.810,"

On page 21, line 8, after "29A.32.241," strike "29A.04.061, 29A.08.110, 29A.08.170, 29A.08.172, 29A.08.174,"

On page 21, line 10, after "sections;" strike all material through "dates" on line 11 and insert "and providing an effective date"

Senator Zeiger spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1025 by Senator Zeiger on page 2, line 6 to striking floor amendment no. 1018.

The motion by Senator Zeiger did not carry and floor amendment no. 1025 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 1023 by Senator Zeiger be adopted:

On page 10, beginning on line 22, strike all of section 10 and insert the following:

NEW SECTION. Sec. 10. A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each public university campus described in chapter 28B.45 RCW with an enrollment of five thousand students or greater shall open a student engagement hub on its campus during a presidential general election, beginning five days prior to the deadline to register to vote electronically under RCW 29A.08.140(1)(a). The student engagement hub must be open during business hours through the deadline to register to vote electronically under RCW 29A.08.140(1)(a). The student engagement hub must provide access to the voter registration portal to facilitate student self-service for registration, registration changes, and replacement ballots. A student engagement hub is not a voting center.

(2) Upon request of the student government organization to the administration and the county auditor, the state universities, regional universities, and The Evergreen State College as defined in RCW 28B.10.016 and excluding university campuses described in chapter 28B.45 RCW shall open a student engagement hub on its campus. The student engagement hub shall provide the services described in subsection (1) of this section.

Senators Zeiger, Short and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1023 by Senator Zeiger on page 10, line 22 to striking floor amendment no. 1018.

The motion by Senator Zeiger did not carry and floor amendment no. 1023 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 1024 by Senator Zeiger be adopted:

On page 11, line 5, after "section.", insert " The institution shall pay the full cost of operating a student engagement center under this section."

On page 20, beginning on line 27, strike all of section 23

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

On page 21, after line 2, insert the following:

NEW SECTION. Sec. 26. If specific funding for the purposes of sections 10 through 12 and 22 of this act, referencing sections 10 through 12 and 22 of this act by bill or chapter number and section number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void.

Senators Zeiger and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1024 by Senator Zeiger on page 11, line 5 to striking floor amendment no. 1018.

The motion by Senator Zeiger did not carry and floor amendment no. 1024 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1018 by Senator Liias Senate Bill No. 6313.

The motion by Senator Liias carried and striking floor amendment no. 1018 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Kuderer, Dhingra, Frockt, Hunt and Nguyen spoke in favor of passage of the bill.

Senators Zeiger, Schoesler, Walsh, Padden, Hawkins and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6313.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6313 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SENATE BILL NO. 6313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Kedrich Jackson, Senate Gubernatorial Appointment No. 9114, be confirmed as a member of the Columbia Basin College Board of Trustees.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF KEDRICH JACKSON

The President declared the question before the Senate to be the confirmation of Kedrich Jackson, Senate Gubernatorial Appointment No. 9114, as a member of the Columbia Basin College Board of Trustees.

The Secretary called the roll on the confirmation of Kedrich Jackson, Senate Gubernatorial Appointment No. 9114, as a member of the Columbia Basin College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

Kedrich Jackson, Senate Gubernatorial Appointment No. 9114, having received the constitutional majority was declared confirmed as a member of the Columbia Basin College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Rekah T. Strong, Senate Gubernatorial Appointment No. 9120, be confirmed as a member of the Clark College Board of Trustees.

Senator Cleveland spoke in favor of the motion.

APPOINTMENT OF REKAH T. STRONG

The President declared the question before the Senate to be the confirmation of Rekah T. Strong, Senate Gubernatorial Appointment No. 9120, as a member of the Clark College Board of Trustees.

The Secretary called the roll on the confirmation of Rekah T. Strong, Senate Gubernatorial Appointment No. 9120, as a member of the Clark College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban,

THIRTY SECOND DAY, FEBRUARY 13, 2020

2020 REGULAR SESSION

Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

Rekah T. Strong, Senate Gubernatorial Appointment No. 9120, having received the constitutional majority was declared confirmed as a member of the Clark College Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 6122, by Senators Keiser, Kuderer, and Wilson, C.

Protecting temporary workers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6122 was substituted for Senate Bill No. 6122 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following floor amendment no. 1021 by Senator Schoesler be adopted:

On page 1, line 16, after "staffing agency" strike "and worksite employer"

Senators Schoesler and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1021 by Senator Schoesler on page 1, line 16 to Substitute Senate Bill No. 6122.

The motion by Senator Schoesler carried and floor amendment no. 1021 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1022 by Senator Rivers be adopted:

On page 1, line 17, after "request;" strike "and"

On page 1, line 18, after "employer" insert "; and"

(d) Provide the department's hotline number for the employee to call to report safety hazards and concerns as part of the employment materials provided to the employee"

Senators Rivers and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1022 by Senator Rivers on page 1, line 17 to Substitute Senate Bill No. 6122.

The motion by Senator Rivers carried and floor amendment no. 1022 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1037 by Senator King be adopted:

On page 1, line 17, after "request;" strike "and"

On page 1, line 18, after "employer" insert "; and"

(d) Inform the employee who the employee should report safety concerns to at the workplace"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1037 by Senator King on page 1, after line 17 to Substitute Senate Bill No. 6122.

The motion by Senator King carried and floor amendment no. 1037 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1026 by Senator Rivers be adopted:

On page 2, line 12, after "employee" insert "within forty-eight hours of providing the training"

Senators Rivers and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1026 by Senator Rivers on page 2, line 12 to Substitute Senate Bill No. 6122.

The motion by Senator Rivers carried and floor amendment no. 1026 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1027 by Senator Rivers be adopted:

On page 2, line 13, after "job tasks" insert "and new hazards may be encountered"

Senators Rivers and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1027 by Senator Rivers on page 2, line 13 to Substitute Senate Bill No. 6122.

The motion by Senator Rivers carried and floor amendment no. 1027 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1038 by Senator King be adopted:

On page 3, after line 7, insert the following:

"(9) A staffing agency or worksite employer may not retaliate against a staffing agency employee who reports safety concerns."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1038 by Senator King on page 3, after line 7 to Substitute Senate Bill No. 6122.

The motion by Senator King carried and floor amendment no. 1038 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:17 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Friday, February 14, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia
Friday, February 14, 2020

The Senate was called to order at 9:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exceptions of Senators Ericksen and Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Miss Dani Madan and Mr. Dylan Kleis, presented the Colors. Page, Mr. Fynn Goodin led the Senate in the Pledge of Allegiance. The prayer was offered by Pastor Doug Knutson-Kelter of Gloria Dei Lutheran Church, Olympia.

MOTION

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

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6689 by Senators Stanford, Wellman and Kuderer

AN ACT Relating to protecting consumers against mechanisms of addiction in certain video games; adding a new chapter to Title 19 RCW; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SHB 1009 by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Kirby and Jinkins)

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.186, 43.09.230, and 43.09.420; repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2012 c 164 s 709, 2012 c 1 s 201, and 2005 c 385 s 1 (uncodified).

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1079 by Representatives Pollet, Kloba, Stanford and Frame

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Higher Education & Workforce Development.

EHB 1187 by Representatives Dent, Blake, Chandler, Kretz, Schmick and Bergquist

AN ACT Relating to revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects; and amending RCW 77.55.181.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1255 by House Committee on Transportation (originally sponsored by Lovick, Orwall, Sells, Stanford, Dufault and Irwin)

AN ACT Relating to creating Patches pal special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1261 by House Committee on Environment & Energy (originally sponsored by Peterson, Fitzgibbon, Stanford, Tarleton, Ortiz-Self, Lekanoff, Doglio, Macri and Pollet)

AN ACT Relating to ensuring compliance with the federal clean water act by prohibiting certain discharges into waters of the state; amending RCW 77.55.021; reenacting and amending RCW 77.55.011; adding a new section to chapter 90.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

HB 1278 by Representatives Hudgins, Valdez, Sells, Bergquist, Appleton, Slatter, Wylie, Santos and Doglio

AN ACT Relating to room and board for college bound scholarship students; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SHB 1293 by House Committee on Appropriations (originally sponsored by Tharinger, Blake, Kretz and Mosbrucker)

AN ACT Relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements; and amending RCW 7.84.100.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1347 by Representatives Barkis, Kirby, Volz, Vick and Springer

AN ACT Relating to vehicle reseller permits; amending RCW 82.12.045; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Ways & Means.

ESHB 1551 by House Committee on Health Care & Wellness (originally sponsored by Cody, Stonier, Fey, Appleton and Pollet)

AN ACT Relating to modernizing the control of certain communicable diseases; amending RCW 70.24.015,

70.24.017, 70.24.024, 70.24.080, 70.24.110, 70.24.120, 70.24.130, 70.24.220, 70.24.290, 70.24.325, 70.24.340, 70.24.360, 70.24.370, 9A.36.011, 18.35.040, 49.44.180, 49.60.172, 70.02.220, 43.150.050, and 74.39.005; adding new sections to chapter 70.24 RCW; repealing RCW 70.24.095, 70.24.100, 70.24.107, 70.24.125, 70.24.140, 70.24.200, 70.24.210, 70.24.240, 70.24.250, 70.24.260, 70.24.270, 70.24.280, 70.24.300, 70.24.310, 70.24.320, 70.24.350, 70.24.380, 70.24.400, and 70.24.410; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

3SHB 1660 by House Committee on Education (originally sponsored by Bergquist, Harris, Hudgins, Young, Tarleton, Ybarra, Slatter, Santos, Jinkins, Doglio, Fey, Leavitt, Ormsby and Valdez)
AN ACT Relating to the participation of students who are low income in extracurricular activities; amending RCW 28A.325.010 and 28A.325.050; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

EHB 1687 by Representatives Stanford, Doglio, Macri, Hansen, Orwall, Appleton, Jinkins, Ormsby, Valdez and Davis
AN ACT Relating to limiting defenses based on victim identity; adding a new section to chapter 9A.08 RCW; and adding a new section to chapter 9A.16 RCW.

Referred to Committee on Law & Justice.

HB 1750 by Representatives Mosbrucker and Lovick
AN ACT Relating to filling vacancies in county sheriff offices; and amending RCW 41.14.060 and 41.14.130.

Referred to Committee on Local Government.

HB 1983 by Representatives Maycumber, Kretz and Walsh
AN ACT Relating to natural resource management activities; amending RCW 77.12.037; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 2008 by Representatives Hudgins, Gregerson and Tarleton
AN ACT Relating to alternate methods of ballot security; and amending RCW 29A.40.091.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2109 by Representative Blake
AN ACT Relating to membership of the Chehalis board; and amending RCW 43.21A.731.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2189 by Representatives Leavitt, Irwin, Sells, MacEwen, Fitzgibbon, Wylie, Corry, Tharinger, Kilduff, Callan,

Davis, Robinson, Doglio, Slatter, Ryu, Griffey, Ormsby and Harris

AN ACT Relating to including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system; and amending RCW 41.37.010.

Referred to Committee on Ways & Means.

HB 2217 by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Shewmake, Young and Wylie
AN ACT Relating to cottage food product labeling requirements; and amending RCW 69.22.020.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2218 by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Ryu, Shewmake, Thai, Young and Wylie
AN ACT Relating to increasing the cap on gross sales for cottage food operations; and amending RCW 69.22.050.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2229 by Representatives Sullivan, Stokesbary, Bergquist, Gildon and Wylie
AN ACT Relating to clarifying the scope of taxation on land development or management services; amending RCW 82.04.051; and amending 1999 c 212 s 1 (uncodified).

Referred to Committee on Housing Stability & Affordability.

HB 2242 by Representatives Wylie, Orcutt, Chapman, Bergquist, Dufault, Blake, Shewmake, Gildon and Irwin
AN ACT Relating to travel trailers; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SHB 2250 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Fitzgibbon, Lekanoff and Tharinger)
AN ACT Relating to coastal crab derelict gear recovery; and amending RCW 77.70.500.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2266 by Representatives Doglio, Dolan, Leavitt, Ryu, Tarleton, Appleton, Paul, Ormsby, Sells, Macri, Wylie, Senn, Cody, Kloba, Hudgins and Pollet
AN ACT Relating to reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional; and amending RCW 43.10.005.

Referred to Committee on Labor & Commerce.

HB 2271 by Representatives Duerr and Rude
AN ACT Relating to correcting a reference to an omnibus transportation appropriations act within a prior authorization

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

of general obligation bonds for transportation funding; and amending RCW 47.10.873.

Referred to Committee on Transportation.

SHB 2287 by House Committee on Transportation (originally sponsored by Leavitt, Kilduff, Barkis, Lovick, Ramel and Pollet)
AN ACT Relating to the assessment of rail safety governance in Washington state; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

HB 2315 by Representatives Orwall, Fitzgibbon and Pellicciotti
AN ACT Relating to repairing and replacing mitigation equipment installed as part of a remedial program within an impacted area; and amending RCW 53.54.030.

Referred to Committee on Local Government.

SHB 2320 by House Committee on Consumer Protection & Business (originally sponsored by Leavitt, Van Werven, Orwall, Eslick, Barkis, Shewmake, Lovick, Harris, Sells, Kilduff, Tarleton, Fey, Irwin, Wylie, Doglio, Pellicciotti, Kloba and Riccelli)
AN ACT Relating to requiring training on human trafficking; amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section.

Referred to Committee on Law & Justice.

HB 2340 by Representatives Fitzgibbon, Leavitt, Lovick, Ormsby and Volz
AN ACT Relating to the definition of index for the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Ways & Means.

HB 2348 by Representatives Duerr, Ormsby and Macri
AN ACT Relating to streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements; and amending RCW 43.185C.210.

Referred to Committee on Housing Stability & Affordability.

SHB 2374 by House Committee on Consumer Protection & Business (originally sponsored by Kirby, Vick, Ryu, Barkis, Young, Wylie, Doglio, Goodman and Pollet)
AN ACT Relating to preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer; amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW.

Referred to Committee on Labor & Commerce.

HB 2402 by Representatives Hudgins, Gregerson and Wylie
AN ACT Relating to streamlining legislative operations by repealing and amending selected statutory committees; amending RCW 28A.175.075, 28A.657.100, 28B.15.067, 43.15.020, 43.216.572, 43.216.574, 44.04.325, 44.68.010,

44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.085, 44.68.090, 44.68.100, and 44.68.105; repealing RCW 28A.657.130, 28B.95.170, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, 44.55.060, 44.68.020, and 44.68.035; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2411 by House Committee on Health Care & Wellness (originally sponsored by Orwall, Kilduff, Gildon, Leavitt, Paul, Cody, Davis, Pollet, Goodman, Wylie, Doglio and Morgan)
AN ACT Relating to suicide prevention; reenacting and amending RCW 43.70.442; adding a new section to chapter 18.92 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 2449 by Representatives Griffey and Gregerson
AN ACT Relating to water-sewer district commissioner compensation; and amending RCW 57.12.010.

Referred to Committee on Local Government.

SHB 2473 by House Committee on Public Safety (originally sponsored by Goodman and Wylie)
AN ACT Relating to domestic violence; amending RCW 7.77.060, 7.77.080, 9.41.340, 9.41.345, 9A.36.041, 10.14.055, 10.22.010, 10.66.010, 10.95.020, 26.09.015, 41.04.655, 48.18.550, 70.83C.010, and 74.34.145; reenacting and amending RCW 9.41.010, 9.41.040, 10.31.100, and 9.96.060; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SHB 2476 by House Committee on Civil Rights & Judiciary (originally sponsored by Walen, Duerr, Kloba, Kilduff, Leavitt, Lekanoff, Orwall, Davis, Doglio, Frame, Macri, Goodman and Ormsby)
AN ACT Relating to debt buyers; amending RCW 19.16.100, 19.16.260, 19.16.440, and 19.16.450; and creating a new section.

Referred to Committee on Law & Justice.

HB 2508 by Representatives Wylie and Vick
AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

SHB 2527 by House Committee on State Government & Tribal Relations (originally sponsored by Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos)
AN ACT Relating to protecting the rights of Washingtonians during the United States census; adding a new section to chapter 43.62 RCW; adding a new section to chapter 9A.60 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2545 by Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby

AN ACT Relating to making jail records available to managed health care systems; and amending RCW 70.48.100.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 2551 by House Committee on State Government & Tribal Relations (originally sponsored by Lekanoff, Ramel, Rude, Leavitt, Valdez, Davis, Doglio, Walen, Pollet, Macri, Ormsby and Santos)

AN ACT Relating to permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 2579 by Representatives Dye, Eslick, Klippert and Ormsby
AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2587 by Representatives Ramel, Shewmake, Duerr, Stonier, Dufault, Doglio, Mead, Thai, Lekanoff, Fitzgibbon, Pollet, Leavitt and Davis

AN ACT Relating to establishing a program for the designation of state scenic bikeways; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Transportation.

SHB 2589 by House Committee on Education (originally sponsored by Callan, Rude, Pollet, Orwall, Doglio, Steele, Kilduff, Caldier, Davis, Corry, Senn, Ybarra, Thai, Ramos, Ryu, Santos, Leavitt, Gildon, Bergquist, J. Johnson, Frame and Macri)

AN ACT Relating to requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 2602 by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

AN ACT Relating to hair discrimination; and amending RCW 49.60.040.

Referred to Committee on Law & Justice.

SHB 2632 by House Committee on Public Safety (originally sponsored by Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri)

AN ACT Relating to false reporting of a crime or emergency; amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2640 by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ryu

AN ACT Relating to clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act; amending RCW 36.70A.200; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2664 by Representatives Lovick, Klippert, Goodman and Fey

AN ACT Relating to sheriff's office qualifications; amending RCW 29A.24.091 and 36.28.025; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

HB 2701 by Representatives Ormsby, Eslick and Riccelli

AN ACT Relating to inspection and testing of fire and smoke control systems and dampers; amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government.

EHB 2811 by Representatives J. Johnson, Steele, Santos, Ramel, Thai, Mead, Frame, Davis, Valdez, Bergquist, Doglio, Kirby, Lovick, Tarleton, Dolan, Goodman, Gregerson, Slatter, Macri, Hudgins, Pollet, Ryu and Stonier

AN ACT Relating to establishing a statewide environmental sustainability education program; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HJM 4012 by Representatives Lekanoff, Stokesbary, DeBolt, Irwin, Stonier, Chapman, Kilduff, Wylie, Pellicciotti, Orwall, Sullivan, Pettigrew, Peterson, Paul, Slatter, Blake, Shewmake, Tharinger, Doglio, Goodman, Cody, Ormsby, Pollet, Valdez, Callan, Ramos, Leavitt, Stanford, Sells and Appleton

Recognizing the international year of the salmon.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2476 which had been designated to the Committee on Financial Institutions, Economic Development & Trade and was referred to the Committee on Law & Justice.

MOTION

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

MOTION

Senator Darneille moved adoption of the following resolution:

SENATE RESOLUTION

8681

By Senators Darneille, Keiser, Becker, Cleveland, Short, Warnick, Rivers, Brown, Walsh, Das, Saldaña, Randall, Lovelett, Wilson, C., Kuderer, Dhingra, Wellman, Rolfes, Wilson, L., Wagoner, Muzzall, and Conway

WHEREAS, This year, 2020, is the 100th anniversary of the 1920 ratification of the 19th Amendment to the United States Constitution stating that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and

WHEREAS, Today marks the 100th anniversary of the founding of the National League of Women Voters, and the inception of the League of Women Voters of Washington; and

WHEREAS, The National Council of Women Voters, a nonpartisan educational organization headquartered in Tacoma, Washington, was the first national organization of voting women, led by Emma Smith DeVoe, who emphasized the importance of voting on issues rather than by party; and

WHEREAS, Emma Smith DeVoe led the charge to enfranchise women in the state of Washington, and helped transform the face of suffragist politics in the United States; and

WHEREAS, The State of Washington granted the right to vote to women a full decade earlier in 1910, inspiring a nationwide campaign that led to the enfranchisement of women throughout the country; and

WHEREAS, 100 years ago today, on February 14, 1920, the National Council of Women Voters merged with the National American Woman Suffrage Association, headed by president Carrie Chapman Catt, Susan B. Anthony's successor, forming one national suffragist organization, the League of Women Voters; and

WHEREAS, For 100 years, the Seattle and Tacoma chapters of the League have been at the forefront of civic engagement in Washington State, educating millions of our residents in order for them to become informed participants in government; and

WHEREAS, For 100 years, the League has lived its conviction that "the vote is the emblem of equality" through its campaigns, focusing on policies to increase access to voting, combating voter discrimination, opposing voter photo identification laws, and promoting provoter reforms; and

WHEREAS, The nonpartisan Voters Pamphlet that precedes each election in Washington is an example of the League's ongoing educational effort; and

WHEREAS, In 1993, the League was a key player in passing the National Voter Registration Act, also known as the Motor Voter Act, making registration fast and easy; and

WHEREAS, In 2018 alone, 4.2 million voters' rights were protected through the League's education, advocacy, and litigation efforts to create an informed and educated electorate; and

WHEREAS, From the beginning, equal rights and social reform have been the bedrock for the League's work addressing child welfare, maternal and child health programs, child labor protections and discriminatory laws against women; and

WHEREAS, Within the societal unrest of the 1960s, the League focused its efforts on civil rights issues of equal access to education, housing and employment; and

WHEREAS, With the support of the League in Washington state, the Housing Trust Fund, amendments to welfare reform, and increased appropriations for children's services led to the establishment of a governor's commission for children in the 1980s; and

WHEREAS, In the 1990s, the League took positions in support of LGBTQ rights, supported protections from discrimination based on sexual orientation in employment and lobbied for antiharassment policies and training guidelines in the "save schools bill"; and

WHEREAS, The League has historically been concerned with conservation of natural resources, and protection of public lands, and is currently focused on initiatives, task forces, and studies that concentrate on climate change, resource management, and environmental planning and incentives; and

WHEREAS, The League continue to study, adopt positions, advocate, and serve the community, and register educated voters to this day; and

WHEREAS, From voters' rights, to child labor laws, to climate change, to government restructuring; the League of Women Voters is not only a leader in addressing these issues, but a reflection of the needs of our community and a protector of our democratic processes;

NOW, THEREFORE, BE IT RESOLVED, That on this day, February 14, 2020, the League of Women Voters of the United States, as the organization came to be called, is celebrating 100 years of empowering voters through education, nonpartisanship, inclusion, collaboration, and grassroots democracy; and

BE IT FURTHER RESOLVED, that we do now commend and honor the League of Women Voters for continuously strengthening democracy through shaping public policy on equal rights and social reforms; and

BE IT FURTHER RESOLVED, The League that began as a "mighty political experiment" designed to help millions of women to become responsible voters is truly a hallmark of our democracy.

Senator Darneille spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

MOTION

At 9:20 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:38 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

February 13, 2020

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1201,
HOUSE BILL NO. 1242,
SECOND SUBSTITUTE HOUSE BILL NO. 1633,
SECOND SUBSTITUTE HOUSE BILL NO. 1661,
SUBSTITUTE HOUSE BILL NO. 2017,
SUBSTITUTE HOUSE BILL NO. 2200,
HOUSE BILL NO. 2230,
SECOND SUBSTITUTE HOUSE BILL NO. 2277,
SUBSTITUTE HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2393,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2417,
SUBSTITUTE HOUSE BILL NO. 2456,
HOUSE BILL NO. 2484,
SUBSTITUTE HOUSE BILL NO. 2525,
HOUSE BILL NO. 2542,
SUBSTITUTE HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2544,
SUBSTITUTE HOUSE BILL NO. 2556,
SUBSTITUTE HOUSE BILL NO. 2614,
HOUSE BILL NO. 2619,
SUBSTITUTE HOUSE BILL NO. 2622,
HOUSE BILL NO. 2624,
SUBSTITUTE HOUSE BILL NO. 2684,
HOUSE BILL NO. 2691,
SUBSTITUTE HOUSE BILL NO. 2711,
SUBSTITUTE HOUSE BILL NO. 2725,
SUBSTITUTE HOUSE BILL NO. 2730,
HOUSE BILL NO. 2762,
SUBSTITUTE HOUSE BILL NO. 2787,
HOUSE BILL NO. 2809,
HOUSE BILL NO. 2848,
SECOND SUBSTITUTE HOUSE BILL NO. 2864,
SUBSTITUTE HOUSE BILL NO. 2865,
SUBSTITUTE HOUSE BILL NO. 2868,
SUBSTITUTE HOUSE BILL NO. 2873,
HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 13, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2467,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Shannon L. Childs, Senate Gubernatorial Appointment No. 9124, be confirmed as a member of the Olympia College Board of Trustees.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF SHANNON L. CHILDS

The President declared the question before the Senate to be the confirmation of Shannon L. Childs, Senate Gubernatorial Appointment No. 9124, as a member of the Olympia College Board of Trustees.

The Secretary called the roll on the confirmation of Shannon L. Childs, Senate Gubernatorial Appointment No. 9124, as a member of the Olympia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Carlyle

Excused: Senators Ericksen and Fortunato

Shannon L. Childs, Senate Gubernatorial Appointment No. 9124, having received the constitutional majority was declared confirmed as a member of the Olympia College Board of Trustees.

MOTION

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

MOTION

On motion of Senator Wilson, C., Senator Carlyle was excused.

SECOND READING

SENATE BILL NO. 6309, by Senators Lovelett, Wagoner, Nguyen, Walsh, Das, Salomon, Randall, Billig, Dhingra, Hasegawa, Saldaña, and Wilson, C.

Expanding access to nutritious food.

MOTIONS

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

On motion of Senator Lovelett, Second Substitute Senate Bill No. 6309 was substituted for Senate Bill No. 6309 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6309.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Carlyle, Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, and without objection, Senate Bill No. 5494, Senate Bill No. 6128, Senate Bill No. 6212 and Senate Bill No. 6385 were removed from the Consent Calendar placed on the Second Reading Calendar.

SECOND READING

SENATE BILL NO. 5144, by Senators Dhingra, O'Ban, Wilson, C., Keiser, Darneille and Frockt

Implementing child support pass-through payments.

MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5144 was substituted for Senate Bill No. 5144 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 5144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Billig

Excused: Senators Carlyle, Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wilson, C., Senator Billig was excused.

SECOND READING

SENATE BILL NO. 6074, by Senators Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das and Stanford

Reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 6074 was substituted for Senate Bill No. 6074 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR LIAS

Senator Lias: "Thank you Mr. President. I just wanted, for the information of members, that last bill had a minority report from the Ways & Means Committee. And, unfortunately, it appears that both our Democratic and Republican Counsels had not seen that minority report when they prepared the consent calendar yesterday. So we are going to be more vigilant on Ways & Means committee reports and make sure we have unanimous bills on the consent calendar. That was an accident. I apologize for it."

SECOND READING

SENATE BILL NO. 6495, by Senator Walsh

Regarding essential needs and housing support eligibility.

MOTIONS

On motion of Senator Walsh, Substitute Senate Bill No. 6495 was substituted for Senate Bill No. 6495 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Substitute Senate Bill No. 6495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6495.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6495 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6181, by Senators Padden, Pedersen, O'Ban, Warnick and Kuderer

Concerning compensation for parents of minor victims of crime.

MOTIONS

On motion of Senator Padden, Second Substitute Senate Bill No. 6181 was substituted for Senate Bill No. 6181 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Second Substitute Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6181.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Lias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5164, by Senate Committee on Ways & Means (originally sponsored by Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C. and Darneille)

Providing public assistance to certain victims of human trafficking.

The bill was read on Third Reading.

MOTIONS

On motion of Senator Saldaña, the rules were suspended and Substitute Senate Bill No. 5164 was returned to second reading for the purposes of amendment.

On motion of Senator Saldaña, Third Substitute Senate Bill No. 5164 was substituted for Substitute Senate Bill No. 5164 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Third Substitute Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5164.

ROLL CALL

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

THIRD SUBSTITUTE SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6521, by Senators Wellman, Hunt, Mullet, and Wilson, C.

Creating an innovative learning pilot program.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 6521 was substituted for Senate Bill No. 6521 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 6521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6521.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6521 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6556, by Senators Cleveland, Darneille, and Wilson, C.

Expanding reporting options for mandated reporters of child abuse and neglect.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6556.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6556 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Walsh

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6229, by Senators Kuderer, and Wilson, C.

Streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Zeiger spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6229.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6229 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6473, by Senators Stanford, Frockt, Conway, Keiser, Hasegawa, Liias, Van De Wege, Billig, Hunt and Saldaña

Concerning asbestos-containing building materials.

MOTION

On motion of Senator Stanford, Substitute Senate Bill No. 6473 was substituted for Senate Bill No. 6473 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Stanford moved that the following floor amendment no. 1054 by Senators Stanford and King be adopted:

On page 2, beginning on line 32, strike all material from "(8)" through "basement," on line 40

On page 4, after line 2, insert the following:

"(3) For the purposes of this section, "interested party" means any contractor, subcontractor, or worker that performs, or is reasonably expected to perform, work at a facility covered under section 3 of this act or any organization whose members perform, or are reasonably expected to perform, work at a facility covered under this section.

(4) For the purposes of this section, "residential construction" means construction, alteration, repair, improvement, or maintenance of single-family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including the basement."

On page 4, after line 2, insert the following:

"NEW SECTION. Sec. 4. Section 1 of this act takes effect January 1, 2025."

Senator Stanford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1054 by Senators Stanford and King on page 2, line 32 to Substitute Senate Bill No. 6473.

The motion by Senator Stanford carried and floor amendment no. 1054 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute Senate Bill No. 6473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford spoke in favor of passage of the bill.

Senators Liias, King, Frockt, Takko and Lovelett spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6473.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6473 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Brown, Honeyford, Short, Wagoner and Warnick

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Stanford: "Thank you Mr. President. I'd like to thank the body for the warm welcome that I have received during my transition here. It helps, I think, that I worked with many of the members of this body in my nine years in the other body across the rotunda. I'd like to just take a brief moment to recognize those who proceeded me in this position: Senator Guy Palumbo; Senator Rosemary MacAuliffe; Senator Patty Murray, who is better known to us now as Senator Patty Murray; Senator Bill Kiskaddon; and Senator Ray Van Hollebeke. And that goes back to when I was born so I'll stop there. Following tradition, I have brought a gift from my family, my beloved Uncle Bob, who is the proprietor of Benishs Bakery. And this is some biscotti, some excellent biscotti from his bakery. I understand that some members may not know what that is. I will explain that later but I hope you enjoy it. And, in closing, I'll mention, in addition to the wonderful things said about me earlier, which I appreciate, I hope I bring my reputation for being succinct and with that I will end."

The President thanked and congratulated Senator Stanford.

SECOND READING

SENATE BILL NO. 5011, by Senators Honeyford, Frockt, Keiser and Wagoner

Concerning a community aviation revitalization loan program.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

Senators Honeyford and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6123, by Senators Hunt, Kuderer, Nguyen, Stanford, Van De Wege, Wilson, C. and Sheldon

Allowing state employee leave for organ donation.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 6123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6123 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6078, by Senator Mullet

Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Carlyle, Conway, Hasegawa, Honeyford, King, Kuderer, Padden, Van De Wege and Walsh

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6281, by Senators Carlyle, Nguyen, Rivers, Short, Sheldon, Wellman, Lovelett, Das, Van De Wege, Billig, Randall, Pedersen, Dhingra, Hunt, Salomon, Liias, Mullet, Wilson, C., Frockt, Cleveland and Keiser

Concerning the management and oversight of personal data.

MOTION

On motion of Senator Carlyle, Second Substitute Senate Bill No. 6281 was substituted for Senate Bill No. 6281 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 1055 by Senator Hasegawa be adopted:

On page 1, after line 4, insert the following:

"Part I"

On page 4, beginning on line 22, strike all of subsections (11) through (13)

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

On page 5, beginning on line 1, strike all of subsection (17)

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

On page 5, beginning on line 11, strike all of subsection (21)

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

On page 5, beginning on line 17, strike all of subsections (23) and (24)

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

On page 6, beginning on line 25, strike all of subsection (31)

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

On page 7, beginning on line 17, strike all of subsection (35)

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

On page 8, beginning on line 1, strike all of subsection (40)

Correct any internal references accordingly.

On page 17, beginning on line 21, after "purpose." strike all material through "program." on line 24

Beginning on page 22, line 33, strike all of section 17

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

On page 26, after line 11, insert the following:

"Part II"

NEW SECTION. Sec. 20. (1) It is unlawful for any Washington state or local government agency or any official thereof to obtain, retain, request, access, or use:

(a) Any facial recognition technology; or

(b) Any personal data obtained from or by use of facial recognition.

(2) Inadvertent or unintentional receipt, access, or use of any personal data obtained from facial recognition is not a violation of this chapter, provided that:

(a) The personal data was not requested or solicited by a state or local agency or any official thereof; and

(b) The personal data is permanently deleted upon discovery.

(3) For purposes of this chapter, "facial recognition" means:

(a) An automated or semiautomated process by which a person is identified or attempted to be identified based on the characteristics of the person's face; or

(b) An automated or semiautomated process by which the characteristics of a person's face are analyzed to determine the person's sentiment, state of mind, or other propensities including, but not limited to, the person's level of dangerousness.

(4) This section expires July 1, 2023.

NEW SECTION. Sec. 21. (1) No personal data obtained from or by use of facial recognition may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the state of Washington.

(2) Any violation of section 20 of this act constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce section 20 of this act. An action instituted under this subsection may be brought against the appropriate state or local government agency or state or local government official and, if necessary, to effectuate compliance with this chapter, any other government agency with possession, custody, or control of personal data obtained from or by use of facial recognition.

(3) Any person who has been subjected to facial recognition in violation of section 20 of this act, or about whom personal data has been obtained, retained, accessed, or used in violation of section 20 of this act, may institute proceedings in any court of competent jurisdiction against the state and is entitled to recover

actual damages, but not less than statutory damages of one thousand dollars per violation, whichever is greater.

(4) A court shall award costs and reasonable attorneys' fees to a plaintiff who prevails in an action brought under subsection (2) or (3) of this section.

(5) This section expires July 1, 2023.

NEW SECTION. Sec. 22. (1) Nothing in this chapter applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

(2) Nothing in this chapter applies to the use of facial recognition for the purpose of redacting a recording for release or disclosure outside a law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(3) This section expires July 1, 2023.

NEW SECTION. Sec. 23. (1) A person may not operate, install, or commission the operation or installation of equipment incorporating facial recognition in any place of public resort, accommodation, assemblage, or amusement, as defined in RCW 49.60.040.

(2) For purposes of this section, "facial recognition" means:

(a) An automated or semiautomated process by which a person is identified or attempted to be identified based on the characteristics of the person's face; or

(b) An automated or semiautomated process by which the characteristics of a person's face are analyzed to determine the person's sentiment, state of mind, or other propensities including, but not limited to, the person's level of dangerousness.

(3) This section expires July 1, 2023.

NEW SECTION. Sec. 24. (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) The attorney general may bring an action in the name of the state, or as *parens patriae* on behalf of persons residing in the state, to enforce this chapter. In any action brought by the attorney general to enforce this chapter, a violation of this chapter is subject to a civil penalty of one thousand dollars for each violation of this chapter.

(3) A consumer prevailing in an action under this chapter may recover actual damages, but not less than statutory damages of one thousand dollars per violation, whichever is greater.

(4) A court must award costs and reasonable attorneys' fees to a plaintiff who prevails in an action under this chapter.

(5) This section expires July 1, 2023.

NEW SECTION. Sec. 25. (1)(a) A joint legislative task force on facial recognition technology is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) The president of the senate and the speaker of the house of representatives jointly shall appoint members as follows:

(A) Fifteen representatives from advocacy organizations that represent consumers or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

minorities, protest and activist groups, and other vulnerable communities;

(B) One member from law enforcement;

(C) One representative from a retailer or other company who deploys facial recognition technology in physical premises open to the public;

(D) One representative from a company that develops and provides facial recognition technology; and

(E) Two representatives from universities or research institutions who are experts in either facial recognition technology or technology ethics, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall:

(a) Review the existing research on the quality, accuracy, and efficacy of facial recognition technology, including its quality, accuracy, and efficacy across different subpopulations;

(b) Document the potential abuses and threats posed by the use of facial recognition technology to civil liberties and freedoms, privacy and security, discrimination, and other potential harm; and

(c) Provide recommendations regarding appropriate regulation of facial recognition technology.

(3) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(6) This section expires July 1, 2023.

NEW SECTION. Sec. 26. (1) Sections 20 through 22 of this act constitute a new chapter in Title 10 RCW.

(2) Sections 23 and 24 of this act constitute a new chapter in Title 19 RCW."

On page 26, line 12, after "20." strike "This act takes" and insert "Sections 1 through 19 of this act take"

On page 1, beginning on line 1 of the title, after "data;" strike the remainder of the title and insert "adding new chapters to Title 19 RCW; adding a new chapter to Title 10 RCW; creating a new section; prescribing penalties; providing an effective date; and providing expiration dates."

Senator Hasegawa spoke in favor of adoption of the amendment.

Senators Carlyle and Rivers spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1055 by Senator Hasegawa on page 1, after line 4 to Second Substitute Senate Bill No. 6281.

The motion by Senator Hasegawa did not carry and floor amendment no. 1055 was not adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Second Substitute Senate Bill No. 6281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Rivers, Stanford, Conway and Nguyen spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6281.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6281 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Erickson and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hasegawa: "Thank you Mr. President. Well, in my previous floor speech, I got distracted and was trying to recall the name of a film clip we saw at the TVW event last night. And, it was actually Representative Barkis who got distracted as he was talking and he lost track of where he was at, and thought and thought, and I guess that just comes with being ADHD because you just get distracted so easily. Oh, look at the pretty lights up there."

SECOND READING

SENATE BILL NO. 6086, by Senators Hasegawa, Keiser, Kuderer and Nguyen

Increasing access to medications for opioid use disorder.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 6086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6397, by Senators Frockt, Rolfes and Keiser

Concerning nonparticipating providers.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6397 was substituted for Senate Bill No. 6397 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6397.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6397 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6429, by Senators Brown, Walsh, Schoesler, Rivers, Van De Wege and Becker

Providing a designation on a driver's license or identicard that a person has a developmental disability.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6429 was substituted for Senate Bill No. 6429 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6429.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6429 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6526, by Senators Cleveland, Hasegawa, Keiser, Van De Wege, and Wilson, C.

Reusing and donating unexpired prescription drugs.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6526 was substituted for Senate Bill No. 6526 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6526 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa,

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6302, by Senators Rolfes, Saldaña, Randall, Takko, Das, Hasegawa, Hunt, Lovelett, Nguyen, and Wilson, C.

Prohibiting local governments from limiting the number of unrelated persons occupying a home.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 6302 was substituted for Senate Bill No. 6302 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 6302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Zeiger spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6302.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6302 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Conway, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6324, by Senators Takko and Carlyle

Concerning special purpose district financial reporting.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6324 was substituted for Senate Bill No. 6324 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following floor amendment no. 1049 by Senators Takko and Short be adopted:

On page 1, line 8, after "section" strike "special" and insert "special"

(a) "Special"

On page 1, after line 14, insert the following:

"(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed for three years."

On page 2, beginning on line 28, after "have" strike all material through "section" on line 29 and insert "been determined to be unaudit"

On page 3, beginning on line 2, after "districts" strike all material through "section" on line 3 and insert "have been determined to be unaudit"

On page 3, beginning on line 36, after "has" strike all material through "years" on line 38 and insert "been determined to be unaudit"

(4) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed for three years"

Senators Takko and Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1049 by Senators Takko and Short on page 1, line 8 to Substitute Senate Bill No. 6324.

The motion by Senator Takko carried and floor amendment no. 1049 was adopted by voice vote.

MOTION

Senator Takko moved that the following floor amendment no. 957 by Senator Takko be adopted:

On page 2, after line 38, insert the following:

"(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities."

Senators Takko and Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 957 by Senator Takko on page 2, after line 38 to Substitute Senate Bill No. 6324.

The motion by Senator Takko carried and floor amendment no. 957 was adopted by voice vote.

MOTION

Senator Takko moved that the following floor amendment no. 956 by Senator Takko be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 27. RCW 48.43.735 and 2017 c 219 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2)((a) ~~If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site

or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a health carrier to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 28. RCW 41.05.700 and 2018 c 260 s 30 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~(b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

- (a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;
- (b) "Health care service" has the same meaning as in RCW 48.43.005;
- (c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;
- (d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;
- (e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 29. RCW 74.09.325 and 2017 c 219 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

~~((a))~~ (i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

~~((b))~~ (ii) The health care service is medically necessary;

~~((c))~~ (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

~~((d))~~ (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

~~(b))~~ For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;

- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(f) "Provider" has the same meaning as in RCW 48.43.005;

(g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(h) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services,

the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.

Sec. 30. RCW 28B.20.830 and 2018 c 256 s 1 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

((§)) (6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, 2021.

NEW SECTION. Sec. 31. This act takes effect January 1, 2021."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "reimbursing for telemedicine services at the same rate as in person; amending RCW 48.43.735, 41.05.700, 74.09.325, and 28B.20.830; and providing an effective date."

Senators Takko and Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 956 by Senator Takko on page 6, after line 20 to Substitute Senate Bill No. 6324.

The motion by Senator Takko carried and floor amendment no. 956 was adopted by voice vote.

MOTION

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Short and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6324.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6324 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford and Lovelett

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6440, by Senators Stanford, Hunt, Keiser, McCoy, Das and Conway

Concerning industrial insurance medical examinations.

MOTION

On motion of Senator Stanford, Substitute Senate Bill No. 6440 was substituted for Senate Bill No. 6440 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Stanford moved that the following striking floor amendment no. 1042 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 32.** A new section is added to chapter 51.08 RCW to read as follows:

"New medical issue" means a medical issue not covered by a previous medical examination requested by the department or the self-insurer such as an issue regarding medical causation, medical treatment, work restrictions, or evaluating permanent partial disability.

Sec. 33. RCW 51.32.110 and 1997 c 325 s 3 are each amended to read as follows:

(1) ~~((Any))~~ As required under RCW 51.36.070, any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, ~~((at a time and from time to time,))~~ at a place reasonably convenient for the worker

~~((and as may be provided by the rules of the department))~~. An injured worker, whether an alien or other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer.

(2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That ((the)) (a) The department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section and (b) the department or self-insurer may not assess a no-show fee against the worker if the worker gives at least five business days' notice of the worker's intent not to attend the examination.

(3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

(4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay:

(i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or

(ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination.

(b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury.

Sec. 34. RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1)(a) Whenever the ((director)) department or the self-insurer deems it necessary in order to ((resolve any)) (i) make a decision regarding claim allowance or reopening, (ii) resolve a new medical issue, an appeal, or case progress, or (iii) evaluate the worker's permanent disability or work restriction, a worker shall submit to examination by a physician or physicians selected by the ((director)) department, with the rendition of a report to the person ordering the examination, the attending physician, and the injured worker.

(b) The examination must be at a place reasonably convenient to the injured worker, or alternatively utilize telemedicine. For purposes of this subsection, "reasonably convenient" means at a place where residents in the injured worker's community would normally travel to seek medical care for the same specialty as the examiner.

(2) The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-

insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(3) For purposes of this section, "examination" means a physical or mental examination by a medical care provider licensed to practice medicine, osteopathy, podiatry, chiropractic, dentistry, or psychiatry at the request of the department or self-insured employer or by order of the board of industrial insurance appeals.

(4) The department may adopt rules to implement this section.

(5) This section applies prospectively to all claims regardless of the date of injury.

NEW SECTION. Sec. 35. (1) An independent medical examination work group is established within the department of labor and industries, with members as provided in this subsection.

(a) The speaker of the house of representatives shall appoint two members from the house of representatives, with one member appointed from each of the two largest caucuses of the house of representatives;

(b) The president of the senate shall appoint two members from the senate, with one member appointed from each of the two largest caucuses of the senate;

(c) The department of labor and industries shall appoint one business representative representing employers participating in the state fund;

(d) The department of labor and industries shall appoint one business representative representing employers who are self-insured for purposes of workers' compensation insurance;

(e) The department of labor and industries shall appoint two labor representatives;

(f) The department of labor and industries shall appoint one representative of both an association representing physicians who perform examinations for purposes of workers' compensation insurance and the panel companies that work with them; and

(g) The department of labor and industries shall appoint one attorney who represents injured workers.

(2) The work group must:

(a) Develop strategies for reducing the number of medical examinations per claim while considering claim duration and medical complexity;

(b) Develop strategies for improving access to medical records, including records and reports created during the course of or pursuant to an examination;

(c) Consider whether the department of labor and industries should do all the scheduling of independent medical examinations;

(d) Consider the circumstances for which independent medical examiners should be randomly selected or specified;

(e) Consider workers' rights in the independent medical examination process including attendance, specialist consultations, the audio or video recording of examinations, and the distance and location of examinations;

(f) Recommend changes to improve the efficiency of the independent medical examination process; and

(g) Identify barriers to increasing the supply of in-state physicians willing to do independent medical examinations in the workers' compensation system.

(3) The department of labor and industries must report its findings and recommendations to the legislature by December 11, 2020.

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

On page 1, line 1 of the title, after "examinations;" strike the remainder of the title and insert "amending RCW 51.32.110 and 51.36.070; adding a new section to chapter 51.08 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1042 by Senator Stanford to Substitute Senate Bill No. 6440.

The motion by Senator Stanford carried and striking floor amendment no. 1042 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute Senate Bill No. 6440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, King and Liias spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Liias: "Mr. President, I wondered if the prime sponsor would yield to a question?"

President Habib: "Senator Stanford do you yield to his question? If he does, Senator Liias."

Senator Stanford: "Absolutely not." *[Laughter.]*

President Habib: "Oh. Oh. See, he's already starting to act like a senator. You know what I mean?" *[Laughter.]*

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6440.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6440 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. I would like to welcome, for members that voted for this, to serving on this committee in the interim. Have fun. Thank you."

SECOND READING

SENATE BILL NO. 5522, by Senator Takko

Providing code cities with the ability to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county.

MOTION

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

On motion of Senator Takko, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following striking floor amendment no. 1006 by Senator Takko be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 36. The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.

NEW SECTION. Sec. 37. A new section is added to chapter 35A.14 RCW to read as follows:

(1) A code city as provided in subsection (2) of this section may annex unincorporated territory pursuant to an interlocal agreement. This method of annexation shall be an alternative method and is additional to all other methods provided for in this chapter.

(2) The county legislative authority of a county and the governing body of a code city may jointly initiate an annexation process for unincorporated territory by adopting an interlocal agreement as provided in chapter 39.34 RCW and under this section between the county and code city within the county. If a code city is proposing to annex territory where the sole access or majority of egress and ingress for the territory proposed for annexation is served by the transportation network of an adjacent city, or that will include areas in a fire protection district under Title 52 RCW, regional fire protection service authority under chapter 52.26 RCW, water-sewer district under Title 57 RCW, or transportation benefit district under chapter 36.73 RCW, the code city must provide written notice to the governing authority of such adjacent city, regional fire protection service authority, fire protection district, water-sewer district, or transportation benefit district. Such adjacent city or notified district shall have thirty calendar days from the date of the notice to provide written notice of its interest in being a party to the interlocal agreement. If timely notice is provided, such city or district shall be included as a party to the interlocal agreement. If the adjacent city or district does not approve the interlocal agreement, the annexation may not proceed under this section. For purposes of this subsection, "adjacent" means that the territory proposed for annexation is contiguous with the existing city limits of the nonannexing city. The interlocal agreement must ensure that for a period of five years after the annexation any parcel zoned for residential development within the annexed area shall:

(a) Maintain a zoning designation that provides for residential development; and

(b) Not have its minimum gross residential density reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

(3) The county and code city shall jointly agree on the boundaries of the annexation and its effective date. The interlocal agreement shall describe the boundaries of the territory to be annexed and set a date for a public hearing on such agreement for annexation. An interlocal agreement may include phased annexation of territory, and may be amended following the same process as initial approval, including adding additional territory. A public hearing shall be held by each legislative body, separately

or jointly, before the agreement is executed. Each legislative body holding a public hearing shall:

(a) Separately or jointly, publish a notice of availability of the agreement at least once a week for four weeks before the date of the hearing in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the territory proposed for annexation; and

(b) If the legislative body has the ability to do so, post the notice of availability of the agreement on its web site for the same four weeks that the notice is published in the newspapers under (a) of this subsection. The notice shall describe where the public may review the agreement and the territory to be annexed.

(4) On the date set for hearing, the public shall be afforded an opportunity to be heard. Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. If the annexation agreement includes phased annexation of territory, the legislative body shall adopt a separate ordinance at the time of each phase of annexation. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of such requirements. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located."

On page 1, line 3 of the title, after "county;" strike the remainder of the title and insert "adding a new section to chapter 35A.14 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1006 by Senator Takko to Substitute Senate Bill No. 5522.

The motion by Senator Takko carried and striking floor amendment no. 1006 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Hunt spoke in favor of passage of the bill.

Senators Short, Sheldon, Becker, Honeyford, Wagoner and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Hasegawa, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Randall, Rivers, Rolfes, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5294, by Senators Hunt, Hasegawa, Pedersen, Kuderer, Zeiger, Takko, Keiser and Saldaña

Creating leave provisions for legislative service.

The bill was read on Third Reading.

Senators Hunt, Zeiger and Hasegawa spoke in favor of passage of the bill.

POINT OF ORDER

Senator Sheldon: "Thank you for recognizing me Mr. President, at this last second on this bill. But, I just wondered, maybe you could give me an idea, is this within our ethics to vote on something that affects us all, perhaps? Many of us have another job. So I think there is some kind of concern here we ought to have about voting for something that may directly benefit the members themselves."

President Habib: "Are you asking for a point of order?"

Senator Sheldon: "Yes. Is there a point of order that might be appropriate for that, those remarks, Mr. President?"

RULING BY THE PRESIDENT

President Habib: "Senator Sheldon, and we can, as always, I'm going to give an oral answer to you and then we'll, it's not a long ruling but we will be happy to write something as well. The bill before you does not concern any particular legislator and not even the 147 members of the legislature that currently serve but, in fact, any eligible potential legislator now and in the future. And so, there are many laws on the books that relate to the functioning of the state legislature and legislators. Those have been passed by legislators and do not constitute conflict of interest. There is no conflict of interest with respect to this question."

Senators Billig and Keiser spoke in favor of passage of the bill.

Senators Padden, Wilson, L., Becker and Sheldon spoke against passage of the bill.

MOTION

Senator Sheldon moved that the Senate defer further consideration of Engrossed Senate Bill No. 5294 and the bill hold its place on the day's calendar.

Senator Liias spoke against the motion to defer consideration.

POINT OF ORDER

Senator Hasegawa: "I rise on a point of order. I don't believe the motion has received a second."

RULING BY THE PRESIDENT

President Habib: "We don't ... Senator Hasegawa, how long have you been here? We don't, that's not in Reed's Rules. We don't, we don't, we don't, I've never asked you for a, to second a motion."

The President declared the question before the Senate to be the motion by Senator Sheldon that the senate defer further consideration of Engrossed Senate Bill No. 5294 and the motion did not carry by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5294.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

ENGROSSED SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6660, by Senators Rolfes, Braun and Mullet

Improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6660 was substituted for Senate Bill No. 6660 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill. Senator Conway spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6660.

ROLL CALL

THIRTY THIRD DAY, FEBRUARY 14, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6660 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Conway, Keiser, Padden, Saldaña and Van De Wege

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "I want to wish my grandson a very Happy Birthday. He is turning, well, he turned sixteen today. He's the one I always talk about that was born at 2 pounds, 7 ounces. Um, they lost him, they got him back and my daughter was in a situation where it was deliver the baby or she was going to die. So, this is a day that is extremely important to me and something that I want to recognize. Happy Birthday to Master Kai."

MOTION

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

MESSAGE FROM THE HOUSE

February 14, 2020

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1888,
HOUSE BILL NO. 2305,
SUBSTITUTE HOUSE BILL NO. 2326,
HOUSE BILL NO. 2345,
HOUSE BILL NO. 2380,

SECOND SUBSTITUTE HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2448,
SUBSTITUTE HOUSE BILL NO. 2621,

SECOND SUBSTITUTE HOUSE BILL NO. 2737,
SUBSTITUTE HOUSE BILL NO. 2883,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. And I appreciate Senator Sheldon reminding me to remind all of our members that Monday is Children's Day and we will have special commemoration of that beginning at 9:00 o'clock in the morning. And, since Senator Becker highlighted her rich anniversary this week, I just want to congratulate my parents on celebrating their 40th wedding anniversary last Sunday. And I left the 40 roses there

for them and then promptly left to Olympia to come back here to work. So, it is a special weekend for them and congrats to Senator Becker again."

MOTION

At 4:15 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Monday, February 17, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

THIRTY SIXTH DAY**MORNING SESSION**Senate Chamber, Olympia
Monday, February 17, 2020

The Senate was called to order at 9:06 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Miss LouLou Tarlach and Miss Josephine Neubauer, presented the Colors. Page Miss MacKenzie Jones led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Mary Gear of the Olympia Unitarian Universalist Congregation.

MOTION

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

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the children and other young guests of senators who were present on the floor with their respective senator in recognition and celebration of Children's Day.

MOTION

Senator Nguyen moved adoption of the following resolution:

**SENATE RESOLUTION
8683**

By Senators Nguyen and Kuderer

WHEREAS, The celebration of Children's Day reminds us that children deserve faith, hope, love, and commitment to their future; and

WHEREAS, Since 1925, Children's Day has been celebrated worldwide to promote the welfare of and mutual understanding and togetherness between the world's children; and

WHEREAS, Professor and author Dr. Jess Lair wrote "Children are not things to be molded, but are people to be unfolded"; and

WHEREAS, The Senate recognizes that children represent the future of our state, nation, and world; and

WHEREAS, This body has observed Children's Day since 1995 to commemorate the special place children hold in our hearts and communities and to remind us to keep children central to our efforts; and

WHEREAS, Writer Richard L. Evans noted "While we try to teach our children all about life, our children teach us what life is all about"; and

WHEREAS, Washington state's children must be cherished and deserve a nurturing, protective environment where they are able to flourish and realize their full potential; and

WHEREAS, Educator Maria Montessori said "Free the child's potential, and you will transform him into the world"; and

WHEREAS, The Senate recognizes that every child in Washington state deserves access to quality education, wholesome recreation, excellent health care, and safe communities; and

WHEREAS, Author C.S. Lewis once observed that "Children are not a distraction from more important work. They are the most important work"; and

WHEREAS, Children are the leaders of tomorrow, and it is our solemn obligation to instill in them the necessary values, convictions, goodwill, and fortitude so that they can continue the wonderful legacy of freedom, peace, and prosperity inherited from those who came before us; and

WHEREAS, Every child deserves the chance to succeed, and their future success depends on education and guidance from early childhood onward; and

WHEREAS, There can be no better measure of our governance than the way in which we treat our children; and

WHEREAS, This body recognizes that in order to thrive as a state and nation, we must empower children through policies that foster their success; and

WHEREAS, The Senate continues to support the goals of Children's Day and welcomes children into the Senate Chamber so they may witness the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the Senate encourage all Washingtonians to celebrate children on Children's Day and throughout the year by spending more quality time with them, by emphasizing their special place in our lives, and by working together daily to strengthen the foundation upon which our children will build and sustain their future.

Senator Nguyen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. If my grandson can stand up? I'm going to embarrass him. This is my grandson that I was talking about turning sixteen on Friday, the one that was born and stayed at the 'NICU' at the University of Washington. Thank you, University of Washington. For 60 days, my daughter Reena who was there every single day from Puyallup to make sure that her voice was heard, and her husband's voice was heard. So, just wanted to say a point of personal privilege and I wanted to say thank you for bringing the Children's Day forward every year."

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Congressman Denny Heck, who was seated at the rostrum.

MOTION

Senator Hunt moved adoption of the following resolution:

**SENATE RESOLUTION
8680**

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

By Senators Hunt, Zeiger, O'Ban, Conway, Sheldon, Van De Wege, Wilson, C., Darneille, Becker, Takko, Cleveland, Billig, Liias, McCoy, Rivers, Wilson, L., and Kuderer

WHEREAS, Dennis "Denny" Lynn Heck was born in Vancouver, Washington, on July 29, 1952; and

WHEREAS, Denny grew up in Clark County, Washington, and graduated from Columbia River High School in Vancouver; and

WHEREAS, Denny attended The Evergreen State College the first year it opened and graduated with a Bachelor of Arts degree in 1973; and

WHEREAS, While at Evergreen, Denny began his career in government as an intern in the Washington State Legislature, and learned much about state government from his friend and mentor, former Senator Al Bauer; and

WHEREAS, Denny met Paula Fruci, a dedicated educator, and they married in 1976; and

WHEREAS, At the age of twenty-four, Denny was elected to the Washington State House of Representatives in 1976, representing the 17th Legislative District, which included Clark, Skamania, and Klickitat Counties, and was called a wonderkind; and

WHEREAS, Denny served five terms in the Washington House where his peers elected him Majority Leader; and

WHEREAS, Denny, an ardent supporter of education, fought for the improvement of Washington's public schools as a prime author of Washington's Basic Education Act of 1977; and

WHEREAS, Denny was elected Chief Clerk of the Washington State House of Representatives in 1985; and

WHEREAS, Denny served as Governor Booth Gardner's Chief of Staff from 1990 to 1993; and

WHEREAS, Denny, being an extraordinary champion of open government, cofounded TVW: Washington's Public Affairs Network, which has provided Washingtonians with "gavel-to-gavel" coverage of the Legislature since 1993; and

WHEREAS, Denny has dedicated his life to creating educational and historical content about Washington, such as TVW's "Inside Olympia;" his one-man play "Our Times", which contemplated transformative events in Washington history; and the Emmy award-winning documentary about the Washington State Supreme Court titled *Supreme Justice*; and

WHEREAS, Denny and Paula provided initial funding that established the Principals' Emergency Checkbook Fund within the Olympia Schools Foundation to assist low-income students; and

WHEREAS, Being an alumnus and a great advocate of The Evergreen State College, he was appointed by Governor Christine Gregoire in 2009 to Evergreen's Board of Trustees where he served for two years and championed the establishment of Evergreen's Tacoma Program; and

WHEREAS, On November 6, 2012, Denny was elected to the United States House of Representatives as the first member of the newly created 10th Congressional District; and

WHEREAS, One of his first acts as a Member of Congress was spearheading the State Route 167 Completion Coalition with leaders in Pierce County; and

WHEREAS, In these times of sharp partisan differences in Congress, Denny has built a reputation as someone who seeks bipartisan solutions and works across the aisle on issues; and

WHEREAS, Denny and fellow Congressman Derek Kilmer share a residence in Washington, D.C., and are known as "The Odd Couple;" and

WHEREAS, Denny serves on the House Permanent Select Committee on Intelligence, overseeing elements of the United

States Government's Intelligence Community and the Military Intelligence Program; and

WHEREAS, Denny became known for his insightful questioning and comments, especially during recent House Intelligence Committee hearings; and

WHEREAS, Denny has been a vocal advocate for military families and veterans, including helping a soldier receive a Purple Heart after authorities overlooked his injuries; and

WHEREAS, In order to create solutions to housing issues that face Washington State and the nation, Denny formed and cochaired the New Democrat Coalition Housing Task Force, helped pass the Reverse Mortgage Stabilization Act of 2013, and introduced the Build More Housing Near Transit Act and the Fulfilling the Promise of the Housing Trust Fund Act; and

WHEREAS, Denny has fought to restore and preserve Washington's beautiful Puget Sound, cofounding the Puget Sound Recovery Caucus, introducing the Promoting United Government Efforts to Save Our Sound Act, and introducing the Green Stormwater Infrastructure Financing Investment; and

WHEREAS, Denny honored Billy Frank Jr. through the sponsorship of the Billy Frank Jr. Tell Your Story Act, which renamed the Nisqually National Wildlife Refuge after the late Native American environmental and civil rights activist; and

WHEREAS, Denny fought for the financial interests of his constituents as the only member from the Pacific Northwest on the Committee on Financial Services and led the reauthorization of the job-creating Export-Import Bank; and

WHEREAS, During his time in the United States House of Representatives, he has prioritized building the economy and fighting for the middle class; and

WHEREAS, Denny is a member of the New Democratic Coalition, a caucus of House Democrats favoring economic growth and innovation; and

WHEREAS, After forty-five years of service to the people of Washington State, Denny announced that he will not seek reelection in 2020; and

WHEREAS, Denny plans to spend more time at his longtime home in Olympia with his beloved wife of nearly forty-four years, Paula; his sons, Bob and Trey; his grandchild, Maleah; and his family and friends; and

WHEREAS, Denny will now have more time to engage in some favorite, but neglected, activities like watching all the movies he wants, writing, and sharpening his pinocle skills (which need some work); and

WHEREAS, Denny and Paula should have enough frequent flyer miles from all those weekly transcontinental flights to travel where and when they want;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the outstanding career of Denny Heck and express admiration for his work and dedication to the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Congressman Denny Heck and members of his family.

Senators Hunt, Zeiger, Cleveland, Padden, Carlyle, Rivers, Frockt, Walsh, O'Ban, Becker and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

REMARKS BY THE PRESIDENT

President Habib: "I am going to offer Denny a moment to address this chamber. I don't know if he knows he was going to do this but he's a politician so he's always ready. But before I, before I do that, let me first say personally echo what the body has said as he will know having been Chief Clerk of the House that since the cutoff is coming up in a couple of days this was our abbreviated floor plan for this resolution but I know that every member would speak if given time I just want to say that for me personally Denny, his hallmark is that, can be captured in this anecdote which is that often times when Denny will say to me 'how are you doing?' and I'll say 'Oh, I'm good you know this is my bill as it did in rules or you know I'm good of you know I'm beating the competition in fund raising' or whatever it is you know he'll say 'no no no I said How are you doing how are you doing?' and that's who he is he cares about the person way more than than even policy of which he's very very well acquainted or politics which he also knows backwards and forwards but he cares about individuals and I think that's why you saw so many Republicans as well as Democrats speaking."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Congressman Derek Kilmer; Mrs. Paula Heck, spouse of Congressman Denny Heck; Bob Heck, son of Congressman Denny Heck; Laura Adler, District Director for Congressman Heck; and Dallas Roberts, Deputy District Director for Congressman Heck who were seated in the gallery.

REMARKS BY CONGRESSMAN DENNY HECK

Congressman Heck: "Thank you Mr. President. Thank you very much for this honor. Senator Hunt, Senator Zeiger and for all of you who spoke. Incredibly kind though it's a bit eerie as though it feels like it's the first stop on the farewell tour. I couldn't ask for more spectacular one, so kind of you. Thank you. I want to thank my friends who are here as well as my wife Paula and my son Bob. I like to say Paula and I are newlyweds we've only been married forty-four years and I'm looking forward to the next forty-four very, very much. Since I have the privilege, briefly, to say something that I want you to know that when I first entered Congress I adopted for myself two standards: the first of which is that I would never personalize a disagreement with somebody over policy, and, the second was, I would never, ever stop looking for common ground, even with those with whom I disagree on so much. I don't pretend that I lived up fully to these two standards that I set for myself but I, I set them and I always tried. And I ask that, and I, and I offer that to you because, if we are going to have a hope or a prayer to elevate civic discourse in this country, I think they're pretty two good touchstones. Don't personalize policy disagreements, and always look for common ground. Lastly, I want to thank you, not just for today but for all the spectacular work you do within this building and this chamber. It was, in fact, forty-seven years ago that I began my adult career, as a committee clerk, and then, as a member of the first Office of Program Research in the House. And then, as indicated, went on to serve in the House as a member, as chief clerk, and then, on the second floor, and then covering it, as we setup TVW. And I can tell you, in all sincerity, that it wouldn't matter if I had served fifty years back in the United States Capitol -- which was never my plan, this building, this building is deep in my soul and deep in my DNA. Thank you for all that you do on behalf of the people of this state. And thank you so very, very much for this honor today."

MOTION

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

MESSAGES FROM THE HOUSE

February 16, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1154,
SECOND SUBSTITUTE HOUSE BILL NO. 1853,
HOUSE BILL NO. 2197,
HOUSE BILL NO. 2252,
SUBSTITUTE HOUSE BILL NO. 2306,
SECOND SUBSTITUTE HOUSE BILL NO. 2310,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2347,
SUBSTITUTE HOUSE BILL NO. 2378,
SUBSTITUTE HOUSE BILL NO. 2388,
SUBSTITUTE HOUSE BILL NO. 2400,
HOUSE BILL NO. 2474,
HOUSE BILL NO. 2491,
HOUSE BILL NO. 2497,
HOUSE BILL NO. 2512,
SUBSTITUTE HOUSE BILL NO. 2613,
HOUSE BILL NO. 2677,
SUBSTITUTE HOUSE BILL NO. 2714,
SUBSTITUTE HOUSE BILL NO. 2728,
HOUSE BILL NO. 2763,
SUBSTITUTE HOUSE BILL NO. 2768,
SUBSTITUTE HOUSE BILL NO. 2905,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8412 by Senators Das, Sheldon, Kuderer, Wilson, C., Darneille, Lovelett, Saldaña, Nguyen, Hasegawa, Billig, Mullet, Takko, Keiser, Rolfes, Hunt, Salomon, Conway, Stanford, Frockt, Hobbs, Liias, Van De Wege, Randall, Carlyle, Holy, Braun, Hawkins, Dhingra, Pedersen and Wellman

Concerning modernization of legislative operations.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1201 by Representatives Kilduff, Klippert, Leavitt, Reeves, Mosbrucker, Dolan, Slatter, Goodman, Ortiz-Self, Lovick, Stanford and Young

AN ACT Relating to the Washington national guard postsecondary education grant program; and amending RCW 28B.103.010, 28B.103.020, and 28B.103.030.

Referred to Committee on Higher Education & Workforce Development.

HB 1242 by Representatives Blake and Walsh

AN ACT Relating to the authorization to impose special excise taxes on the sale of lodging; amending RCW 67.28.181 and 82.14.410; providing an effective date; and declaring an emergency.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Referred to Committee on Local Government.

ESHB 1598 by House Committee on Local Government (originally sponsored by Doglio, Dolan, Pollet and Macri)

AN ACT Relating to providing code cities of a certain size with the ability to annex unincorporated areas without a referendum provision pursuant to a jointly approved interlocal agreement with the county; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government.

2SHB 1633 by House Committee on Transportation (originally sponsored by Goehner, Entenman, Orcutt, Barkis, Boehnke, Steele, Chapman, Mead, Eslick and Van Werven)

AN ACT Relating to making permanent the posting of fuel tax rate information at fuel pumps; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

2SHB 1661 by House Committee on Appropriations (originally sponsored by Chandler and Ormsby)

AN ACT Relating to the higher education retirement plans; amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; adding a new section to chapter 41.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2017 by House Committee on Appropriations (originally sponsored by Frame, Dolan, Fitzgibbon, Stanford, Kilduff, Macri, Ryu, Valdez, Tarleton and Pollet)

AN ACT Relating to collective bargaining for administrative law judges; amending RCW 34.12.030 and 34.12.100; reenacting and amending RCW 41.80.005 and 41.80.010; adding a new section to chapter 41.80 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Commerce.

SHB 2200 by House Committee on Housing, Community Development & Veterans (originally sponsored by Klippert, Kilduff, Leavitt, Van Werven, Griffey and Volz)

AN ACT Relating to creating the position of military spouse liaison; adding a new section to chapter 43.60A RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2230 by Representatives Gregerson, Stokesbary, Entenman, Walsh, Sullivan, Leavitt, Gildon, Ormsby, Santos, Lekanoff and Pollet

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 84.36.010; amending 2017 c 323 s 301 (uncodified);

repealing 2014 c 207 s 14, and 2015 3rd sp.s. c 6 s 2306 (uncodified); and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2231 by House Committee on Public Safety (originally sponsored by Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli)

AN ACT Relating to bail jumping; amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

2SHB 2277 by House Committee on Appropriations (originally sponsored by Peterson, Ortiz-Self, Frame, Goodman, Kilduff, Callan, Senn, Lovick, Thai, Fitzgibbon, Leavitt, Ryu, Appleton, Valdez, Davis, Ormsby, Macri, Doglio, Gregerson and Pollet)

AN ACT Relating to youth solitary confinement; amending RCW 13.04.116; and adding a new chapter to Title 13 RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2302 by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff)

AN ACT Relating to child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed; amending RCW 26.19.011, 26.19.071, 26.23.050, 74.20A.055, 74.20A.059, 26.09.170, and 26.23.110; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

ESHB 2318 by House Committee on Public Safety (originally sponsored by Orwall, Lovick, Slatter, Morgan, Wylie, Mosbrucker and Pollet)

AN ACT Relating to advancing criminal investigatory practices; amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, and 43.43.754; adding a new section to chapter 43.101 RCW; adding new sections to chapter 5.70 RCW; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

ESHB 2327 by House Committee on College & Workforce Development (originally sponsored by Pollet, Kilduff, Frame, Bergquist, Orwall, Wylie and Appleton)

AN ACT Relating to addressing sexual misconduct at postsecondary educational institutions; adding new sections to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 2393 by House Committee on Public Safety (originally sponsored by Goodman, Klippert, Davis, Ormsby and Appleton)

AN ACT Relating to earning credit for complying with community custody conditions; amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2394 by House Committee on Public Safety (originally sponsored by Klippert, Goodman, Davis, Ormsby and Appleton)

AN ACT Relating to community custody; amending RCW 9.94A.589 and 9.94B.050; creating new sections; and prescribing penalties.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2417 by House Committee on Public Safety (originally sponsored by Davis and Peterson)

AN ACT Relating to individuals serving community custody terms; amending RCW 9.94A.737, 9.94A.631, and 9.94A.716; adding a new section to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 2421 by House Committee on Appropriations (originally sponsored by Tarleton, Pollet and Doglio)

AN ACT Relating to state reimbursement of election costs; amending RCW 29A.04.410, 29A.04.420, 29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; adding a new section to chapter 29A.04 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2455 by House Committee on Human Services & Early Learning (originally sponsored by Kilduff, Eslick, Senn, Ryu, Kloba, Valdez, Bergquist, Davis, Pollet, Goodman and Wylie)

AN ACT Relating to supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate; amending RCW 28A.160.010; adding a new section to chapter 43.216 RCW; and adding a new section to chapter 28A.160 RCW.

Referred to Committee on Early Learning & K-12 Education.

SHB 2456 by House Committee on Appropriations (originally sponsored by Callan, Eslick, Ramos, Ryu, Shewmake, Chapman, Senn, Frame, Thai, Bergquist, Kilduff, Stonier, Tharinger, Davis, Macri, Pollet, Goodman, Wylie and Doglio)

AN ACT Relating to working connections child care eligibility; amending RCW 28B.50.248; reenacting and

amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 2467 by House Committee on Appropriations (originally sponsored by Hansen, Irwin, Griffey, Barkis and Wylie)

AN ACT Relating to establishing a centralized single point of contact background check system for firearms transfers; amending RCW 9.41.114, 43.43.823, 36.28A.405, and 36.28A.420; adding new sections to chapter 43.43 RCW; adding a new section to chapter 9.41 RCW; repealing RCW 36.28A.400; and providing a contingent effective date.

Referred to Committee on Law & Justice.

HB 2484 by Representatives Van Werven, Springer and Cody

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2525 by House Committee on Human Services & Early Learning (originally sponsored by Callan, Corry, Eslick, Springer, Orwall, Ortiz-Self, Shewmake, Goodman, Senn, Calder, Dent, Leavitt, Davis, Doglio, J. Johnson and Pollet)

AN ACT Relating to establishing the family connections program; amending RCW 2.70.060, 2.70.070, 2.70.080, 2.70.090, and 74.13.802; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2542 by Representatives Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Volz, Ormsby and Shea
AN ACT Relating to tuition waivers for children of eligible veterans; and amending RCW 28B.15.621.

Referred to Committee on Higher Education & Workforce Development.

SHB 2543 by House Committee on College & Workforce Development (originally sponsored by Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Davis, Volz and Ormsby)

AN ACT Relating to ensuring eligible veterans and their dependents qualify for in-state residency; and amending RCW 28B.15.012.

Referred to Committee on Higher Education & Workforce Development.

SHB 2544 by House Committee on Appropriations (originally sponsored by Paul, Dufault, Leavitt, Graham, Smith, Volz and Ormsby)

AN ACT Relating to the definition of veteran; amending RCW 41.04.005; and creating a new section.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Referred to Committee on Ways & Means.

SHB 2556 by House Committee on Human Services & Early Learning (originally sponsored by Dent, Corry, Eslick, Caldier, Klippert, Jenkin, Griffey, McCaslin, Mosbrucker, Gildon, Dufault and Tharinger)

AN ACT Relating to providing regulatory relief for early learning providers; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2614 by House Committee on Labor & Workplace Standards (originally sponsored by Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby)

AN ACT Relating to paid family and medical leave; amending RCW 50A.05.010, 50A.10.010, 50A.10.040, 50A.15.020, 50A.15.060, 50A.15.080, 50A.15.100, 50A.25.070, 50A.30.010, 50A.30.035, 50A.40.010, 50A.40.020, 50A.40.030, 50A.50.010, and 26.23.060; adding new sections to chapter 50A.40 RCW; adding a new section to chapter 50A.05 RCW; and declaring an emergency.

Referred to Committee on Labor & Commerce.

HB 2619 by Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman and Tharinger

AN ACT Relating to increasing early learning access through licensing, eligibility, and rate improvements; amending RCW 43.216.514 and 43.216.305; adding a new section to chapter 43.216 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SHB 2622 by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff, Walen, Senn, Pollet and Davis)

AN ACT Relating to procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses; and amending RCW 9.41.801 and 7.94.090.

Referred to Committee on Law & Justice.

HB 2624 by Representatives Shewmake, Kretz, Blake, Dent and Lekanoff

AN ACT Relating to the authority of the director of the department of agriculture with respect to certain examinations and examination fees; and amending RCW 15.58.040, 15.58.240, 17.21.030, and 17.21.134.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2638 by House Committee on Commerce & Gaming (originally sponsored by Peterson, MacEwen, Stonier, Harris, Robinson, Young, Ortiz-Self, Stokesbary, Tharinger, Walsh, Riccelli, Appleton,

Griffey, Hansen, Kloba, Lekanoff, Sells, Chapman, Gregerson and Ramel)

AN ACT Relating to authorizing sports wagering subject to the terms of tribal-state gaming compacts; amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SHB 2684 by House Committee on Transportation (originally sponsored by Shewmake, Slatter, Rude, Ortiz-Self and Kloba)

AN ACT Relating to traffic control signals; and amending RCW 46.61.055.

Referred to Committee on Transportation.

HB 2691 by Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri

AN ACT Relating to the scope of collective bargaining for language access providers; and amending RCW 41.56.030 and 41.56.510.

Referred to Committee on Labor & Commerce.

SHB 2711 by House Committee on Education (originally sponsored by J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt, Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers)

AN ACT Relating to equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education; amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

ESHB 2722 by House Committee on Environment & Energy (originally sponsored by Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet)

AN ACT Relating to minimum recycled content requirements; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SHB 2725 by House Committee on Human Services & Early Learning (originally sponsored by Ortiz-Self, Morgan, Frame, Kilduff, Lovick, Callan and Leavitt)

AN ACT Relating to foster resource parents; amending RCW 74.13.250; adding a new section to chapter 74.13 RCW; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2730 by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff, Ryu, Klippert, Appleton, Caldier, Davis, Leavitt and Ormsby)

AN ACT Relating to military spouse employment; adding a new section to chapter 73.16 RCW; and adding a new section to chapter 38.42 RCW.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2762 by Representatives Rude, Irwin and Lovick

AN ACT Relating to extending the peer support group testimonial privilege to include staff persons of the department of corrections; and amending RCW 5.60.060.

Referred to Committee on Law & Justice.

SHB 2787 by House Committee on Human Services & Early Learning (originally sponsored by Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger and Pollet)

AN ACT Relating to completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families; amending RCW 28A.155.065, 28A.150.390, 43.216.020, 43.216.576, 28A.225.225, 28A.225.270, and 43.216.015; adding a new section to chapter 43.216 RCW; creating a new section; recodifying RCW 28A.155.065; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 2809 by Representatives Caldier, Kilduff and Pollet

AN ACT Relating to essential needs and housing support eligibility; and amending RCW 74.04.805.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2848 by Representatives Chapman, Orcutt, Tharinger, Walsh, Blake, Tarleton, Springer, Maycumber, Fitzgibbon and Lekanoff

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

Referred to Committee on Environment, Energy & Technology.

2SHB 2864 by House Committee on Appropriations (originally sponsored by Paul, Morgan, Valdez, Bergquist, Lekanoff and Santos)

AN ACT Relating to establishing a running start summer school pilot program; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2865 by House Committee on Human Services & Early Learning (originally sponsored by Chambers, Shewmake, Dent, McCaslin, Callan, Gildon, Senn and Eslick)

AN ACT Relating to informing families of kindergarten readiness standards; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 2868 by House Committee on Finance (originally sponsored by Blake and Walsh)

AN ACT Relating to allowing for extensions of the special valuation of historic property for certain properties; amending RCW 84.26.070 and 84.26.050; and creating a new section.

Referred to Committee on Local Government.

SHB 2873 by House Committee on Human Services & Early Learning (originally sponsored by J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall and Pollet)

AN ACT Relating to families in conflict; amending RCW 13.32A.030, 13.32A.040, and 13.32A.150; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2926 by Representatives Maycumber, Blake, Kretz, MacEwen, Van Werven, Mosbrucker, Graham, Hoff, Griffey, Stokesbary, Chambers, Ybarra, Dent, Barkis, Goehner, Chandler, Kraft, Goodman, Lovick, Ortiz-Self, Senn, Gildon, Sells, Boehnke, Davis, Smith, Dye, Orwall, Eslick, Shewmake, Pollet, Riccelli and Harris

AN ACT Relating to expanding access to critical incident stress management programs; adding new sections to chapter 36.28A RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HJM 4016 by Representatives Riccelli, Volz, Graham, Fey, Lovick, Valdez, Maycumber, Leavitt, Tarleton, Shea and Ormsby

Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway.

Referred to Committee on Transportation.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2421 which had been designated to the Committee on State Government, Tribal Relations & Elections and was referred to the Committee on Ways & Means.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

At 9:46 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 10:41 a.m. by President Habib.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Bahram Bagherpour, Senate Gubernatorial Appointment No. 9128, be confirmed as a member of the State Board for Community and Technical Colleges.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Rivers, Senators Ericksen and Fortunato were excused.

APPOINTMENT OF BAHRAM BAGHERPOUR

The President declared the question before the Senate to be the confirmation of Bahram Bagherpour, Senate Gubernatorial Appointment No. 9128, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Bahram Bagherpour, Senate Gubernatorial Appointment No. 9128, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer,

Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

Bahram Bagherpour, Senate Gubernatorial Appointment No. 9128, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

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

SECOND READING

SENATE BILL NO. 6306, by Senators Liias, Van De Wege, Warnick, Rolfes, Short, Nguyen, Das, Lovelett, Randall, Saldaña, and Wilson, C.

Creating the Washington soil health initiative.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6306 was substituted for Senate Bill No. 6306 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6306.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5093, by Senate Committee on Transportation (originally sponsored by Fortunato)

Enhancing litter control along state highways.

The bill was read on Third Reading.

Senators Short and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6187, by Senator Zeiger

Modifying the definition of personal information for notifying the public about data breaches of a state or local agency system.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer,

Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6540, by Senators Wilson, C., Wellman, Dhingra, Hasegawa, Kuderer and Saldaña

Concerning working connections child care payment authorizations.

MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following floor amendment no. 1056 by Senator Wilson, C. be adopted:

On page 6, after line 18, insert the following:
"NEW SECTION. Sec. 5. This act takes effect January 1, 2021."

On page 1, line 3 of the title, after "RCW;" strike "and"

On page 1, line 4 of the title, after "section" insert "; and providing an effective date"

Senator Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1056 by Senator Wilson, C. on page 6, after line 18 to Substitute Senate Bill No. 6540.

The motion by Senator Wilson, C. carried and floor amendment no. 1056 was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6540.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon,

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6342, by Senators Dhingra, Das, Lovelett, Mullet, Stanford, and Wilson, C.

Concerning chemical contaminants in drinking water.

MOTION

On motion of Senator Dhingra, Second Substitute Senate Bill No. 6342 was substituted for Senate Bill No. 6342 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1072 by Senator Short be adopted:

On page 3, after line 20, insert the following:

"(3) The department may not require public water systems to test for PFAS chemicals until a maximum contaminant level has been established for PFAS chemicals."

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1072 by Senator Short on page 3, after line 20 to Second Substitute Senate Bill No. 6342.

The motion by Senator Short did not carry and floor amendment no. 1072 was not adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 6342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Sheldon spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6342.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6342 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6135, by Senators Sheldon, Carlyle and Short

Concerning system reliability under the clean energy transformation act. Revised for 1st Substitute: Concerning system reliability during the clean energy transformation act implementation.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6135 was substituted for Senate Bill No. 6135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6210, by Senators Lovelett, Rolfes, and Wilson, C.

Concerning antifouling paints on recreational water vessels.

MOTIONS

On motion of Senator Lovelett, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Substitute Senate Bill No. 6210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SUBSTITUTE SENATE BILL NO. 6210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5504, by Senators Warnick, Sheldon, Hasegawa, Hunt, Zeiger, Takko, Wagoner, Hawkins, Honeyford, Carlyle, Keiser, and Wilson, L.

Concerning state agency employee access to peer-reviewed journals. Revised for 1st Substitute: Concerning state agency employee access to peer-reviewed journals.

MOTION

On motion of Senator Warnick, Engrossed Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following striking floor amendment no. 951 by Senator Hasegawa be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6. The legislature finds that state agencies often do not have comprehensive electronic access to many peer-reviewed journals. As a result, state employees often must purchase specific manuscripts, outsource searches to other entities, or physically visit a university library in order to access many peer-reviewed journals. Locating a specific manuscript can take hours of staff time and is neither an efficient nor a cost-effective use of state resources. Other states have created statewide collectives for providing access to peer-reviewed

journals, resulting in both increased access to peer-reviewed journals as well as significant cost savings. In light of the benefits that other states have experienced in connection with statewide subscriptions to peer-reviewed journals, the legislature seeks to learn whether such a subscription model would be beneficial in Washington.

NEW SECTION. Sec. 7. (1) The Washington state institute for public policy shall conduct a study that identifies the extent to which state employees, or students at postsecondary institutions as defined in RCW 28B.10.016, or both, have access to peer-reviewed journals in other states. When applicable, the Washington state institute for public policy must identify the funding, organizational structures, and policy mechanisms used in other states where relevant public employees or students at postsecondary institutions have comprehensive electronic access to peer-reviewed journals, and potential barriers to similar access in Washington state. For the purposes of this section, "peer-reviewed journal" means any academic, scholarly, or scientific peer-reviewed journal.

(2) The study must be completed by December 1, 2021, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over environmental or natural resource issues.

(3) This section expires June 30, 2022."

On page 1, line 1 of the title, after "employee" strike the remainder of the title and insert "and postsecondary student access to peer-reviewed journals; creating new sections; and providing an expiration date."

Senators Hasegawa and Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 951 by Senator Hasegawa to Substitute Senate Bill No. 5504.

The motion by Senator Hasegawa carried and striking floor amendment no. 951 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5504, having received the constitutional majority, was declared passed.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6432, by Senators Rolfes, Carlyle, Randall, Takko, Stanford, Hunt, Lovelett, Darneille, Wilson, C., Das, Keiser and Van De Wege

Concerning offshore oil extraction.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6432 was substituted for Senate Bill No. 6432 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 981 by Senator Rolfes be adopted:

On page 3, beginning on line 32, after "in" strike all material through "Juan de Fuca" on line 34 and insert "~~((the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca))~~ shorelines of the state"

On page 3, at the beginning of line 35, strike all material through "jurisdiction" on line 37 and insert "~~((and on all lands within one thousand feet landward from said mark))~~"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 981 by Senator Rolfes on page 3, line 32 to Substitute Senate Bill No. 6432.

The motion by Senator Rolfes carried and floor amendment no. 981 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Lovelett spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6432 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Walsh, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 6432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Liias announced a meeting of the Committee on Rules at 1:00 o'clock p.m.

MOTION

At 11:44 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Short announced a meeting of the Republican Caucus.

AFTERNOON SESSION

The Senate was called to order at 2:47 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Richard Leigh, Senate Gubernatorial Appointment No. 9141, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Kuderer spoke in favor of the motion.

APPOINTMENT OF RICHARD LEIGH

The President declared the question before the Senate to be the confirmation of Richard Leigh, Senate Gubernatorial Appointment No. 9141, as a member of the Bellevue College Board of Trustees.

The Secretary called the roll on the confirmation of Richard Leigh, Senate Gubernatorial Appointment No. 9141, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

Richard Leigh, Senate Gubernatorial Appointment No. 9141, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 5481, by Senators Warnick, Sheldon, Short, Van De Wege, Honeyford, Wagoner, Fortunato and Holy

Establishing a coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining, including interest arbitration. Revised for 2nd Substitute: Providing department of fish and wildlife officers interest arbitration under certain circumstances.

MOTION

On motion of Senator Warnick, Second Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following striking floor amendment no. 1084 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.030 and 2019 c 280 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of

collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before July 1, 2018; or

(iii) For state agencies, or who provided these services on or after January 1, 2016, and before July 1, 2018.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c)

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

(14) "Fish and wildlife officer" means a fish and wildlife officer as defined in RCW 77.08.010 who ranks below lieutenant and includes officers, detectives, and sergeants of the department of fish and wildlife.

NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the state with respect to fish and wildlife officers except the state may not negotiate any matters relating to retirement benefits or health care benefits or other employee insurance benefits.

(2) For the purposes of negotiating wages, wage-related matters, and nonwage matters, the state shall be represented by the governor or the governor's designee who is appointed under RCW 41.80.010, and costs of the negotiations under this section shall be reimbursed as provided in RCW 41.80.140.

(3) Fish and wildlife officers shall be excluded from the coalition bargaining for a master agreement of all exclusive bargaining representatives of fewer than five hundred employees under chapter 41.80 RCW.

(4) The governor or the governor's designee shall consult with the director of fish and wildlife regarding collective bargaining.

(5) The negotiation of provisions pertaining to wages and wage-related matters in a collective bargaining agreement between the state and the bargaining representatives of the fish and wildlife officers is subject to the following:

(a) The state's bargaining representative must periodically consult with the committee of the joint committee on employment relations created in RCW 41.80.007 or any such successor committee for the joint committee on employment relations; and

(b) Provisions that are entered into before the legislature approves the funds necessary to implement the provisions are conditioned upon the legislature's subsequent approval of the funds.

(6) The governor shall submit a request for funds necessary to implement the wage and wage-related matters in the collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements may not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of financial management by October 1st before the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of financial management as being feasible financially for the state or reflects the decision of an arbitration panel reached under RCW 41.56.475.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(13), the provisions of RCW 41.56.430, 41.56.440, 41.56.450, 41.56.452, 41.56.470, 41.56.480, and 41.56.490 also apply to fish and wildlife officers as provided in this section. If more than one exclusive bargaining unit represents uniformed personnel who are fish and wildlife officers, they may choose to enter into separate bargaining with the employer or agree to conduct bargaining with the employer as one coalition of all the exclusive bargaining representatives. If more than one bargaining unit chooses to advance to interest arbitration, it shall be conducted as coalition. However, one exclusive bargaining representative may singly choose to exercise its right to engage in interest arbitration even if other exclusive bargaining representatives who have chosen to enter into separate bargaining have elected not to take that step. Any exclusive bargaining representative of uniformed personnel who are fish and wildlife officers choosing interest arbitration is subject to the following:

(1) Within ten working days after the first Monday in September of every odd-numbered year, the state's bargaining representative and the bargaining representative for the appropriate bargaining unit(s) as a coalition, shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.80.020.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the representatives of the department of fish and wildlife.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430

and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

- (a) The constitutional and statutory authority of the employer;
- (b) Stipulations of the parties;
- (c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of like personnel of like employers of similar size in the state of Washington;
- (d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and
- (e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "collective bargaining by fish and wildlife officers; amending RCW 41.56.030; and adding new sections to chapter 41.56 RCW."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1084 by Senator Warnick to Second Substitute Senate Bill No. 5481.

The motion by Senator Warnick carried and striking floor amendment no. 1084 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Keiser and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6488, by Senators Rolfes, Saldaña and Van De Wege

Concerning aerial herbicides in forestlands.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6488 was substituted for Senate Bill No. 6488 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 1079 by Senator Warnick be adopted:

On page 8, beginning on line 1, strike all of section 6
Renummer the remaining sections consecutively and correct any internal references accordingly.

Senators Warnick and Wagoner spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1079 by Senator Warnick on page 8, line 1 to Substitute Senate Bill No. 6488.

The motion by Senator Warnick did not carry and floor amendment no. 1079 was not adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6488.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6488 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6278, by Senators Carlyle, Braun, Van De Wege, Rolfes, Nguyen, Saldaña, Das, Billig and Hasegawa

Concerning water withdrawals for commercial bottled water production.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

On motion of Senator Van De Wege, Substitute Senate Bill No. 6278 was substituted for Senate Bill No. 6278 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 1073 by Senator Warnick be adopted:

On page 3, beginning on line 11, after "detrimental" strike all material through "interest" on line 12

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1073 by Senator Warnick on page 3, line 11 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick did not carry and floor amendment no. 1073 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1074 by Senator Warnick be adopted:

On page 3, beginning on line 15, after "containers" strike all material through "containers" on line 16 and insert ", including plastic bottles"

Senators Warnick and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1074 by Senator Warnick on page 3, line 15 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick carried and floor amendment no. 1074 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1075 by Senator Warnick be adopted:

On page 3, beginning on line 18, strike all material through "water." on line 19 and insert "waters."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1075 by Senator Warnick on page 3, line 18 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick did not carry and floor amendment no. 1075 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1076 by Senator Warnick be adopted:

On page 3, beginning on line 25, strike all of subsection (c)

Senator Warnick spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1076 by Senator Warnick on page 3, line 25 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick did not carry and floor amendment no. 1076 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1077 by Senator Warnick be adopted:

On page 3, line 25, after "(c)" insert "For any application for a new appropriation for the purpose of a new commercial bottled water production facility for which a preliminary permit has been issued, the department shall give due regard to applicable local land use policies and regulations and afford deference to the county's legislative body in determining whether the proposed appropriation proves detrimental to the public interest. (d)"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1077 by Senator Warnick on page 3, line 25 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick did not carry and floor amendment no. 1077 was not adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 1089 by Senators Carlyle and Mullet be adopted:

On page 3, after line 26, insert the following:
"(d) This subsection does not apply to an application for a change or transfer of a surface water right or groundwater right."

Senator Mullet spoke in favor of adoption of the amendment. Senator Warnick spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1089 by Senators Carlyle and Mullet on page 3, after line 26 to Substitute Senate Bill No. 6278.

The motion by Senator Mullet did not carry and floor amendment no. 1089 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1078 by Senator Warnick be adopted:

On page 4, after line 7, insert the following:
"NEW SECTION. Sec. 2. Section 1 of this act expires June 30, 2022."

On page 1, line 2 of the title, after "production;" strike "and" and after "90.03.290" insert "; and providing an expiration date"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1078 by Senator Warnick on page 4, after line 7 to Substitute Senate Bill No. 6278.

The motion by Senator Warnick did not carry and floor amendment no. 1078 was not adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 6278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senators Schoesler, Warnick, Braun, Padden, Honeyford and Ericksen spoke against passage of the bill.

Senator Rolfes spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6278.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6278 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6430, by Senators Brown, Rolfes, Frockt, Warnick, Das and Hasegawa

Establishing a statewide industrial waste coordination program.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Carlyle and Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6430.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6430 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt,

Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6147, by Senators Salomon, Lovelett, Wilson, C., Rolfes, Billig and Keiser

Concerning the replacement of shoreline armoring.

MOTION

On motion of Senator Salomon, Substitute Senate Bill No. 6147 was substituted for Senate Bill No. 6147 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor amendment no. 970 by Senator Honeyford be adopted:

On page 1, line 6, after "(1)" strike "(a)"

On page 1, at the beginning of line 12, strike "(b)" and insert "(2)(a)"

On page 2, after line 5, insert the following:

"(b) The department must approve a permit for the replacement of a residential marine stabilization project within forty-five days upon a showing that the landowner has conducted a site assessment through a qualified professional that has considered least impactful alternatives and whose proposal ensures no net loss of fish habitat."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 970 by Senator Honeyford on page 1, line 6 to Substitute Senate Bill No. 6147.

The motion by Senator Honeyford did not carry and floor amendment no. 970 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 968 by Senator Short be adopted:

On page 1, line 14, after "must consider" insert "options for"

On page 1, beginning on line 15, after "alternative" strike all material through "preference" on line 16 and insert "that ensures no net loss of habitat including, but not limited to, the following"

Senator Short spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 968 by Senator Short on page 1, line 14 to Substitute Senate Bill No. 6147.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

The motion by Senator Short did not carry and floor amendment no. 968 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 974 by Senator Zeiger be adopted:

Beginning on page 1, line 15, after "fish life" strike all material through "structure." on page 2, line 5 and insert "The department may apply the same conditions to permits for replacement of marine residential shoreline stabilization projects as are applied to permits for new marine residential shoreline stabilization projects."

Senator Zeiger spoke in favor of adoption of the amendment.
Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 974 by Senator Zeiger on page 1, line 15 to Substitute Senate Bill No. 6147.

The motion by Senator Zeiger did not carry and floor amendment no. 974 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 977 by Senator Warnick on page 1, line 15 to Substitute Senate Bill No. 6147 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 978 by Senator Warnick on page 1, line 16 to Substitute Senate Bill No. 6147 was withdrawn.

MOTION

Senator Warnick moved that the following floor amendment no. 1070 by Senator Warnick be adopted:

Beginning on page 1, line 17, after "Remove the" strike all material through "structure." on page 2, line 5, and insert "structure and restore the beach;

(ii) Remove the structure and install native vegetation;

(iii) Remove the structure and control upland drainage;

(iv) Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering;

(v) Remove the hard structure and construct upland retaining walls;

(vi) Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line; or

(vii) Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure."

Senators Warnick and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1070 by Senator Warnick on page 1, line 17 to Substitute Senate Bill No. 6147.

The motion by Senator Warnick carried and floor amendment no. 1070 was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute Senate Bill No. 6147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6147.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6147 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6213, by Senators Das, Carlyle, Van De Wege, Dhingra, Kuderer, Lovelett, Nguyen, Billig, Rolfes, Saldaña, Darneille, Hasegawa, Liias, Keiser, Pedersen, Stanford, Frockt, Wellman, and Wilson, C.

Concerning certain expanded polystyrene products.

MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 6213 was substituted for Senate Bill No. 6213 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 1088 by Senators Hawkins and Das be adopted:

On page 2, line 30, after "June 1," strike "2022" and insert "2023"

On page 3, line 16, after "June 1," strike "2022" and insert "2023"

Senator Hawkins spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1088 by Senators Hawkins and Das on page 2, line 30 to Second Substitute Senate Bill No. 6213.

The motion by Senator Hawkins carried and floor amendment no. 1088 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1090 by Senator Ericksen be adopted:

On page 2, line 30, after "**Sec. 3.**" insert "(1)"

On page 2, at the beginning of line 31, strike "(1)" and insert "(a)"

On page 2, at the beginning of line 33, strike "(2)" and insert "(b)"

On page 2, after line 34, insert the following:

"(2) Covered products used by restaurants or distributed to customers by restaurants are exempt from this section."

Senator Ericksen spoke in favor of adoption of the amendment. Senator Das spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1090 by Senator Ericksen on page 2, line 30 to Second Substitute Senate Bill No. 6213.

The motion by Senator Ericksen did not carry and floor amendment no. 1090 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1071 by Senator Short be adopted:

On page 7, after line 25, insert the following:

"**NEW SECTION. Sec. 9.** (1) This act does not take effect until the department of ecology identifies for each covered product feasible and available alternatives that are safer for public health and the environment.

(2) The department of ecology must provide written notice of the effective date of this act to the affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

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

On page 7, line 28, after "**Sec. 10.**" strike "Section" and insert "Subject to the contingent effective date identified in section 9 of this act, section"

On page 7, line 30, after "**Sec. 11.**" strike "Section" and insert "Subject to the contingent effective date identified in section 9 of this act, section"

On page 1, line 4 of the title, after "effective date;" insert "providing a contingent effective date;"

Senator Short spoke in favor of adoption of the amendment.

Senator Das spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1071 by Senator Short on page 7, after line 25 to Second Substitute Senate Bill No. 6213.

The motion by Senator Short did not carry and floor amendment no. 1071 was not adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das, Lovelett and Rolfes spoke in favor of passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Senator Becker: "Thank you Mr. President. I'm just kind of wondering because I've caught a number of people that have tried to read things, that you have pointed out that if they need to read it that they have to ask your permission, but I see that not happening all of the time. Can you tell me what we should be thinking about when we actually have to read something? Thank you."

REPLY BY THE PRESIDENT

President Habib: "So, under the Senate's rules, any senator wishing to read something on the Senate floor, should seek approval, permission to do so. There is also language in Reed's Rules, which are also incorporated around reading one's remarks. So when it's been brought to my attention that someone is reading without being granted permission then I will address that. So, if there is a concern at a particular time, then I would ask that you would raise it at that moment and recognizing, also, that there is not a problem with reading from one's notes. I think we all, you all do that but the point is to avoid a circumstance where we're speaking someone else's words, not speaking in our own words. It preserves amity and, also, brevity, given the time limit that we have. So, I hope that was responsive Senator Becker."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger
Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6518, by Senators Rolfes, Van De Wege, and Wilson, C.

Reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides.

MOTION

On motion of Senator Rolfes, Second Substitute Senate Bill No. 6518 was substituted for Senate Bill No. 6518 and the substitute bill was placed on the second reading and read the second time.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Senator Rolfes moved that the following floor amendment no. 1059 by Senator Rolfes be adopted:

On page 3, line 10, after "feet" insert "or a smaller buffer of variable width, established by rule using best available technology and best management practices specific to minimizing potential drift,"

On page 3, line 20, after "label" insert "consistent with federal law"

On page 4, line 2, after "exempt" strike "from the ban"

Senators Rolfes and Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1059 by Senator Rolfes on page 3, line 10 to Second Substitute Senate Bill No. 6518.

The motion by Senator Rolfes carried and floor amendment no. 1059 was adopted by voice vote.

MOTION

Senator Van De Wege moved that the following floor amendment no. 1085 by Senator Van De Wege be adopted:

On page 3, after line 36, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 70.142 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2022, the department of health must establish and provide a recommendation to the state board of health for a statewide maximum contaminant level for group A water systems for chlorpyrifos. By January 1, 2022, the state board of health must adopt rules to implement the recommendations for maximum contaminant levels for chlorpyrifos in group A water systems.

(2) Until the maximum contaminant level has been determined, the department of health must recommend to the state board of health a guidance value of chlorpyrifos for drinking water systems and, if exceeded, the group A water system must provide notice to consumers.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, by January 1, 2022, the department must develop water quality standards sufficient to:

(1) Protect salmonids and other aquatic life from adverse impacts of chlorpyrifos. When developing standards, the department must take into account injury to fish, animals, vegetation, and any other aspect of the environment that impacts the survivability of salmonids;

(2) Ensure chlorpyrifos pollution of surface water will not impact groundwater. When developing standards, the department must take into account injury to children and pregnant women."

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

On page 1, line 3 of the title, after "RCW;" insert "adding a new section to chapter 70.142 RCW; adding a new section to chapter 90.48 RCW;"

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

Senator Warnick spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1085 by Senator Van De Wege on page 3, after line 36 to Second Substitute Senate Bill No. 6518.

The motion by Senator Van De Wege carried and floor amendment no. 1085 was adopted by a rising vote.

MOTION

Senator Short moved that the following floor amendment no. 1086 by Senator Short be adopted:

On page 3, line 37, after "**Sec. 3.**" insert "(1)"

On page 4, after line 3, insert the following:

"(2) Additional funding must be provided to the department of agriculture for training and enforcement of the Washington pesticide control act."

Senators Short and Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1086 by Senator Short on page 3, line 37 to Second Substitute Senate Bill No. 6518.

The motion by Senator Short carried and floor amendment no. 1086 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1087 by Senator Warnick be adopted:

On page 4, after line 3, insert the following:

"NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

Senators Warnick and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1087 by Senator Warnick on page 4, after line 3 to Second Substitute Senate Bill No. 6518.

The motion by Senator Warnick carried and floor amendment no. 1087 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senators Warnick and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6518.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen,

O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger
Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6112, by Senators Wilson, C., Darneille, Nguyen, Cleveland, Das, Frockt, Hasegawa, Hunt, Kuderer, Lovelett, Mullet, Pedersen, Randall, Salomon, Wellman, Carlyle and Saldaña

Concerning youth solitary confinement.

MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 6112 was substituted for Senate Bill No. 6112 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 6112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6112.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6112 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Holy, Honeyford, King, Padden, Schoesler, Sheldon, Short, Warnick and Wilson, L.

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6050, by Senators Cleveland, Keiser and Kuderer

Concerning insurance guaranty fund.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 6050 was substituted for Senate Bill No. 6050 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 6050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6050.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6050 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6088, by Senators Keiser, Conway, Das, Frockt, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, and Wilson, C.

Establishing a prescription drug affordability board.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6062, by Senators Becker and Short

Concerning direct primary care oversight.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following striking floor amendment no. 955 by Senators Becker and Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.150.100 and 2007 c 267 s 12 are each amended to read as follows:

(1) Direct practices must submit annual statements, beginning on October 1, 2007, to the office of ~~((the))~~ the insurance commissioner specifying the number of providers in each practice, total number of patients being served, the average direct fee being charged, providers' names, and the business address for each direct practice. The form and content for the annual statement must be developed in a manner prescribed by the commissioner.

(2) A health care provider may not act as, or hold himself or herself out to be, a direct practice in this state, nor may a direct agreement be entered into with a direct patient in this state, unless the provider submits the annual statement in subsection (1) of this section to the commissioner.

(3) The commissioner shall report annually to the legislature on direct practices including, but not limited to, participation trends, complaints received, voluntary data reported by the direct practices, and any necessary modifications to this chapter. The initial report shall be due December 1, 2009.

(4) This section expires November 30, 2020.

NEW SECTION. Sec. 2. A new section is added to chapter 48.150 RCW to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, beginning January 1, 2021, direct practices must register with the office of the insurance commissioner no later than thirty days prior to engaging in direct practice.

(2) To obtain a registration under this section, a direct practice must submit an application to the office of the insurance commissioner, containing:

- (a) A list of providers' names at the practice;
- (b) The business address of the practice;
- (c) All direct agreements; and

(d) A written affirmation that the direct practice provider has read and understands the obligations under this chapter.

(3) A direct practice that filed an annual statement under RCW 48.150.100 during calendar year 2020 will be automatically registered by the office of the insurance commissioner.

(4) A registered direct practice must:

(a) Notify the insurance commissioner in writing of:

(i) A change of address; or

(ii) A discontinuation of the practice; and

(b) File updated direct agreements following any material change to the agreement.

NEW SECTION. Sec. 3. Section 2 of this act takes effect January 1, 2021."

On page 1, line 1 of the title, after "oversight;" strike the remainder of the title and insert "amending RCW 48.150.100; adding a new section to chapter 48.150 RCW; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 955 by Senators Becker and Cleveland to Substitute Senate Bill No. 6062.

The motion by Senator Becker carried and striking floor amendment no. 955 was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6062.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6515, by Senators Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, and Wilson, C.

Adjusting the medicaid payment methodology for skilled nursing facilities.

MOTION

Senator O'Ban moved that Second Substitute Senate Bill No. 6515 be not substituted for Senate Bill No. 6515 and the substitute bill be not read the second time.

Senator O'Ban demanded a roll call.

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

Senators O'Ban, Rivers and Braun spoke in favor of the motion to not substitute the bill.

Senator Van De Wege spoke against the motion to not substitute the bill.

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 6515 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6205, by Senators Cleveland, Conway, Randall, Keiser, Mullet, Frockt, Billig, Saldaña, Dhingra, Van De Wege, Hunt, Kuderer, Lovelett, Stanford, and Wilson, C.

Preventing harassment, abuse, and discrimination experienced by long-term care workers.

MOTION

On motion of Senator Cleveland, Second Substitute Senate Bill No. 6205 was substituted for Senate Bill No. 6205 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Cleveland moved that the following striking floor amendment no. 1035 by Senators Cleveland, O'Ban and Randall be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that, as the citizens of Washington state age and their life expectancy increases, demand for long-term care is also on the rise. Like many Americans, Washingtonians prefer to stay in their own homes and communities as they age, fueling an increased demand for home-based long-term services and supports. Nationally, the direct care workforce is expected to increase by more than one million jobs, making this one of the fastest growing occupations in the country.

(2) As the state of Washington is a national leader in supporting individuals to receive services in their own homes where self-direction, autonomy, choice, and dignity is valued. The average needs and acuity levels of people served in their homes has increased and become more diverse. The prevalence of individuals with complex behaviors due to their disabilities is a growing issue experienced by individuals who need assistance with personal care tasks in their own homes and to be able to fully integrate in community living.

(3) The lack of workplace safety, including incidents of verbal and physical aggression, as well as sexual harassment, is an occupational hazard for many long-term care workers, including

those who work in the homes of the person to whom they provide care. The risk may be outside the control of the individual receiving care due to the conduct of others in the home. The risk may be due to symptoms or conditions that can manifest with individuals communicating their needs in ways that an individual caring for the person may experience or interpret as harassment, abuse, or violence. In any event, caregivers should not have to experience discrimination, abusive conduct, and challenging behaviors without assistance or redress.

(4) Workers who have adverse experiences at work can manifest negative physical and mental health outcomes. These workers often leave the field of direct caregiving, resulting in fewer available caregivers in the workforce, increased turnover, and lower quality of care received by individuals in their own homes.

(5) Adequate preparation of caregivers helps both the caregiver and person receiving care. Caregivers should be equipped with information, including relevant care plans and behavioral support interventions, existing problem-solving tools, and strategies to improve safe care delivery.

(6) The legislature further finds that caregivers are the backbone of long-term services and supports in Washington. Therefore, the intent of this act is to reduce the instances of harassment, discrimination, and abuse experienced by caregivers, and ensure that they feel safe while providing care while also prioritizing the continuity of care for individuals who rely on their assistance. This will improve the quality of care provided to Washingtonians and build a strong workforce to meet future care needs in the state.

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

(1) "Abusive conduct" means conduct in a work setting that qualifies as workplace aggression, workplace violence, aggravated workplace violence, physical sexual aggression, rape, attempted rape, sexual contact, sexual harassment, workplace physical aggression, workplace verbal aggression, or inappropriate sexual behavior. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered abusive conduct for the purposes of this chapter if expressly exempted from the applicable definition.

(2) "Aggravated workplace violence," "aggravated violence," or "aggravated violent act" means assault or physically threatening behavior involving the use of a lethal weapon or a common object used as a lethal weapon, regardless of whether the use of a lethal weapon resulted in injury.

(3) "Challenging behavior" means behavior by a service recipient that is specifically caused by or related to a disability that might be experienced by a long-term care worker as offensive or presenting a safety risk.

(4) "Covered employer" means:

(a) A consumer directed employer as defined in RCW 74.39A.009; and

(b) A home care agency as defined in RCW 70.127.010.

(5) "Department" means the department of labor and industries.

(6) "Disability" has the same meaning as in RCW 49.60.040.

(7) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW, including discriminatory harassment. It shall not constitute discrimination for a recipient of personal care services as defined in RCW 74.39A.009 to refuse to hire or terminate an employment relationship with an employee based on gender preferences.

(8) "Discriminatory harassment" is unwelcome conduct that is based on a protected class listed in RCW 49.60.030(1) where the conduct is enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

"Discriminatory harassment" includes sexual harassment. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered discriminatory harassment for purposes of this chapter.

(9) "Employee" means a long-term care worker as defined in RCW 74.39A.009 that is employed by a covered employer.

(10) "Inappropriate sexual behavior" means nonphysical acts of a sexual nature that a reasonable person would consider offensive or intimidating, such as sexual comments, unwanted requests for dates or sexual favors, or leaving sexually explicit material in view. An act may be considered inappropriate sexual behavior independent of whether the act is severe or pervasive enough to be considered sexual harassment. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered inappropriate sexual behavior for purposes of this chapter.

(11) "Long-term care workers" means all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, and providers of home care services to persons with developmental disabilities under Title 71A RCW.

(12) "Physical sexual aggression" means any type of sexual contact or behavior, other than rape or attempted rape, that occurs without the explicit consent of the recipient. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered physical sexual aggression for the purposes of this chapter.

(13) "Rape" or "attempted rape" have the same meanings as in RCW 9A.44.040, 9A.44.050, and 9A.44.060.

(14) "Sexual contact" has the same meaning as in RCW 9A.44.010. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered sexual contact for the purposes of this chapter.

(15) "Sexual harassment" has the same meaning as in RCW 28A.640.020. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered sexual harassment for purposes of this chapter.

(16) "Trauma-informed care" means a strength-based service delivery approach that:

(a) Is grounded in the understanding of and responsiveness to the impact of trauma;

(b) Emphasizes physical, psychological, and emotional safety for both providers and survivors; and

(c) Creates opportunities for survivors to rebuild a sense of control and empowerment.

(17) "Workplace physical aggression" means an occurrence of physically threatening behavior in a work setting, including threats of physical harm, or an occurrence of slapping, biting, or intentionally bumping. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered workplace physical aggression for purposes of this chapter.

(18) "Workplace verbal aggression" means acts of nonphysical hostility or threats of violence in the work setting. "Workplace verbal aggression" includes verbal aggression such as insulting or belittling an individual. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered workplace verbal aggression for purposes of this chapter.

(19) "Workplace violence," "violence," or "violent act" means the occurrence of physical assault, such as hitting or kicking, including using a nonlethal weapon. For service recipients, behavior that meets the definition of subsection (3) of this section is not considered workplace violence for purposes of this chapter.

NEW SECTION. Sec. 3. (1) Beginning July 1, 2021, each covered employer must adopt and maintain a comprehensive written policy concerning how the covered employer shall address instances of discrimination, abusive conduct, and challenging behavior and work to resolve issues impacting the provision of personal care. The covered employer must:

(a) Disseminate the comprehensive written policy to each employee at the beginning of employment, annually, and on the issuance of any substantive update to the comprehensive written policy;

(b) Post the comprehensive written policy in prominent locations at its place of business and in a prominent location on its web site, such as an online payroll portal, if applicable. The covered employer must provide employees with a copy of the current policy within thirty days of the employee's date of hire, and at least once a year thereafter;

(c) Make the policy available in plain English and in each of the three languages spoken most by long-term care workers in the state;

(d) Review and update the adopted policy annually; and

(e) Ensure that all employees are aware of the current policy and the changes from the previous policy.

(2) At a minimum, the comprehensive written policy must include:

(a) A definition of discrimination, harassment, abusive conduct, and challenging behavior;

(b) A description of the types of discrimination and abusive conduct covered by the policy, with examples relevant to the long-term care workforce;

(c) The identification of multiple persons to whom an employee may report discrimination, abusive conduct, and challenging behavior;

(d) Stated permission and a process for allowing workers to leave situations where they feel their safety is at immediate risk. This process must include a requirement to notify the employer and applicable third parties such as department of social and health services case managers, emergency services, or service recipient decision makers as soon as possible. The process must not authorize abandonment as defined in RCW 74.34.020 unless the worker has called the phone number provided by the employer for emergency assistance and has a reasonable fear of imminent bodily harm;

(e) A stated prohibition against retaliation for actions related to disclosing, challenging, reporting, testifying, or assisting in an investigation regarding allegations of discrimination, abusive conduct, or challenging behavior, and a description of how the employer will protect employees against retaliation;

(f) A list of resources about discrimination and harassment for long-term care workers to utilize. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington state human rights commission, and local advocacy groups focused on preventing harassment and discrimination and providing support for survivors; and

(g) Any additional components recommended by the work group established in section 7 of this act for the purpose of preventing discrimination and abusive conduct and responding to challenging behavior.

NEW SECTION. Sec. 4. (1) Beginning July 1, 2021, each covered employer shall implement a plan to prevent and protect employees from abusive conduct, to assist employees working in environments with challenging behavior, and work to resolve issues impacting the provision of personal care. This plan should be reviewed and updated as necessary and at least once every three years. The plan shall be developed and monitored by a

workplace safety committee. The members of the workplace safety committee shall consist of individuals that are employee-elected, employer-selected, and include at least one service recipient representative. The number of employee-elected members shall equal or exceed the number of employer-selected members. A labor management committee established by a collective bargaining agreement that receives formal input from representatives of service recipients who wish to participate in the committee's deliberations shall be sufficient to fulfill the requirement for a workplace safety committee in this chapter.

(2) The plan developed under subsection (1) of this section, at a minimum, must include:

(a) Processes for intervening and providing assistance to an employee directly affected by challenging behavior including accessing technical assistance or similar resources, if available, to assist employees when challenging behavior occurs;

(b) Processes that covered employers may follow to engage appropriate members of the care team, such as case managers or health professionals when allegations of discrimination, abusive conduct, or challenging behaviors occur;

(c) The development of processes for reporting, intervening, and providing assistance to an employee directly affected by abusive conduct; and

(d) Processes covered employers may follow to engage the service recipient in problem resolution with the goal of ending abusive or discriminatory conduct while working to address issues impacting the provision of personal care.

(3) Each covered employer and workplace safety committee must annually review the frequency of incidents of discrimination and abusive conduct in the home care setting, including identification of the causes for, and consequences of, abusive conduct and any emerging issues that contribute to abusive conduct. As part of its annual review, the workplace safety committee must also review the number of miscategorizations in aggregate. The covered employer must adjust the plan developed under subsection (1) of this section as necessary based on this annual review.

(4) In developing the plan required by subsection (1) of this section, the covered employer shall consider any guidelines on violence in the workplace or in health care settings issued by the department of health, the department of social and health services, the department of labor and industries, the federal occupational safety and health administration, and the work group created in section 7 of this act.

(5) Nothing in this chapter requires an individual recipient of services to develop or implement the plan required by this section.

NEW SECTION. Sec. 5. (1)(a) Covered employers must inform an employee of instances of discrimination and abusive conduct occurring in or around the service recipient's home care setting prior to assigning the employee to that service recipient, and throughout the duration of service, if those instances are:

(i) Documented by the covered employer; or

(ii) Documented by the department of social and health services and communicated to the covered employer.

(b) Covered employers must inform an employee, prior to assigning the employee to a service recipient, of a service recipient's challenging behavior that is documented:

(i) In the service recipient's care plan;

(ii) By the covered employer; or

(iii) By the department of social and health services and communicated to the covered employer.

(2)(a) Communication of the information in subsection (1) of this section must be tailored to respect the privacy of service recipients in accordance with the federal health insurance portability and accountability act of 1996.

(b) Upon request of the service recipient, a covered employer must provide a copy of the information the covered employer communicated to the employee under subsection (1) of this section.

(3) If a covered employer miscategorizes an instance as discrimination or abusive conduct that should have been categorized as challenging behavior, or if a covered employer miscategorizes an instance as challenging behavior that should have been categorized as discrimination or abusive conduct, the covered employer must correct the categorization, correct how the instance was reported under section 6 of this act, and comply with any provisions under this chapter applicable to addressing the behavior or conduct.

(4) A covered employer may not terminate an employee, reduce the pay of an employee, or not offer future assignments to an employee for requesting reassignment due to alleged discrimination, abusive conduct, or challenging behavior.

(5) Nothing in this section prevents a covered employer from:

(a) Disciplining or terminating an employee if an allegation or request for reassignment was reasonably determined to be false or not made in good faith;

(b) Terminating an employee or reducing hours due to lack of suitable work; or

(c) Disciplining or terminating an employee for lawful reasons unrelated to their request for reassignment.

(6) Nothing in this section requires an individual recipient of services to provide information required by this section to an employee. Nothing in this chapter shall limit the rights of a recipient of services under chapter 74.39A RCW to select, dismiss, assign hours, and supervise the work of individual providers as in RCW 74.39A.500(1)(b).

NEW SECTION. Sec. 6. (1) Covered employers are required to keep a record of any reported incidents of discrimination or abusive conduct experienced by an employee during the provision of paid personal care services. The records must be kept for at least five years following the reported act and must be made available for inspection by the department or its agents upon request. If the covered employer makes its records available to the exclusive bargaining representative representing the employer's employees, the exclusive bargaining representative may assess whether the employer is meeting the data collection requirements in this section. The department must take into consideration the exclusive bargaining representative's assessment when determining whether an employer is in compliance with this section. Covered employers must make anonymized aggregate data of reported incidents available to the work group created under section 7 of this act.

(2) The retained records must include:

(a) The covered employer's name and address;

(b) The date, time, and location of where the act occurred;

(c) The reporting method;

(d) The name of the person who experienced the act;

(e) A description of the person committing the act as:

(i) A service recipient;

(ii) Another resident of the home care setting;

(iii) A visitor to the home care setting;

(iv) Another employee;

(v) A manager or supervisor; or

(vi) Other;

(f) A description of the type of act as one or more of the following:

(i) Discrimination, including discriminatory harassment;

(ii) Sexual harassment, inappropriate sexual behavior, or sexual contact;

(iii) Physical sexual aggression;

(iv) Rape or attempted rape;

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

- (v) Workplace verbal aggression;
 - (vi) Workplace violence;
 - (vii) Workplace physical aggression; or
 - (viii) Aggravated workplace violence;
 - (g) A description of the actions taken by the employee and the covered employer in response to the act; and
 - (h) A description of how the incident was resolved.
- (3) Nothing in this section requires an individual recipient of services to keep, collect, or provide any data required by this section to the department.

(4) Communication of the information in this section must be tailored to respect the privacy of service recipients in accordance with the federal health insurance portability and accountability act of 1996.

NEW SECTION. Sec. 7. (1) The department of social and health services must convene a stakeholder work group to recommend policy changes and best practices for training employers, long-term care workers, and service recipients to keep home care settings free from discrimination and abusive conduct while maintaining the ability for individuals who need services to access needed services while maintaining the ability to provide services.

(2) To the extent practicable, the following groups should be represented in the work group, each group may have one representative, unless otherwise specified:

- (a) The department of social and health services;
 - (b) The department of labor and industries;
 - (c) The Washington state human rights commission;
 - (d) Two representatives of covered employers, one of which is chosen by the association which represents home care agencies which contract with area agencies on aging for medicaid home care services, and one of which is representative of the consumer-directed employer;
 - (e) Two representatives from labor organizations representing employees;
 - (f) Two long-term care workers that work for a covered employer;
 - (g) Organizations with at least five years of experience providing training to at least ten thousand long-term care workers;
 - (h) Two representatives of disability advocacy organizations, at least one of whom represents individuals with developmental disabilities;
 - (i) Three service recipients, at least one of whom lives with a developmental disability and one of whom is over age sixty-five;
 - (j) A family member or guardian of a service recipient;
 - (k) Area agencies on aging; and
 - (l) No more than three subject matter experts determined to be necessary by the work group.
- (3) In developing the report required by subsection (4) of this section, the work group shall consider:
- (a) Using new employee orientation to emphasize the prevention of discrimination and abusive conduct;
 - (b) The extent to which current training content could be modified to cover content within existing hours of required training such as basic, modified basic, and/or continuing education;
 - (c) Requiring training about discrimination and abusive conduct for all employees;
 - (d) Interactive teaching strategies that engage across multiple literacy levels;
 - (e) Factors that are predictive of discrimination and abusive conduct;
 - (f) The violence escalation cycle;
 - (g) De-escalation techniques to minimize abusive conduct or challenging behavior;

- (h) Strategies to prevent physical harm with hands-on practice or role play;
 - (i) How incorporating information on trauma-informed care could improve the effectiveness of training and reduce interruptions to the provision of personal care;
 - (j) How incorporating person-centered planning practices could minimize challenging behaviors and reduce interruptions to the provision of personal care;
 - (k) Best practices for documenting and reporting incidents;
 - (l) The debriefing process for affected employees following violent acts;
 - (m) Resources available to employees for coping with the effects of violence;
 - (n) Culturally competent peer-to-peer training for the prevention of discrimination and abusive conduct;
 - (o) Best practices for training service recipients on preventing discrimination and abusive conduct in the home care setting;
 - (p) Best practices for training direct supervisors on preventing and responding to reports of discrimination and abusive conduct in the home care setting;
 - (q) Recommended best practices for workplace safety committees referenced in section 4 of this act and recommended topics to be included in prevention plans required in section 4 of this act;
 - (r) Other policy changes that will reduce discrimination and abusive conduct in the workplace and best prepare employees to work in environments where challenging behavior occurs; and
 - (s) Other best practices from trainings developed in other states or for other industries to prevent discrimination and abusive conduct in home care settings or the workplace.
- (4) By December 1, 2021, the work group must submit to the legislature a report with recommendations for training long-term care workers, agency supervisors, and service recipients in order to prevent discrimination and abusive conduct in the workplace, minimize challenging behaviors, and reduce interruptions to the provision of personal care. The report must also address issues regarding the continuation of collecting and reviewing data, the future role of the work group, and how the work group is measuring the efficacy of its recommendations. The report may inform the prevention plans required in section 4 of this act.
- NEW SECTION. Sec. 8.** (1) The department may conduct investigations to ensure compliance when information is obtained that a covered employer may be committing a violation under this chapter or in response to complaints from employees or employee representatives for the following requirements of this chapter:
- (a) A written policy as required by section 3 of this act that includes the minimum elements under section 3(2) of this act and is updated annually;
 - (b) The written policy is provided to employees in accordance with section 3(1) (a) through (c) and (e) of this act;
 - (c) A current plan as required by section 4 of this act that includes the minimum elements under section 4(2) of this act;
 - (d) The prior notice requirement under section 5(1) of this act;
 - (e) The recordkeeping and retention requirements under section 6 of this act; and
 - (f) The retaliation prohibition under section 5(4) of this act upon receipt of a complaint by an employee who believes that he or she was subject to retaliation.
- (2) The department may prioritize investigations as needed to allow for timely resolution.
- (3) Nothing in this chapter limits the department's ability to investigate under any other authority.
- (4) Nothing in this chapter limits a worker's right to pursue private legal action.

(5) Nothing in this chapter authorizes the department to investigate individual allegations of harassment, abuse, or discrimination made by employees against recipients of care or other individuals.

(6) The department of social and health services and its agents shall not be liable for the acts or omissions of a covered employer that are in violation of this chapter.

(7) Covered employers shall not be liable for the acts or omissions of the department of social and health services or agents thereof that are in violation of this chapter.

(8) Failure of a covered employer to comply with the requirements under subsection (1)(a) through (e) of this section shall subject the covered employer to citation under chapter 49.17 RCW. Claims of retaliation under subsection (1)(f) of this section are subject to the provisions of RCW 49.17.160.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 6 and 8 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1035 by Senators Cleveland, O'Ban and Randall to Second Substitute Senate Bill No. 6205.

The motion by Senator Cleveland carried and striking floor amendment no. 1035 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6205.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6205 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Honeyford, King, Rivers, Schoesler, Short, Walsh, Warnick and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6267, by Senators Takko, King and Van De Wege

Modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6267 was substituted for Senate Bill No. 6267 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6267.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6267 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6063, by Senators Wagoner, Kuderer and Padden

Improving department of corrections health care administration.

MOTION

On motion of Senator Wagoner, Substitute Senate Bill No. 6063 was substituted for Senate Bill No. 6063 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 1057 by Senators Wagoner and Darneille be adopted:

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

On page 3, line 23, after "uniform" strike "guidelines" and insert "standards"

On page 3, beginning on line 24, after "determining" strike all material through "assistance" on line 28 and insert "when a patient's current health status requires a referral for consultation or treatment outside the department. These standards must be based on the health care community standard of care to ensure medical referrals for consultation or treatment are timely and promote optimal patient outcomes"

Senators Wagoner and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1057 by Senators Wagoner and Darneille on page 3, line 23 to Substitute Senate Bill No. 6063.

The motion by Senator Wagoner carried and floor amendment no. 1057 was adopted by voice vote.

MOTION

On motion of Senator Wagoner, the rules were suspended, Engrossed Substitute Senate Bill No. 6063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner, Darneille and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6275, by Senators Cleveland and O'Ban

Increasing patient access rights to timely and appropriate postacute care.

MOTIONS

On motion of Senator Cleveland, Second Substitute Senate Bill No. 6275 was substituted for Senate Bill No. 6275 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Second Substitute Senate Bill No. 6275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6275.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6275 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6128, by Senators Randall, Darneille, Dhingra, Frock, Hasegawa, Hunt, Kuderer, Lovelett, Salomon, Stanford, Van De Wege, Nguyen, and Wilson, C.

Extending coverage during the postpartum period.

MOTION

On motion of Senator Randall, Second Substitute Senate Bill No. 6128 was substituted for Senate Bill No. 6128 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1060 by Senators Randall and O'Ban be adopted:

On page 2, line 19, after "**2.**" insert "A new section is added to chapter 74.09 RCW to read as follows:"

On page 2, beginning on line 19, after "2021," strike "to the extent of available funds,"

On page 2, line 31, after "section;" insert "and"

Beginning on page 2, line 33, after "ends" strike all material through "(5)" on page 3, line 6, and insert "

(3)"

On page 3, beginning on line 9, after "state," strike all material through "and" on line 10

On page 3, line 12, after "act" insert ", and:"

(i) For state fiscal year 2021, have countable income equal to or below one hundred fifty percent of the federal poverty level;

(ii) For state fiscal year 2022, have countable income equal to or below one hundred sixty-five percent of the federal poverty level;

(iii) For state fiscal year 2023, have countable income equal to or below one hundred eighty percent of the federal poverty level;

(iv) Beginning state fiscal year 2024, have countable income equal to or below one hundred ninety-three percent of the federal poverty level"

On page 4, line 18, after "the" insert "health care"

Senators Randall and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1060 by Senators Randall and O'Ban on page 2, line 19 to Second Substitute Senate Bill No. 6128.

The motion by Senator Randall carried and floor amendment no. 1060 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6128 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6218, by Senators Schoesler and Conway

Modifying the definition of salary for the Washington state patrol retirement system.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 6218 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Schoesler and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6218.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Liias announced brief caucuses followed by a dinner break and a return to the floor later in the day.

MOTION

At 5:46 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 7:05 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Zeiger moved that Stephen L. Smith, Senate Gubernatorial Appointment No. 9147, be confirmed as a member of the Pierce College Board of Trustees.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF STEPHEN L. SMITH

The President declared the question before the Senate to be the confirmation of Stephen L. Smith, Senate Gubernatorial Appointment No. 9147, as a member of the Pierce College Board of Trustees.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

The Secretary called the roll on the confirmation of Stephen L. Smith, Senate Gubernatorial Appointment No. 9147, as a member of the Pierce College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senator Fortunato

Stephen L. Smith, Senate Gubernatorial Appointment No. 9147, having received the constitutional majority was declared confirmed as a member of the Pierce College Board of Trustees.

MOTION

On motion of Senator Padden, Senator Ericksen was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6012, by Senators Hawkins and Palumbo

Promoting renewable energy through modifying tax incentives.

MOTION

On motion of Senator Hawkins, Substitute Senate Bill No. 6012 was substituted for Senate Bill No. 6012 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hawkins moved that the following striking floor amendment no. 954 by Senators Carlyle and Hawkins be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the sales and use tax exemptions contained in sections 2 and 3, chapter . . . , Laws of 2020 (sections 2 and 3 of this act). This performance statement is only intended to be used for subsequent evaluation of these tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these sales and use tax exemptions as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage hydroelectric facilities to install oil-free adjustable blade hubs to reduce oil spills by reducing the price differential between oil-free systems and traditional oil-operated mechanisms.

(4) If a review finds that a majority of new or replacement turbines incorporate oil-free adjustable blade hubs, and oil-free systems continue to cost more than traditional systems, then the legislature intends to extend the expiration date of these tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee must incorporate data provided by public utility districts and businesses operating hydroelectric facilities that claim the exemptions authorized in sections 2 and 3, chapter . . . , Laws of 2020 (sections 2 and 3 of this act), as well as information provided by the department of revenue.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of oil-free adjustable blade hubs for hydroelectric turbines;

(b) The sale of or charge made for labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) The sale of tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2)(a) The exemption under this section is in the form of a remittance and applies only to the state sales tax. A person claiming an exemption from state tax in the form of a remittance under this section must pay all state and local sales and use taxes. The buyer may then apply to the department for remittance of one hundred percent of the tax paid under RCW 82.08.020 and 82.12.020.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer must on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the oil-free adjustable blade hub and related labor and services meet the criteria under this section: Invoices; proof of tax paid; documents describing the equipment; and construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) For the purposes of this section and section 3 of this act, "oil-free adjustable blade hub for hydroelectric turbines" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that does not use oil on the runner hub to lubricate the internal components.

(4) This section expires July 1, 2030.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Oil-free adjustable blade hubs for hydroelectric turbines;

(b) Labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) Tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning,

or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2) The definitions, conditions, and requirements under section 2 of this act apply to this section.

(3) This section expires July 1, 2030.

NEW SECTION. Sec. 4. This act takes effect July 1, 2020.

NEW SECTION. Sec. 5. If the state fiscal impacts of this act, referencing this act by bill or chapter number, are not referenced by June 30, 2020, in the omnibus operating appropriations act, this act is null and void."

On page 1, line 2 of the title, after "incentives;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; providing an effective date; and providing expiration dates."

MOTION

Senator Keiser moved that the following floor amendment no. 1096 by Senators Keiser and Hawkins be adopted:

On page 2, after line 31, insert the following:

"(d) With respect to a project to install oil-free adjustable blade hubs, before the department may remit exempted amounts to qualifying persons, the department of labor and industries must have certified that the project compensates workers at prevailing wage rates determined by local collective bargaining as determined by the department of labor and industries."

Senators Keiser and Hawkins spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1096 by Senators Keiser and Hawkins on page 2, after line 31 to striking floor amendment no. 954.

The motion by Senator Keiser carried and floor amendment no. 1096 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 954 by Senators Carlyle and Hawkins as amended to Substitute Senate Bill No. 6012.

The motion by Senator Hawkins carried and striking floor amendment no. 954 as amended was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Substitute Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins, Keiser, Braun, Carlyle and Sheldon spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall,

Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Ericksen, Honeyford, King, Padden, Rivers, Schoesler, Walsh and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6084, by Senators Takko, Hobbs, Mullet and Padden

Concerning roundabouts. Revised for 1st Substitute: Concerning circular intersections.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6084 was substituted for Senate Bill No. 6084 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6084.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6084 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Honeyford

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6493, by Senators Lias, King, Hobbs, Billig, Saldaña, and Wilson, C.

Concerning the Cooper Jones active transportation safety council.

The measure was read the second time.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 6493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6493.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6493 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6565, by Senators Randall, Nguyen, Lovelett, Hasegawa, Das, Saldaña, and Wilson, C.

Establishing permissible methods of parking a motorcycle.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 6565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6565.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6565 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5493, by Senators Zeiger, Darneille and Walsh

Establishing a board of advisors to provide local guidance to community services offices operated by the department of social and health services. Revised for 2nd Substitute: Concerning convening local communities to reduce intergenerational poverty.

MOTIONS

On motion of Senator Zeiger, Second Substitute Senate Bill No. 5493 was substituted for Senate Bill No. 5493 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Second Substitute Senate Bill No. 5493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5493.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5493 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Erickson and Padden

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6580, by Senator Mullet

Concerning organ transport vehicles.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6580.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6022, by Senators Zeiger and Padden

Concerning fentanyl.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 6022 was substituted for Senate Bill No. 6022 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6282, by Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger and Wagoner

Concerning the development of individualized highly capable learning plans. Revised for 1st Substitute: Developing highly capable transition plans.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6282 was substituted for Senate Bill No. 6282 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 1068 by Senators Pedersen, Carlyle, Das, Hawkins, Holy, Nguyen, Saldaña and Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that accelerated learning and enhanced instruction for highly capable students is considered part of basic education, and requires that students be offered a continuum of highly capable services in grades K-12. Accelerated learning requires access to accelerated curriculum, advanced standards, and faster pacing. Enhanced instruction requires that the accelerated curriculum be offered at greater depth and complexity, and that students receive direct instruction on that K-12 curriculum from educators. Accelerated learning and enhanced instruction can be achieved through a variety of delivery models and instructional programming, which grants school districts the flexibility necessary to address a wide range of student needs.

The legislature further recognizes that there has been a long history of inequitable access to highly capable services. Identification practices such as testing outside the school day or at locations other than a student's school and the use of testing instruments that are inaccessible to English language learners has had the effect of failing to identify highly capable students who reflect the racial and economic diversity of a school district's population. The legislature encourages districts to reform their identification processes to address these inequities and improve access for all highly capable students.

However, the legislature also recognizes the possible impact to student learning that may occur when school districts modify the delivery model of highly capable services. Therefore, the legislature intends to create a process to protect highly capable student access to basic education when a school district substantially modifies the continuum of highly capable services provided.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.185 RCW to read as follows:

(1) A school district may choose to provide highly capable instruction using a variety of service delivery models. However, if a school district chooses to make a substantial modification to the continuum of services provided to the highly capable students in a school or school district by transitioning the students to an alternative delivery model for highly capable instruction, it must develop a highly capable program transition plan for the group of students affected.

(2)(a) Within fifteen days of formalizing the decision to transition to an alternative delivery model for highly capable instruction, a school district must provide written notice to the parents and guardians of all highly capable students that may be affected by the transition. The notice must include a summary of the anticipated program changes and an invitation to participate in public meetings regarding development and adoption of the highly capable program transition plan.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

(b) Any school district required to retroactively develop a highly capable program transition plan pursuant to section 3 of this act must provide notice within fifteen days of the effective date of this section.

(3) Within thirty days after providing written notice to parents and guardians, the school district must hold a public meeting to solicit comments regarding development of the highly capable program transition plan.

(4) Within thirty days after the public meeting, the school district must convene a transition team to develop the highly capable program transition plan. The transition team must be appointed by the school board of directors, and include highly capable educators, parents or guardians of highly capable students affected by the transition, and school district personnel who have experience administering highly capable programs.

(5) Within thirty days of convening, the transition team must develop a highly capable program transition plan that reflects the comments received at the public meeting and that contains, at a minimum, the following information:

(a) A description of the highly capable program's current structure and services, including instructional enhancement strategies and processes used to address the unique needs and capabilities of highly capable students, including those with learning disabilities and special needs;

(b) A description of the services and transitional supports that highly capable students will receive under the alternative delivery model, and how those services will provide students with equivalent or enhanced educational opportunities;

(c) A plan for how the progress of all highly capable students will be measured in subjects in which they are receiving accelerated learning and enhanced instruction;

(d) A process and timeline for evaluating whether the alternative delivery model is successfully providing a meaningful opportunity for progress similar to that expected under the current delivery model;

(e) A process to solicit feedback from parents or guardians of highly capable students, at least once each year for two years following the introduction of the alternative delivery model, to determine if any modification to the delivery model is necessary; and

(f) If one of the reasons the district is changing the highly capable delivery model is to address racial disparities within the program and increase access to educational opportunity for students of color, the transition plan must also include a description of how the new model will address racial disparities, a multiyear process for evaluating whether the new delivery model is actually increasing access to the highly capable program for students of color, and a plan for making adjustments if it is not.

(6) Within thirty days of finalizing the highly capable program transition plan, the school district must adopt the plan at an open public meeting. Upon adoption, the school district must publish the transition plan on the school district web site.

(7) If a school district fails to develop a highly capable program transition plan as required under this section or, if after one year, a student subject to the transition plan is not continuing to make academic progress similar to the progress that had been made under the prior delivery model, the parent or guardian of that highly capable student may request mediation with the school district. If the parent requests mediation with the school district, the school district shall engage an independent mediator within thirty days, at the expense of the school district, to assist the parties in creating a mutually acceptable individual transition plan.

(8) For the purposes of this section, "substantial modification" means modification to the continuum of highly capable services provided to a student, made without the consent of the student's parent or guardian, that significantly adjusts or disrupts the delivery of accelerated learning or enhanced instruction. This may include, but is not limited to, moving a student from a cohort model of instruction to a noncohort model of instruction or disrupting a student's future expected course sequencing.

NEW SECTION. Sec. 3. This act applies retroactively to all transitions in highly capable delivery models that occurred after January 1, 2019."

On page 1, line 2 of the title, after "plans;" strike the remainder of the title and insert "adding a new section to chapter 28A.185 RCW; and creating new sections."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1068 by Senators Pedersen, Carlyle, Das, Hawkins, Holy, Nguyen, Saldaña and Wellman to Substitute Senate Bill No. 6282.

The motion by Senator Pedersen carried and striking floor amendment no. 1068 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6282.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6282 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Das, Dhingra, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Conway, Darneille, Ericksen, Frockt, Hasegawa, Hobbs, McCoy, Nguyen and Wilson, C.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6613, by Senators Rolfes, Lovelett and Saldaña

Concerning the inspection of marine aquatic farming locations.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6613 was substituted for Senate Bill No. 6613 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Lovelett spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

Senator Sheldon and Warnick spoke on passage of the bill.

POINT OF INQUIRY

Senator Sheldon: "I would like to ask if Senator Rolfes would yield to a question?"

President Habib: "Senator Rolfes, do you yield?"

Senator Rolfes: "It depends on the question."

President Habib: "Well, that's, that's going to have to be a yes for now. Senator Sheldon, please proceed."

Senator Sheldon: "I would like to ask Senator Rolfes if this bill affects oyster and clam operations or is it directed primarily at net-pen operations?"

Senator Rolfes: "It is intended to be directed at net-pen operations."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6613 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, King, Muzzall, Padden, Rivers, Wagoner, Walsh and Wilson, L.

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6061, by Senators Becker and Conway

Requiring training standards in providing telemedicine services.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6061 was substituted for Senate Bill No. 6061 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6061.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6061 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6217, by Senators Keiser, Saldaña, Nguyen, Hasegawa, Conway, and Wilson, C.

Concerning minimum labor standards for certain employees working at an airport or air navigation facility.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6217 was substituted for Senate Bill No. 6217 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following floor amendment no. 960 by Senators Keiser and Saldaña be adopted:

Beginning on page 1, line 5, strike all of section 1

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

On page 4, line 36, after "under" strike "subsection (1)(a) of this section" and insert "~~((subsection (1)))~~ (a) of this ((section)) subsection"

On page 6, line 4, after "charges." insert "As used in this subsection (1)(f), the term "charges" does not refer to any minimum labor standard imposed by a municipality pursuant to subsection (2) of this section."

On page 7, line 2, after "under" strike "subsection ((8)) (h) of this section" and insert "~~((subsection (8)))~~ (h) of this ((section)) subsection"

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Beginning on page 8, after line 22, strike all material through "routes," on page 9, line 2 and insert the following:

"(2)(a) A municipality that controls or operates an airport having more than twenty million annual commercial air service passenger enplanements that is located within the boundaries of a city that has passed a local law or ordinance setting a minimum labor standard that applies to certain employers operating or providing goods and services at the airport is authorized to enact a minimum labor standard that applies to employees working at the airport, so long as the minimum labor standard meets, but does not exceed, the minimum labor standard in the city's law or ordinance.

(b) A municipality's authority to establish a minimum labor standard pursuant to (a) of this subsection may be imposed only on employers that are excluded from the minimum labor standard established by such city because the type of good or service provided by the employer is expressly excluded in the text of the city's law or ordinance.

(c) This section does not authorize a municipality to establish a minimum labor standard for an employer who was excluded from the city's law or ordinance because it is a certificated air carrier performing services for itself or based on the employer's size or number of employees.

(d) The authority granted under (a) of this subsection shall only apply to employers who provide the goods or services at the airport from facilities that are located on property owned by the municipality and within the boundaries of the city that enacted the minimum labor standard."

On page 1, line 2 of the title, after "facility;" strike the remainder of the title and insert "and amending RCW 14.08.120."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 960 by Senators Keiser and Saldaña on page 1, line 5 to Substitute Senate Bill No. 6217.

The motion by Senator Keiser carried and floor amendment no. 960 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6217.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6217 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6300, by Senators Rivers, Pedersen, Zeiger, Kuderer, Frockt and Lovelett

Concerning animal welfare.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 6300 was substituted for Senate Bill No. 6300 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following striking floor amendment no. 1014 by Senators Rivers and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to read as follows:

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080; (c) dog is not maintained in the proper enclosure; or (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has

previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) Trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds. In addition, the dog shall be immediately confiscated by an animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.

~~((4) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.))~~

Sec. 2. RCW 16.52.011 and 2019 c 174 s 3 are each amended to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

(b) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(c) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(d) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (h) of this subsection and RCW 16.52.025.

(e) "Dog" means an animal of the species *Canis lupus familiaris*.

(f) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(g) "Food" means food or feed appropriate to the species for which it is intended.

(h) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

(i) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(j) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

(k) "Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.

(l) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

(m) "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

(n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

(o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

~~(q) ("Similar animal" means: (i) For a mammal, another animal that is in the same taxonomic order; or (ii) for an animal that is not a mammal, another animal that is in the same taxonomic class.~~

~~(r))~~ "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

~~((s))~~ ~~(r)~~ "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

Sec. 3. RCW 16.52.085 and 2016 c 181 s 1 are each amended to read as follows:

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with ~~((a similar))~~ animals under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

(5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.

(6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

Sec. 4. RCW 16.52.095 and 1994 c 261 s 7 are each amended to read as follows:

~~((It shall not be lawful for))~~ (1) Except as provided in subsection (2) of this section, it is a misdemeanor:

~~(a) For any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat, or hog, or dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice); or~~

(b) For any person to:

(i) Devocalize a dog;

(ii) Crop or cut off any part of the ear of a dog; or

(iii) Crop or cut off any part of the tail of a dog that is seven days old or older, or has opened its eyes, whichever occurs sooner.

(2) This section does not apply if the person performing the procedure is a licensed veterinarian utilizing accepted veterinary surgical protocols that may include local anesthesia, general anesthesia, or perioperative pain management.

Sec. 5. RCW 16.52.200 and 2016 c 181 s 2 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

(4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any ~~((similar))~~ animals for a period of time as follows:

(a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

(c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own ~~((or possess a similar animal))~~, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

(a) The person's prior animal cruelty in the second degree convictions;

(b) The type of harm or violence inflicted upon the animals;

(c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

(d) Whether the person complied with the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals; and

(e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

(6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(8) If a person violates the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals under subsection (4) of this section, that person:

(a) Shall pay a civil penalty of one thousand dollars for the first violation;

(b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and

(c) Is guilty of a gross misdemeanor for the third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

Sec. 6. RCW 16.52.205 and 2015 c 235 s 6 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2)(a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (b) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes: ~~((a))~~ (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or ~~((b))~~ (ii) death.

(b) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.

(3) A person is guilty of animal cruelty in the first degree when he or she:

(a) Knowingly engages in any sexual conduct or sexual contact with an animal;

(b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;

(c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;

(d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or

(e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.

(4) Animal cruelty in the first degree is a class C felony.

(5) In addition to the penalty imposed in subsection (4) of this section, the court ~~((may))~~ must order that the convicted person ~~((do any of the following:~~

~~(a) Not harbor or own animals or reside in any household where animals are present;~~

~~((b))~~ not own, care for, possess, or reside in any household where an animal is present, in accordance with RCW 16.52.200.

(6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:

(a) Participate in appropriate counseling at the defendant's expense;

~~((e))~~ (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in ((subsection (3) of)) this section.

~~((6))~~ (7) Nothing in this section ((may be considered to)) prohibits accepted animal husbandry practices or ((accepted veterinary medical practices by)) prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.

~~((7))~~ (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.

~~((8))~~ (9) For purposes of this section:

(a) "Animal" means every creature, either alive or dead, other than a human being.

(b) "Sexual conduct" means any touching ~~((or))~~ by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, ((either directly or through clothing, of)) the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal ~~((, for the purpose of sexual gratification or arousal of the person)).~~

(c) "Sexual contact" means any contact, however slight, between the mouth, sex organ, or anus of a person and the mouth, sex organ, or anus of an animal, or any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal, or any intrusion of the sex organ or anus of the person into the mouth of the animal ~~((, for the purpose of sexual gratification or arousal of the person)).~~

(d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

Sec. 7. RCW 16.52.207 and 2019 c 174 s 2 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:

(a) The person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or

(b) The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal ~~((, and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

~~((Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons))~~ Abandons the animal ~~((, or~~

~~((e) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(3) Animal cruelty in the second degree is a gross misdemeanor.

~~((4) In any prosecution of animal cruelty in the second degree under subsection (1)(a) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.))~~

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

Sec. 8. RCW 16.54.020 and 2011 c 336 s 425 are each amended to read as follows:

Any person having in his or her care, custody, or control any abandoned animal as defined in RCW 16.54.010, may deliver such animal to any ~~((humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within the county))~~ animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such animals. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

Sec. 9. RCW 16.54.030 and 1955 c 190 s 3 are each amended to read as follows:

It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then deliver such an animal to any animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such an animal. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, then such an animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1)RCW 16.08.030 (Marauding dog—Duty of owner to kill) and 1929 c 198 s 7;

(2)RCW 16.52.110 (Old or diseased animals at large) and 2011 c 336 s 424 & 1901 c 146 s 13; and

(3)RCW 16.52.165 (Punishment—Conviction of misdemeanor) and 1982 c 114 s 7 & 1901 c 146 s 16."

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 16.08.100, 16.52.011, 16.52.085, 16.52.095, 16.52.200, 16.52.205, 16.52.207, 16.54.020, and 16.54.030; repealing RCW 16.08.030, 16.52.110, and 16.52.165; and prescribing penalties."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1014 by Senators Rivers and Pedersen to Substitute Senate Bill No. 6300.

The motion by Senator Rivers carried and striking floor amendment no. 1014 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 6300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Pedersen spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6300.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6300 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, Muzzall, Schoesler and Wagoner

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6676, by Senators Frockt, Randall, Rolfes, Darneille, Braun, Billig, Salomon, Stanford, Dhingra, Van De Wege, Brown, Carlyle, Cleveland, Conway, Das, Hasegawa, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Wellman, and Wilson, C.

Concerning reimbursement for primary care services for medicaid beneficiaries.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6676 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, by Senate Committee on Ways & Means (originally sponsored by Darneille, Randall, Kuderer, Frockt, Hasegawa, Nguyen and Saldaña)

Creating alternatives to total confinement for certain qualifying persons with minor children.

The bill was read on Third Reading.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

MOTION

On motion of Senator Padden, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5291.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Fortunato and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5759, by Senators Cleveland, Rivers, Conway, Bailey, Wilson, L., Short and Keiser

Increasing opportunities for the use of remote technology in eye exams. Revised for 1st Substitute: Increasing opportunities for the use of remote technology in corrective lens prescriptions.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5759 was substituted for Senate Bill No. 5759 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Cleveland moved that the following striking floor amendment no. 1039 by Senators Cleveland and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the consumer protection in eye care act.

NEW SECTION. Sec. 2. INTENT. (1) The legislature recognizes the importance of allowing licensed practitioners to use their professional judgment, based on their education, training, and expertise, to determine the appropriate use of current and future technologies to enhance patient care. Guidelines for providing health care services through remote technology have been addressed by the medical community, and the legislature intends to complement and clarify those guidelines with respect to using remote technology to provide prescriptions for corrective lenses.

(2) The legislature also recognizes that health care consumers, including eye health care consumers, can benefit from developments in technology that offer advantages such as increased convenience or increased speed in delivery of services. However, the legislature recognizes that health care consumers can be misled or harmed by the use of developments in technology that are not properly supervised by qualified providers.

(3) The legislature recognizes that the use of technology that permits a consumer to submit data to an entity for the purposes of obtaining a prescription for corrective lenses, including contact lenses, may fail to detect serious eye health issues resulting in permanent vision loss if the patient is not also receiving comprehensive eye care according to standard of care.

(4) Therefore, the legislature concludes that consumers should be protected from improper or unsupervised use of technology for purposes of obtaining a prescription for corrective lenses, without unduly restricting the development and implementation of technology and without unduly restricting licensed practitioners from using such technology where appropriate.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect. Contact lens includes, but is not limited to, cosmetic, therapeutic, and corrective lenses that are a federally regulated medical device.

(2) "Corrective lenses" means any lenses, including lenses in spectacles and contact lenses, that are manufactured in accordance with the specific terms of a valid prescription for an individual patient for the purpose of correcting the patient's refractive or binocular error.

(3) "Department" means the department of health.

(4) "Diagnostic information and data" mean any and all information and data, including but not limited to photographs and scans, generated by or through the use of any remote technology.

(5) "Patient-practitioner relationship" means the relationship between a provider of medical services, the practitioner, and a receiver of medical services, the patient, based on mutual

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

understanding of their shared responsibility for the patient's health care.

(6) "Prescription" means the written or electronic directive from a qualified provider for corrective lenses and consists of the refractive power as well as contact lens parameters in the case of contact lens prescriptions.

(7) "Qualified provider" means a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW practicing ophthalmology, or a person licensed under chapter 18.53 RCW to practice optometry.

(8) "Remote qualified provider" means any qualified provider who is not physically present at the time of the examination.

(9) "Remote technology" means any automated equipment or testing device and any application designed to be used on or with a phone, computer, or internet-based device that is used without the physical presence and participation of a qualified provider that generates data for purposes of determining an individual's refractive error. Remote technology does not include the use of telemedicine as defined in RCW 48.43.735 for purposes other than determining an individual's refractive error.

(10) "Spectacles" means any device worn by an individual that has one or more lenses through which the wearer looks. Spectacles are commonly known and referred to as glasses, and may include cosmetic or corrective lenses.

(11) "Standard of care" means those standards developed and defined by the American academy of ophthalmology preferred practice pattern "Comprehensive Adult Medical Eye Evaluation" (Appendix 1).

(12) "Standard of care for contact lenses" means the frequency of eye examinations as recommended for contact lens wearers in the American academy of ophthalmology publication "Refractive Errors & Refractive Surgery Preferred Practice Pattern" (Appendix 2).

NEW SECTION. Sec. 4. USE OF REMOTE TECHNOLOGY FOR CORRECTIVE LENS PRESCRIPTIONS. A qualified provider may prepare a prescription for corrective lenses intended to correct an individual's refractive error by remote technology if:

(1) The prescribing qualified provider is held to the same standard of care applicable to qualified providers providing corrective lens prescriptions in traditional in-person clinical settings;

(2) A patient-practitioner relationship is clearly established by the qualified provider agreeing to provide a corrective lens prescription, whether or not there was an in-person encounter between the parties. The parameters of the patient-practitioner relationship for the use of remote technology must mirror those that would be expected for similar in-person encounters to provide corrective lens prescriptions;

(3) The remote technology is only offered to patients who meet appropriate screening criteria. A review of the patient's medical and ocular history that meets standard of care is required to determine who may or may not be safely treated with refraction without a concurrent comprehensive eye exam. Patients must also be informed that a refraction alone, whether utilizing remote technology or in person, does not substitute for a comprehensive eye exam;

(4) Continuity of care is maintained. Continuity of care requires but is not limited to:

(a) A qualified provider addressing an adverse event that occurs as a result of the prescription written by the qualified provider by:

(i) Being available to address the patient's vision or medical condition directly, either in-person or remotely, if it is possible to address the adverse event remotely;

(ii) Having an agreement with another qualified provider or licensed medical provider who is available to address the patient's vision or medical condition, either in-person or remotely; or

(iii) Referring the patient to a qualified provider or licensed medical provider who is capable of addressing the patient's condition;

(b) Retaining patient exam documentation for a minimum of ten years and retaining communication between the remote qualified provider who evaluated the patient and prescribed corrective lenses and any applicable providers as they normally would in an in-person setting; and

(5) When prescribing for contact lenses, the examination of the eyes is performed in accordance with the standard of care and standard of care for contact lenses. The components of the eye examination, if done remotely, must be to the same evaluation and standard of care the qualified provider would typically do in an in-person setting for the same condition. If the eye examination is performed by someone other than the prescribing qualified provider, the prescribing qualified provider must obtain written, faxed, or electronically communicated affirmative verification of the results of that eye examination from the provider who performed the examination. The absence of receipt of affirmative verification within any specified time period cannot be used as presumed affirmative verification.

NEW SECTION. Sec. 5. REMOTE TECHNOLOGY STANDARDS FOR USE. It is unlawful for any person to offer or otherwise make available to consumers in this state remote technology under this chapter without fully complying with the following:

(1) The remote technology must be approved by the United States food and drug administration when applicable;

(2) The remote technology must be designed and operated in a manner that provides any accommodation required by the Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. when applicable;

(3) The remote technology, when used for the collection and transmission of diagnostic information and data, must gather and transmit any protected health information in compliance with the federal health insurance portability and accountability act of 1996 and related regulations;

(4) The remote technology, when used for the collection and transmission of diagnostic information and data, may only transmit the diagnostic information and data to a qualified provider, their staff, contracted support staff, or another licensed health care provider for the purposes of collaboration in providing care to the patient. When diagnostic information and data are collected and transmitted through remote technology, that information must be read and interpreted by a qualified provider in order to release a corrective lens prescription to the patient or other entity. Contracted support staff must comply with all requirements of this chapter. Contract support staff and the supervising provider retain personal and professional responsibility for any violation of this chapter by the contracted support staff; and

(5) The owner, lessee, or operator of the remote technology must maintain liability insurance in an amount reasonably sufficient to cover claims which may be made by individuals diagnosed or treated based on information and data by the automated equipment, including but not limited to photographs and scans.

NEW SECTION. Sec. 6. ENFORCEMENT. (1) The relevant disciplinary authority for the qualified provider shall review any written complaint alleging a violation, or attempted violation, of this chapter or rules adopted pursuant to this chapter, and conduct an investigation.

(2) If the disciplinary authority finds that a person has violated or attempted to violate this chapter, it may:

(a) Upon the first violation or attempted violation that did not result in significant harm to an individual's health, issue a written warning; or

(b) In all other cases, impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each violation.

(3) At the request of the department, the attorney general may file a civil action seeking an injunction or other appropriate relief to enforce this chapter and the rules adopted pursuant to this chapter.

(4) For the purposes of this section, "disciplinary authority" means the same as in RCW 18.130.020.

NEW SECTION. Sec. 7. RULE MAKING. The department shall adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act constitute a new chapter in Title 18 RCW."

On page 1, line 2 of the title, after "prescriptions;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1039 by Senators Cleveland and O'Ban to Substitute Senate Bill No. 5759.

The motion by Senator Cleveland carried and striking floor amendment no. 1039 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5759.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6097, by Senators Rolfes, Kuderer, Pedersen, Frockt, Conway, Randall, Carlyle and Saldaña

Requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6097 was substituted for Senate Bill No. 6097 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler and without objection, floor amendment no. 1004 by Senators Schoesler and Short on page 1, line 7 to Substitute Senate Bill No. 6097 was withdrawn.

MOTION

Senator Rolfes moved that the following floor amendment no. 1101 by Senators O'Ban and Rolfes be adopted:

On page 1, line 10, after "commissioner" strike "must" and insert "may"

On page 1, line 10, after "surplus" insert ", capital, or profit"

On page 1, line 12, after "surplus," insert "capital, or profit levels,"

On page 1, line 13, after "the" insert "current"

On page 1, line 13, after "carriers" insert ", including those"

On page 1, beginning on line 14, after "facilities" strike all material through "affiliated" on line 16

On page 2, line 1, after "(4)" insert "Nothing in this section affects the requirement that all approved individual and small group rates be actuarially sound according to chapter 48.19, 48.44, or 48.46 RCW.

(5)"

Correct any internal references accordingly.

On page 1, line 2 of the title, after "surplus" insert ", capital, or profit"

Senators Rolfes and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1101 by Senators O'Ban and Rolfes on page 1, line 10 to Substitute Senate Bill No. 6097.

The motion by Senator Rolfes carried and floor amendment no. 1101 was adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1041 by Senator Schoesler be adopted:

On page 1, line 13, after "consideration" insert "whether a carrier's insurance holding company system offers a qualified health plan in the individual market in every county of the state, and"

Senators Schoesler and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1041 by Senator Schoesler on page 1, line 13 to Substitute Senate Bill No. 6097.

The motion by Senator Schoesler carried and floor amendment no. 1041 was adopted by voice vote.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2020

2020 REGULAR SESSION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6097 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Liias, King, Stanford, Becker, Keiser, Braun, Wellman and Conway

Concerning the calculation of compensation of an employee of a medical school and an affiliated faculty group practice for purposes of a noncompetition agreement.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Kuderer

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5602, by Senators Randall, Wilson, C., Nguyen, Das, Saldaña, Cleveland, Takko, Kuderer, Hasegawa, Rolfes, Van De Wege, Keiser, Hunt, Wellman, Billig, Dhingra, Conway, Pedersen, Frockt, Salomon, Palumbo, Darneille, McCoy, Liias, Mullet and Carlyle

Eliminating barriers to reproductive health care for all.

MOTIONS

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5602 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt and without objection, floor amendment no. 1081 by Senators Frockt and Short on page 19, line 35 to Second Substitute Senate Bill No. 5601 was withdrawn.

MOTION

On motion of Senator Rolfes, the rules were suspended, Second Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Short, Frockt, O'Ban and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5601.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6040, by Senators Braun, Becker and Kuderer

Concerning the budgeting process for certain state waiver services for individuals with developmental disabilities.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6040 was substituted for Senate Bill No. 6040 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 1051 by Senator Braun be adopted:

On page 3, beginning on line 26, after "must be" strike all material through "and" on line 27

On page 3, line 32, after "and" strike "their service needs" and insert "the number of persons contacted who are currently interested in receiving a paid service from the developmental disabilities administration"

On page 3, line 34, strike "2020" and insert "2021"

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1051 by Senator Braun on page 3, line 26 to Substitute Senate Bill No. 6040.

The motion by Senator Braun carried and floor amendment no. 1051 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 6040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Keiser and Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6040.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 16, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1894,
ENGROSSED HOUSE BILL NO. 2188,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2311,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2427,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2518,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2528,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,
ENGROSSED HOUSE BILL NO. 2610,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2625,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2786,
ENGROSSED HOUSE BILL NO. 2797,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2849,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2870,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 9:33 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Tuesday, February 18, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 18, 2020

The Senate was called to order at 9:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Mr. Derek Repp and Miss Brooke Sorensen, presented the Colors. Page Mr. Seth Lustig led the Senate in the Pledge of Allegiance. The prayer was offered by Bishop Thomas Daly of the Cathedral of Our Lady of Lourdes, Spokane. Bishop Daly was a guest of Senator Padden.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1154 by House Committee on Capital Budget (originally sponsored by DeBolt)
AN ACT Relating to financing of Chehalis basin flood damage reduction and habitat restoration projects; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21A RCW; and adding new sections to chapter 43.99G RCW.

Referred to Committee on Ways & Means.

2SHB 1853 by House Committee on Transportation (originally sponsored by Ramos, Peterson, Paul, Gregerson, Ryu, Senn and Santos)
AN ACT Relating to the development and coordination of a statewide don't drip and drive program; adding a new chapter to Title 46 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

2SHB 1888 by House Committee on Appropriations (originally sponsored by Hudgins and Valdez)
AN ACT Relating to protecting employee information from public disclosure; and reenacting and amending RCW 42.56.230 and 42.56.250.

Referred to Committee on State Government, Tribal Relations & Elections.

EHB 1894 by Representatives Dent and Griffey
AN ACT Relating to additional temporary duties for the wildland fire advisory committee; and amending 2018 c 227 s 1 (uncodified).

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 2188 by Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz and Riccelli
AN ACT Relating to increasing the types of commercial driver's license qualification waivers allowed for military veterans; amending RCW 46.25.060; and creating a new section.

Referred to Committee on Transportation.

HB 2197 by Representatives Thai, McCaslin, Walen, Slatter, Tarleton, Appleton, Orwall, Shewmake and Wylie
AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 2252 by Representatives Thai, Callan, Macri, Doglio, Cody, Lekanoff and Pollet
AN ACT Relating to student health plans; and amending RCW 48.43.073.

Referred to Committee on Health & Long Term Care.

ESHB 2265 by House Committee on Environment & Energy (originally sponsored by Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson and Pollet)
AN ACT Relating to eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam; and amending RCW 70.75A.020.

Referred to Committee on Environment, Energy & Technology.

HB 2305 by Representatives Doglio, Pollet and Appleton
AN ACT Relating to firearms laws concerning persons subject to vulnerable adult protection orders; amending

RCW 74.34.130; and reenacting and amending RCW 9.41.800 and 9.41.040.

Referred to Committee on Law & Justice.

SHB 2306 by House Committee on Civil Rights & Judiciary (originally sponsored by Kirby, Vick, Walen, Hoff, Ryu and Volz)

AN ACT Relating to the regulation of legal service contractors; amending RCW 48.17.170; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

2SHB 2310 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins and Pollet)

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70.120.010 and 70.94.015; adding new sections to chapter 70.120 RCW; and creating a new section.

Referred to Committee on Transportation.

E2SHB 2311 by House Committee on Appropriations (originally sponsored by Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez, Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins and Pollet)

AN ACT Relating to amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science; amending RCW 70.235.020 and 70.235.050; reenacting and amending RCW 70.235.010; adding a new section to chapter 70.235 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SHB 2326 by House Committee on Health Care & Wellness (originally sponsored by Macri, Robinson, Rude, Cody, Leavitt, Thai, Ormsby, Wylie, Doglio, Kloba, Riccelli, Tharinger and Appleton)

AN ACT Relating to hospital end-of-life care policies; amending RCW 70.41.520; adding a new section to chapter 70.41 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2343 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Frame, Macri, Doglio, Tharinger and Pollet)

AN ACT Relating to urban housing supply; amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW 36.70A.030; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

HB 2345 by Representatives Macri, Wylie, Cody, Goodman, Tharinger and Appleton

AN ACT Relating to continuing care retirement communities; amending RCW 18.390.010, 18.390.060, and

18.390.070; and adding a new section to chapter 18.390 RCW.

Referred to Committee on Health & Long Term Care.

HB 2347 by Representatives Duerr, Pollet, Senn and Goehner
AN ACT Relating to bond requirements for county clerks; and repealing RCW 36.23.020.

Referred to Committee on Local Government.

SHB 2378 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Harris, Macri and Cody)

AN ACT Relating to physician assistants; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.090, 7.68.030, 18.06.140, 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270, 18.100.050, 18.120.020, 18.130.410, 18.250.010, 28A.210.090, 43.70.220, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.42.100, 48.43.094, 48.43.115, 51.04.030, 51.28.100, 69.41.030, 69.45.010, 70.41.210, 70.54.400, 70.128.120, 70.185.090, 70.225.040, 71.32.020, 74.09.010, 74.42.230, and 82.04.050; reenacting and amending RCW 18.71A.010, 18.79.260, 18.89.020, 18.130.040, 18.360.010, 43.70.110, 43.70.442, 69.41.010, 69.50.101, 69.51A.010, 70.180.030, 71.05.020, 71.24.025, 71.34.020, and 74.42.010; adding new sections to chapter 18.71A RCW; creating a new section; repealing RCW 18.57A.010, 18.57A.020, 18.57A.023, 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090, 18.57A.100, 18.57A.800, 18.57A.810, 18.71A.035, and 18.71A.040; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 2380 by Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba and Appleton

AN ACT Relating to the home care agency vendor rate and repeal of electronic timekeeping; amending RCW 74.39A.310; creating a new section; repealing RCW 74.39A.325; and providing an effective date.

Referred to Committee on Health & Long Term Care.

2SHB 2386 by House Committee on Appropriations (originally sponsored by Cody, Robinson, Leavitt, Tarleton, Thai, Frame, Fitzgibbon, Slatter, Davis, Tharinger, Sells, Macri and Wylie)

AN ACT Relating to the creation of the state office of the behavioral health ombuds; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2388 by House Committee on Human Services & Early Learning (originally sponsored by Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman and Pollet)

AN ACT Relating to standardizing definitions of homelessness to improve access to services; amending RCW 43.216.505, 74.08A.010, 74.13.802, 26.44.020, and 46.20.117; reenacting and amending RCW 43.216.135 and 13.34.030; and creating a new section.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2400 by House Committee on State Government & Tribal Relations (originally sponsored by Hudgins, Smith, Van Werven and Wylie)

AN ACT Relating to privacy assessment surveys of state agencies; and amending RCW 43.105.369.

Referred to Committee on Environment, Energy & Technology.

SHB 2419 by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Kloba, Peterson, Springer, Cody, Ormsby, Riccelli and Doglio)

AN ACT Relating to studying barriers to the use of the Washington death with dignity act; adding a new section to chapter 70.245 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SHB 2426 by House Committee on Health Care & Wellness (originally sponsored by Cody, Robinson, Kilduff, Tharinger, Davis, Macri, Riccelli and Pollet)

AN ACT Relating to protecting patient safety in psychiatric hospitals and other health care facilities regulated by the department of health through improvements to licensing and enforcement; amending RCW 71.12.480; reenacting and amending RCW 71.12.455; adding new sections to chapter 71.12 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 2427 by House Committee on Environment & Energy (originally sponsored by Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman and Wylie)

AN ACT Relating to tackling climate change as a goal of the growth management act; and amending RCW 36.70A.020 and 36.70A.480.

Referred to Committee on Local Government.

SHB 2441 by House Committee on Appropriations (originally sponsored by Entenman, Fitzgibbon, Senn, Gregerson, Kilduff, Stonier, Davis, Macri, Ortiz-Self, Riccelli, Pettigrew, Pollet, Goodman, Wylie and Doglio)

AN ACT Relating to improving access to temporary assistance for needy families; amending RCW 74.08A.010; reenacting and amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 2443 by House Committee on Housing, Community Development & Veterans (originally sponsored by Ryu and Davis)

AN ACT Relating to requiring the use of personal flotation devices on smaller vessels; and amending RCW 79A.60.160.

Referred to Committee on Transportation.

SHB 2448 by House Committee on Health Care & Wellness (originally sponsored by Schmick, Chambers and Cody)

AN ACT Relating to enhanced services facilities; amending RCW 70.97.030, 70.97.040, 70.97.050, 70.97.060, 70.97.070, 70.97.080, 70.97.100, 70.97.160, 70.97.200, 70.97.220, 70.129.005, 70.129.010, and 70.129.160; and reenacting and amending RCW 70.97.010.

Referred to Committee on Health & Long Term Care.

ESHB 2471 by House Committee on Human Services & Early Learning (originally sponsored by Callan, Eslick, Senn, Corry and Kilduff)

AN ACT Relating to working connections child care payment authorizations; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 2474 by Representative Sells

AN ACT Relating to sales commissions; and amending RCW 49.48.150, 49.48.160, and 49.48.010.

Referred to Committee on Labor & Commerce.

HB 2491 by Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff

AN ACT Relating to authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HB 2497 by Representatives Ormsby, Leavitt, Doglio, Ramel, Tharinger, Goodman, Riccelli and Santos

AN ACT Relating to adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing; and amending RCW 39.89.020, 39.102.020, and 39.104.020.

Referred to Committee on Housing Stability & Affordability.

HB 2512 by Representatives Orwall, Stokesbary, Pollet, Ryu, Valdez, Volz, Leavitt, Gildon, Graham, Doglio and Dufault

AN ACT Relating to interest and penalty relief for qualified mobile home and manufactured home owners; and amending RCW 84.56.070.

Referred to Committee on Housing Stability & Affordability.

E2SHB 2518 by House Committee on Appropriations (originally sponsored by Shewmake, Ybarra, Boehnke, Tarleton, Mead, Fitzgibbon, Lekanoff, Ramel, Callan, Peterson, Slatter, Davis, Doglio, Pollet and Cody)
AN ACT Relating to the safe and efficient transmission and distribution of natural gas; amending RCW 70.235.020; adding a new section to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

E2SHB 2528 by House Committee on Appropriations (originally sponsored by Ramos, DeBolt, Chapman, Boehnke, Blake, Fitzgibbon, Tharinger and Santos)
AN ACT Relating to recognizing the contributions of the state's forest products sector as part of the state's global climate response; amending RCW 70.235.005; adding a new section to chapter 70.235 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2535 by House Committee on Civil Rights & Judiciary (originally sponsored by Kirby, Pollet, Ormsby and Santos)
AN ACT Relating to providing for a grace period before late fees may be imposed for past due rent; and amending RCW 59.18.170 and 59.18.230.

Referred to Committee on Financial Institutions, Economic Development & Trade.

ESHB 2565 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Doglio and Hudgins)
AN ACT Relating to the labeling of disposable wipes products; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

ESHB 2571 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Klippert and Ormsby)
AN ACT Relating to increased deterrence and meaningful enforcement of fish and wildlife violations; amending RCW 77.15.075, 77.15.100, and 7.84.070; reenacting and amending RCW 77.15.160; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 2584 by Representatives Caldier, Frame, Leavitt and Davis
AN ACT Relating to establishing rates for behavioral health services; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health & Long Term Care.

EHB 2610 by Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet and Macri

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

Referred to Committee on Housing Stability & Affordability.

SHB 2613 by House Committee on Labor & Workplace Standards (originally sponsored by Sells and Mosbrucker)

AN ACT Relating to granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language; amending RCW 50.12.200, 50.20.190, 50.29.021, 50.50.070, and 50A.05.070; creating a new section; and repealing RCW 50.29.020.

Referred to Committee on Labor & Commerce.

SHB 2621 by House Committee on Health Care & Wellness (originally sponsored by Maycumber, Tharinger, Schmick, Chapman, MacEwen and Eslick)
AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area; amending RCW 70.127.040; and reenacting and amending RCW 70.38.111.

Referred to Committee on Health & Long Term Care.

ESHB 2625 by House Committee on Finance (originally sponsored by Eslick, Tarleton, Griffey, Pollet, Goehner, Senn and Chapman)
AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2629 by House Committee on Housing, Community Development & Veterans (originally sponsored by Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba and Graham)
AN ACT Relating to waiving utility connection charges for certain properties; amending RCW 23.86.400, 24.06.600, 35.92.380, 36.94.140, and 54.24.080; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Local Government.

ESHB 2642 by House Committee on Health Care & Wellness (originally sponsored by Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet)
AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Referred to Committee on Health & Long Term Care.

ESHB 2645 by House Committee on Environment & Energy (originally sponsored by Smith, Eslick and Pollet)

AN ACT Relating to the photovoltaic module stewardship and takeback program; and amending RCW 70.355.010.

Referred to Committee on Environment, Energy & Technology.

HB 2677 by Representatives Chopp, Cody, Tharinger, Leavitt and Davis

AN ACT Relating to sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority; and amending RCW 74.09A.020.

Referred to Committee on Health & Long Term Care.

ESHB 2713 by House Committee on State Government & Tribal Relations (originally sponsored by Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet)

AN ACT Relating to encouraging compost procurement and use; adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SHB 2714 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Hoff, Fitzgibbon, Orcutt, Blake, Chapman, Lekanoff, Van Werven, Tharinger and Kretz)

AN ACT Relating to valuing the carbon in forest riparian easements; amending RCW 76.13.120; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2728 by House Committee on Appropriations (originally sponsored by Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet)

AN ACT Relating to implementation of a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center; amending RCW 71.24.061; adding new sections to chapter 71.24 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

2SHB 2737 by House Committee on Appropriations (originally sponsored by Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers)

AN ACT Relating to revising the name, term, membership, and duties of the children's mental health work group; amending RCW 74.09.4951; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 2763 by Representatives Chapman, Dent, Hudgins and Tharinger

AN ACT Relating to interest arbitration for department of corrections employees; and amending RCW 41.80.200.

Referred to Committee on Labor & Commerce.

SHB 2768 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet)

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 80.28.300, 43.155.120, 70.146.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2786 by House Committee on Appropriations (originally sponsored by Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist)

AN ACT Relating to establishing the opioid epidemic response advisory council; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Ways & Means.

ESHB 2797 by Representatives Robinson, Macri, Davis, Shewmake, Peterson, Ramel, Lekanoff and Pollet

AN ACT Relating to the sales and use tax for affordable and supportive housing; and amending RCW 82.14.540.

Referred to Committee on Housing Stability & Affordability.

ESHB 2849 by House Committee on Capital Budget (originally sponsored by Tharinger, DeBolt, Macri, Robinson, Chopp, Harris, Leavitt, Ramel and Lekanoff)

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185A.010, 43.185.030, 43.185A.020, 43.185.050, 43.185.070, 43.185.110, 43.185A.060, 43.185A.070, 43.185.074, 18.85.285, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; adding new sections to chapter 43.185A RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, 43.185.140, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185A.030, 43.185A.050, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, 43.185.120, 43.185.130, 43.185A.900, and 43.185.910.

Referred to Committee on Housing Stability & Affordability.

E2SHB 2870 by House Committee on Appropriations
(originally sponsored by Pettigrew and Ryu)
AN ACT Relating to allowing additional marijuana retail licenses for social equity purposes; amending RCW 69.50.540; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SHB 2883 by House Committee on Human Services & Early Learning (originally sponsored by Eslick, Frame and Davis)
AN ACT Relating to implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children's mental health work group; amending RCW 71.34.010, 71.34.610, 71.34.630, and 71.34.730; reenacting and amending RCW 71.34.020, 71.34.750, and 71.34.750; adding a new section to chapter 71.34 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 2890 by House Committee on Local Government
(originally sponsored by MacEwen)
AN ACT Relating to boarding homes; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

SHB 2905 by House Committee on Appropriations
(originally sponsored by J. Johnson, Riccelli, Calder, Doglio, Pollet and Ryu)
AN ACT Relating to increasing outreach and engagement with access to baby and child dentistry programs; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHJM 4014 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Chapman, Tarleton, Orwall, Fey, Macri, Wylie, Doglio, Stonier, Kloba and Pollet)
Asking Congress to include dental care in Medicare.

Referred to Committee on Health & Long Term Care.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2400 which had been designated to the Committee on State Government, Tribal Relations & Elections and was referred to the Committee on Environment, Energy & Technology.

MOTION

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

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION 8684

By Senators O'Ban, Rivers, Walsh, Padden, Sheldon, Muzzall, Wagoner, Zeiger, Wilson, L., Holy, Braun, Brown, Warnick, Becker, Schoesler, King, Short, Hawkins, Hasegawa, Conway, Frockt, Billig, Carlyle, Wilson, C., Kuderer, Cleveland, Darneille, Das, and Wellman

WHEREAS, Fifteen thousand Chinese workers across several states completed the Seattle to Newcastle railroad, helping to connect Seattle to the rest of the Transcontinental Railroad system; and

WHEREAS, The odious Chinese Exclusion act of 1882 became the first major restriction on immigration in the United States, leading to the resentment of Chinese American residents in Washington state; and

WHEREAS, In Tacoma, on November 3, 1885, a mob forced over 200 Chinese residents from their shops and homes, and made them walk in deplorable conditions to a train waiting to take these Chinese residents to Portland; and

WHEREAS, The next day some of Tacoma's citizens ravaged Chinese businesses downtown and burned shops and lodgings that formed the Chinese settlement along the waterfront; and

WHEREAS, In Seattle, from February 6th through 9th, 1886, a dispute arose when a mob was formed to carry out a forcible expulsion of nearly every Chinese person from the city of Seattle and herded them to a waiting steamer on the waterfront; and

WHEREAS, The inexcusable actions of these mobs in Tacoma and Seattle led to the death of a Chinese resident; and

WHEREAS, Twenty-two years after President Lincoln gave the Gettysburg Address stating, "Our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal" these words were forgotten by the mob, blind to the wrongdoing of the actions that were taken by individuals to force out Chinese Immigrants; and

WHEREAS, Even after the decades of unacceptable racism and violence, Chinese Americans wanted to sign up to fight for the United States; and

WHEREAS, The immigration restrictions were not lifted until World War II. Once they were lifted, the demographic of Chinese Americans changed dramatically. In the 1950's and 1960's, more Chinese Americans entered fields that had traditionally been closed to them. These included medicine, engineering, corporate business, and even politics; and

WHEREAS, In 1962, a Chinese American named Wing Luke became the first Chinese American City Council Member, and the first Chinese American on the United States mainland to hold such a post; and

WHEREAS, The population of Chinese Americans has more than doubled since 1979; and

WHEREAS, Chinese Americans play a vital role in Washington state; they are doctors, nurses, students and teachers, CEO's, and secretaries. They are our neighbors, our friends, and, most importantly, Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate condemn the violence and racism that generations of Chinese Americans have faced and acknowledge the vital role that Chinese Americans play in the great state of Washington.

Senators O'Ban, Saldaña, Padden, Liias, Becker, Darneille, Warnick, Brown, Wagoner, Hasegawa and Wellman spoke in favor of adoption of the resolution.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

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

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

MOTION

At 9:41 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 11:28 a.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Holly Koon, Senate Gubernatorial Appointment No. 9154, be confirmed as a member of the State Board of Education.

Senator Wellman spoke in favor of the motion.

APPOINTMENT OF HOLLY KOON

The President declared the question before the Senate to be the confirmation of Holly Koon, Senate Gubernatorial Appointment No. 9154, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Holly Koon, Senate Gubernatorial Appointment No. 9154, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Rivers and Schoesler

Absent: Senator Muzzall

Excused: Senator Fortunato

Holly Koon, Senate Gubernatorial Appointment No. 9154, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

On motion of Senator Rivers, Senators Fortunato and Sheldon were excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6561, by Senators Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, and Wilson, C.

Creating the undocumented student support loan program.

MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 6561 was substituted for Senate Bill No. 6561 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and O'Ban spoke in favor of passage of the bill. Senator Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Randall, Hasegawa, Keiser, Stanford, Frockt, Wilson, C. and Sheldon

Expanding access to higher education.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1111 by Senators Randall and Holy be adopted:

On page 2, line 23, after "with" strike "the council of presidents" and insert "financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state"

On page 2, line 25, after "consistent" strike "standards" and insert "definitions"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1111 by Senators Randall and Holy on page 2, line 23 to Substitute Senate Bill No. 6141.

The motion by Senator Randall carried and floor amendment no. 1111 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6374, by Senators Holy, Mullet, Padden, Wilson, L., and Wilson, C.

Concerning apprenticeship materials for dual credit scholarship programs.

The measure was read the second time.

MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 6374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6374.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6374 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

SENATE BILL NO. 6374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators Brown, Hasegawa, Kuderer, Nguyen, Rolfes, Short, Wilson, L., Das and Wellman

Establishing the Washington blockchain work group.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6065 was substituted for Senate Bill No. 6065 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

Senator Takko spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

SECOND READING

SENATE BILL NO. 6261, by Senators McCoy, Saldaña, Conway, Kuderer, Hasegawa, Wilson, C., Das, Nguyen and Keiser

Strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations.

MOTION

On motion of Senator McCoy, Substitute Senate Bill No. 6261 was substituted for Senate Bill No. 6261 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator McCoy and without objection, floor amendment no. 1067 by Senator McCoy on page 1, line 11 to Substitute Senate Bill No. 6261 was withdrawn.

MOTION

Senator Saldaña moved that the following floor amendment no. 1106 by Senators Saldaña and King be adopted:

Beginning on page 3, line 6, strike all of sections 2 and 3
On page 1, beginning on line 4 of the title, after "violations;" strike all material through "19.30.200;" on line 5

Senators Saldaña and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1106 by Senators Saldaña and King on page 3, line 6 to Substitute Senate Bill No. 6261.

The motion by Senator Saldaña carried and floor amendment no. 1106 was adopted by voice vote.

MOITON

On motion of Senator McCoy, the rules were suspended, Engrossed Substitute Senate Bill No. 6261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2020

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1182,
SECOND SUBSTITUTE HOUSE BILL NO. 1191,
SECOND SUBSTITUTE HOUSE BILL NO. 1645,
SECOND SUBSTITUTE HOUSE BILL NO. 1651,
HOUSE BILL NO. 2110,
HOUSE BILL NO. 2259,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2359,
SUBSTITUTE HOUSE BILL NO. 2384,
HOUSE BILL NO. 2390,
HOUSE BILL NO. 2396,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
HOUSE BILL NO. 2458,
SUBSTITUTE HOUSE BILL NO. 2464,
SUBSTITUTE HOUSE BILL NO. 2498,
SECOND SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2554,
SUBSTITUTE HOUSE BILL NO. 2567,
SUBSTITUTE HOUSE BILL NO. 2634,
SUBSTITUTE HOUSE BILL NO. 2673,
HOUSE BILL NO. 2710,
HOUSE BILL NO. 2739,
SUBSTITUTE HOUSE BILL NO. 2789,
SECOND SUBSTITUTE HOUSE BILL NO. 2793,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

MOTION

At 12:11 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holy moved that Robert Whaley, Senate Gubernatorial Appointment No. 9155, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Holy spoke in favor of the motion.

APPOINTMENT OF ROBERT WHALEY

The President declared the question before the Senate to be the confirmation of Robert Whaley, Senate Gubernatorial Appointment No. 9155, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Robert Whaley, Senate Gubernatorial Appointment No. 9155, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senator Fortunato

Robert Whaley, Senate Gubernatorial Appointment No. 9155, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 6415, by Senators Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig

Allowing a permanent fire protection district benefit charge with voter approval.

MOTIONS

On motion of Senator Das, Substitute Senate Bill No. 6415 was substituted for Senate Bill No. 6415 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Das, the rules were suspended, Substitute Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6415.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator Ericksen

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

SECOND READING

SENATE BILL NO. 6139, by Senators Mullet, Wagoner, Takko, Wilson, L., Wilson, C., Randall, Conway, Stanford and Carlyle

Extending the joint center for aerospace technology innovation program.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 6139 was substituted for Senate Bill No. 6139 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 6139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6139.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6139 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6139, having received the constitutional majority, was declared passed. There

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Conway, Keiser, Hasegawa, Saldaña, Van De Wege, Lovelett, and Wilson, C.

Addressing compliance with apprenticeship utilization requirements and bidding on public works projects.

The measure was read the second time.

MOTION

Senator Conway moved that the following striking floor amendment no. 1097 by Senators Conway, Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.310 and 2015 c 48 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 39.04.300 and 39.04.320 unless the context clearly requires otherwise.

(1) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(2) "Apprenticeship utilization plan" means a plan submitted by a prospective bidder specifically detailing verifiable efforts to meet the apprenticeship utilization requirements.

(3) "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours be performed by apprentices.

~~((3))~~ (4) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed upon the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

~~((4))~~ (5) "School district" has the same meaning as in RCW 28A.315.025.

~~((5))~~ (6) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship council.

Sec. 2. RCW 39.04.350 and 2019 c 232 s 15 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state

apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

(2) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) of this section. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

(3) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other

bidder until two business days after the bidder determined to be not responsible has received the final determination.

(e) If the bidder has a history of receiving monetary penalties for not achieving the apprenticeship utilization goals pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan along with its bid documents.

(4) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 39.04.310 and 39.04.350."

Senators Conway and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1097 by Senators Conway, Keiser and King to Senate Bill No. 6239.

The motion by Senator Conway carried and striking floor amendment no. 1097 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

ENGROSSED SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6287, by Senators Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, and Wilson, C.

Concerning guardianships and conservatorships.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6287 was substituted for Senate Bill No. 6287 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following floor amendment no. 1052 by Senators Pedersen and Padden be adopted:

On page 16, beginning on line 17, strike all of section 114
Renummer the remaining sections consecutively and correct any internal references accordingly.

On page 212, beginning on line 21, strike all of section 902 and insert the following:

"Sec. 902. RCW 11.130.915 and 2019 c 437 s 807 are each amended to read as follows:

This act takes effect January 1, ~~((2024))~~ 2022, except that:

(1) Section 129, chapter 437, Laws of 2019 takes effect on the effective date of this section; and

(2) Sections 101 through 128, 130 through 136, 201 through 216, 602, 802, 803, and 805, chapter 437, Laws of 2019 take effect January 1, 2021.

NEW SECTION. Sec. 903. 2019 c 437 s 801 (uncodified) is repealed.

NEW SECTION. Sec. 904. The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.115 (Notice to department of revenue);

(18)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(19)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(20)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(21)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(22)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(23)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(24)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(25)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(26)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(27)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(28)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(29)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(30)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(31)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(32)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(33)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(34)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(35)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(36)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(37)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(38)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(39)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(40)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(41)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(42)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(43)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(44)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(45)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(46)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(47)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(48)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(49)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14; and

(50)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1.

NEW SECTION. Sec. 905. The following acts or parts of acts are each repealed:

(1)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(2)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(3)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;

(4)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(5)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(6)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(7)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining

order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(8)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(9)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(10)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

(11)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(12)RCW 26.10.080 (Payment of costs, attorney's fees, etc.) and 1987 c 460 s 35;

(13)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;

(14)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(15)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(16)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(17)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(18)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(19)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(20)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(21)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(22)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(23)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(24)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(25)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(26)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(27)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(28)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 906. A new section is added to chapter 11.130 RCW to read as follows:

(1) To the extent of a conflict between this chapter and chapter 11.88 or 11.92 RCW, chapter 11.88 or 11.92 RCW prevails.

(2) This section expires January 1, 2022.

NEW SECTION. Sec. 907. (1) Except for sections 101 through 113, 115 through 123, 301 through 307, 312, 313, 801, 902, 903, 905, and 906 of this act, this act takes effect January 1, 2022.

(2) Sections 101 through 113, 115 through 123, 301 through 307, 312, 313, 801, 905, and 906 of this act take effect January 1, 2021."

On page 1, line 4 of the title, after "11.130.250," strike "11.130.915,"

On page 1, line 22 of the title, after "74.34.163," strike "and 74.42.430" and insert "74.42.430, and 11.130.915"

On page 2, line 2 of the title, after "RCW;" strike "and providing an effective date." and insert "repealing RCW 11.88.005, 11.88.008, 11.88.010, 11.88.020, 11.88.030, 11.88.040, 11.88.045, 11.88.080, 11.88.090, 11.88.093, 11.88.095, 11.88.097, 11.88.100, 11.88.105, 11.88.107, 11.88.110, 11.88.115, 11.88.120, 11.88.125, 11.88.127, 11.88.130, 11.88.140, 11.88.150, 11.88.160, 11.88.170, 11.88.900, 11.92.010, 11.92.035, 11.92.040, 11.92.043, 11.92.050, 11.92.053, 11.92.056, 11.92.060, 11.92.090, 11.92.096, 11.92.100, 11.92.110, 11.92.115, 11.92.120, 11.92.125, 11.92.130, 11.92.140, 11.92.150, 11.92.160, 11.92.170, 11.92.180, 11.92.185, 11.92.190, 11.92.195, 26.10.010, 26.10.015, 26.10.020, 26.10.030, 26.10.032, 26.10.034, 26.10.040, 26.10.045, 26.10.050, 26.10.060, 26.10.070, 26.10.080, 26.10.090, 26.10.100, 26.10.110, 26.10.120, 26.10.130, 26.10.135, 26.10.140, 26.10.150, 26.10.160, 26.10.170, 26.10.180, 26.10.190, 26.10.200, 26.10.210, 26.10.220, and 26.10.910; repealing 2019 c 437 s 801 (uncodified); providing effective dates; and providing an expiration date."

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1052 by Senators Pedersen and Padden on page 16, line 17 to Substitute Senate Bill No. 6287.

The motion by Senator Pedersen carried and floor amendment no. 1052 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Padden and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6287.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6287 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6476, by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña

Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 6476 was substituted for Senate Bill No. 6476 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 6476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed students of Liberty Middle School from Camas who were seated in the gallery. The students were guests of Senator Rivers.

SECOND READING

SENATE BILL NO. 6142, by Senators Liias, Randall, Dhingra, Hasegawa, Mullet, Nguyen, Stanford, Carlyle, and Wilson, C.

Creating the Washington common application.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6142 was substituted for Senate Bill No. 6142 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Holy, Short and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6142.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6142 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:03 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1503,
ENGROSSED HOUSE BILL NO. 1552,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
ENGROSSED HOUSE BILL NO. 1694,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED HOUSE BILL NO. 2461,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,
ENGROSSED HOUSE BILL NO. 2687,
ENGROSSED HOUSE BILL NO. 2755,
ENGROSSED HOUSE BILL NO. 2896,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5402, by Senators Schoesler and Rolfes

Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following striking floor amendment no. 1135 by Senators Schoesler and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2017 3rd sp.s. c 37 s 501 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 502 and 503, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to maintain and expand business in the semiconductor cluster. It is the legislature's intent to extend by ten years the preferential tax rates for manufacturers and processors for hire of semiconductor materials in order to maintain and grow jobs in the semiconductor cluster.

(4) If a review finds that: (a) Since October 19, 2017, at least one project in the semiconductor cluster has located in Clark county, and that this project generates at least two thousand five hundred high-wage jobs, all of which pay twenty dollars per hour or more and at least eighty percent of which pay thirty-five dollars per hour or more; and (b) the number of jobs in the semiconductor cluster in Washington has increased since October 19, 2017, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

Sec. 2. 2017 3rd sp.s. c 37 s 504 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 505 through 508, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers,

improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to encourage significant construction projects; retain, expand, and attract semiconductor business; and encourage and expand family-wage jobs. It is the legislature's intent to extend by ten years the ~~((preferential tax rates))~~ exemptions for sales and use of gases and chemicals used in the production of semiconductor materials, in order to encourage the growth and retention of the semiconductor business in Washington, thereby strengthening Washington's competitiveness with other states for manufacturing investment.

(4) If a review finds that the number of construction projects in the industry has increased, and that ~~((the))~~ the number of people employed by the solar silicon, silicon manufacturing, and semiconductor fabrication industry in Washington is the same or more than in 2015, and that at least sixty percent of employees earn sixty thousand dollars a year, then the legislature intends to extend the expiration date of the tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

Sec. 3. RCW 19.02.085 and 2013 c 144 s 22 are each amended to read as follows:

(1) To encourage timely renewal by applicants, a business license delinquency fee is imposed on licensees who fail to renew by the business license expiration date. The business license delinquency fee must be the lesser of one hundred fifty dollars or fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The business license delinquency fee must be added to the renewal fee and paid by the licensee before a business license is renewed. The delinquency fee must be deposited in the business license account.

(2) The department must waive or cancel the business license delinquency fee imposed in subsection (1) of this section only if the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department. For purposes of this subsection, an error or failure is undisputable if the department is satisfied, beyond any doubt, that the error or failure occurred.

Sec. 4. RCW 82.04.192 and 2017 c 323 s 514 are each amended to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3)(a) "Digital automated service," except as provided in (b) of this subsection (3), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (3)(b)(ii), "financial instruments" include cash, accounts receivable and payable, loans and notes receivable and

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

- (iii) Dispensing cash or other physical items from a machine;
- (iv) Payment processing services;
- (v) Parimutuel wagering and handicapping contests as authorized by chapter 67.16 RCW;
- (vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;
- (vii) The internet and internet access as those terms are defined in RCW 82.04.297;
- (viii) The service described in RCW 82.04.050(6)(c);
- (ix) Online educational programs provided by a:
 - (A) Public or private elementary or secondary school; or
 - (B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (3)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;
- (x) Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;
- (xi) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;
- (xii)(A) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using either: (I) The service provider's web site; or (II) the service recipient's web site, but only when the service provider's technology is used in creating or hosting the service recipient's web site or is used in processing orders from customers using the service recipient's web site.
- (B) The service described in this subsection (3)(b)(xii) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service;
- (xiii) Advertising services. For purposes of this subsection (3)(b)(xiii), "advertising services" means all services directly related to the creation, preparation, production, or the dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of web site traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration;
- (xiv) The mere storage of digital products, digital codes, computer software, or master copies of software. This exclusion from the definition of digital automated services includes providing space on a server for web hosting or the backing up of data or other information;
- (xv) Data processing services. For purposes of this subsection (3)(b)(xv), "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information. Data processing services include check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities. Data

processing does not include the service described in RCW 82.04.050(6)(c); and

(xvi) Digital goods.

(4) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(5) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including email or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) The internet and internet access as those terms are defined in RCW 82.04.297;

(iv)(A) Except as provided in (b)(iv)(B) of this subsection (6), the representation of a personal or professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, where the service primarily involves the application of human effort by the service provider, and the human effort originated after the customer requested the service.

(B) The exclusion in (b)(iv)(A) of this subsection (6) does not apply to photographers in respect to amounts received for the taking of photographs that are transferred electronically to the customer, but only if the customer is an end user, as defined in RCW 82.04.190(11), of the photographs. Such amounts are considered to be for the sale of digital goods; and

(v) Services and activities excluded from the definition of digital automated services in subsection (3)(b)(i) through (xv) of this section and not otherwise described in (b)(i) through (iv) of this subsection (6).

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audiovisual works, digital audio works, and digital books.

(10) "Subscription radio services" means the sale of audio programming by a radio broadcaster as defined in RCW ~~((82.08.0208))~~ 82.08.0208, except as otherwise provided in this subsection. "Subscription radio services" does not include audio programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(11) "Subscription television services" means the sale of video programming by a television broadcaster as defined in RCW ~~((82.08.02084))~~ 82.08.0208, except as otherwise provided in this subsection. "Subscription television services" does not include video programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service, but only if the seller is not subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

Sec. 5. RCW 82.04.4266 and 2015 3rd sp.s. c 6 s 202 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) For purposes of this section, "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products.

(3) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

Sec. 6. RCW 82.04.4268 and 2015 3rd sp.s. c 6 s 203 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax, the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling dairy products manufactured by the seller to purchasers who either transport in the ordinary course of business the goods out of this state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(2) "Dairy products" has the same meaning as provided in RCW 82.04.260.

(3) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

Sec. 7. RCW 82.04.4269 and 2015 3rd sp.s. c 6 s 204 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(3) This section expires July 1, 2025.

Sec. 8. RCW 82.04.4327 and 1985 c 471 s 6 are each amended to read as follows:

In computing tax ~~((there may be deducted))~~ under this chapter, an artistic or cultural organization may deduct from the measure of tax ~~((those))~~:

(1) All amounts received by the artistic or cultural ~~((organizations which represent income derived from business activities conducted by the organization))~~ organization; and

(2) The value of articles manufactured by the artistic or cultural organization solely for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

Sec. 9. RCW 82.04.4328 and 1985 c 471 s 7 are each amended to read as follows:

(1) For the purposes of RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization ~~((which))~~ that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the corporation ~~((shall))~~ must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue ~~((shall))~~ must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 10. RCW 82.08.0201 and 1992 c 194 s 10 are each amended to read as follows:

Before January 1, 1994, and January 1st of each odd-numbered year thereafter:

The department of licensing, with the assistance of the department of revenue, ~~((shall))~~ must provide the office of financial management and the fiscal committees of the legislature with an updated estimate of the amount of revenue attributable to the taxes imposed in RCW 82.08.020(2) ~~((, and the amount of revenue not collected as a result of RCW 82.44.023)).~~

Sec. 11. RCW 82.08.0208 and 2009 c 535 s 501 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital products if the sale of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

(2)(a) The tax imposed by RCW 82.08.020 does not apply to a business or other organization for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c), available free of charge for the use or enjoyment of the general public. The exemption provided in this subsection (2) does not apply unless the purchaser has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(b) For purposes of this subsection (2), "general public" means all persons and not limited or restricted to a particular class of persons, except that the general public includes:

(i) A class of persons that is defined as all persons residing or owning property within the boundaries of a state, political subdivision of a state, or a municipal corporation; and

(ii) With respect to libraries, authorized library patrons.

(3)(a) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of digital goods, and services rendered in respect to digital goods, if the digital goods and services rendered in respect to digital goods are purchased solely for business purposes. The exemption provided by this subsection (3) also applies to the sale to a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes.

(b) For purposes of this subsection (3), the following definitions apply:

(i) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this subsection (3). Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(ii) "Services rendered in respect to digital goods" means those services defined as a retail sale in RCW 82.04.050(2)(g).

(4)(a) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(b) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other

organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)(c) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) purchased for personal use.

(c) A buyer claiming an exemption under this subsection (4) must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.0208 and 82.14.457.

(d) For purposes of this subsection (4), "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(5)(a) Except as provided in (b) of this subsection (5), the tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (5), the exemption provided in this subsection (5) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (5) applies to the sale of programming described in (b)(i) of this subsection (5) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (5), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

(6) Sellers making tax-exempt sales under subsection (2) or (3) of this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

Sec. 12. RCW 82.08.025651 and 2011 c 23 s 4 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a public research institution of machinery and equipment used primarily in a research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) A public research institution claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax

performance report with the department under RCW ((82.32.585)) 82.32.534.

(3) For purposes of this section, the following definitions apply:

(a) "Machinery and equipment" means those fixtures, pieces of equipment, digital goods, and support facilities that are an integral and necessary part of a research and development operation, and tangible personal property that becomes an ingredient or component of such fixtures, equipment, and support facilities, including repair parts and replacement parts. "Machinery and equipment" may include, but is not limited to: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, or invention; vats, tanks, and fermenters; operating structures; and all equipment used to control, monitor, or operate the machinery and equipment.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings; and

(iv) Those building fixtures that are not an integral and necessary part of a research and development operation and that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) "Primarily" means greater than fifty percent as measured by time. If machinery and equipment is used simultaneously in a research and development operation and also for other purposes, the use for other purposes must be disregarded during the period of simultaneous use for purposes of determining whether the machinery and equipment is used primarily in a research and development operation.

(d) "Public research institution" means any college or university included within the definitions of state universities, regional universities, or state college in RCW 28B.10.016.

(e) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010.

Sec. 13. RCW 82.08.02807 and 2014 c 97 s 306 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~((shall))~~) does not apply to the sales of medical supplies, chemicals, or materials to an organ procurement organization exempt under RCW 82.04.326. This exemption does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(b) "Materials" means any item of tangible personal property including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants, used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(c) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by an organ procurement organization exempt under RCW 82.04.326 for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(i) Provide preparatory treatment of blood, bone, or tissue;

(ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; or

(iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

Sec. 14. RCW 82.08.155 and 2012 c 39 s 1 are each amended to read as follows:

(1)(a) If the department determines that a taxpayer is more than thirty days delinquent in reporting or remitting spirits taxes on a tax return or assessed by the department, including any applicable penalties and interest on such taxes, the department may request that the liquor (~~((control))~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing spirits license held by the taxpayer or issue any new spirits license to the taxpayer. The department must provide written notice to the affected taxpayer of the department's request to the liquor (~~((control))~~) and cannabis board.

(b) Before the department may make a request to the liquor (~~((control))~~) and cannabis board as authorized in (a) of this subsection (1), the department must have provided the taxpayer with at least seven calendar days prior written notice. This notice must inform the taxpayer that the department intends to request that the liquor (~~((control))~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing license of the taxpayer or issue any new spirits license to the taxpayer unless, within seven calendar days of the date of the notice, the taxpayer submits any unfiled tax returns for reporting spirits taxes and remits full payment of its outstanding spirits tax liability to the department or negotiates payment arrangements for the unpaid spirits taxes. The notice required by this subsection (1)(b) must include information listing any unfiled tax returns; the amount of unpaid spirits taxes, including any applicable penalties and interest; who to contact to inquire about payment arrangements; and that the taxpayer may seek administrative review by the department of the notice, and the deadline for seeking such review. Nothing in this subsection (1)(b) requires the department to enter into any payment arrangement proposed by a taxpayer if the department determines that the taxpayer's proposal is not satisfactory.

(c) The department may not make a request to the liquor (~~((control))~~) and cannabis board under (a) of this subsection (~~((1)(a) of this section))~~) relating to any spirits taxes that are the subject of pending administrative review by the department.

(2) A taxpayer's right to administrative review of the notice required in subsection (1)(b) of this section:

(a) May be conducted under any rule adopted pursuant to RCW 82.01.060(4) or as a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494; and

(b) Does not include the right to challenge the amount of any spirits taxes assessed by the department if the taxpayer previously sought or could have sought administrative review of the assessment as provided in RCW 82.32.160.

(3) The notices required by this section may be provided electronically in accordance with RCW 82.32.135.

(4) For purposes of this section:

(a) "Spirits license" has the same meaning as in RCW 66.24.010(3)(c); and

(b) "Spirits taxes" means the taxes imposed in RCW 82.08.150.

Sec. 15. RCW 82.08.195 and 2010 c 111 s 601 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, a bundled transaction is subject to the tax imposed by RCW 82.08.020 if the retail sale of any of its component products would be subject to the tax imposed by RCW 82.08.020.

(2) The transactions described in RCW 82.08.190(4) (a) and (b) are subject to the tax imposed by RCW 82.08.020 if the

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

service that is the true object of the transaction is subject to the tax imposed by RCW 82.08.020. If the service that is the true object of the transaction is not subject to the tax imposed by RCW 82.08.020, the transaction is not subject to the tax imposed by RCW 82.08.020.

(3) The transaction described in RCW 82.08.190(4)(c) is not subject to the tax imposed by RCW 82.08.020.

(4) The transaction described in RCW 82.08.190(4)(d) is not subject to the tax imposed by RCW 82.08.020.

(5) In the case of a bundled transaction that includes any of the following: Telecommunications service, ancillary service, internet access, or audio or video programming service:

(a) If the price is attributable to products that are taxable and products that are not taxable, the portion of the price attributable to the nontaxable products are subject to the tax imposed by RCW 82.08.020 unless the seller can identify by reasonable and verifiable standards the portion from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes;

(b) If the price is attributable to products that are subject to tax at different tax rates, the total price is attributable to the products subject to the tax at the highest tax rate unless the seller can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to the tax imposed by RCW 82.08.020 at the lower rate from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes.

(6) The tax imposed by RCW 82.08.020 does not apply in respect to a bundled transaction consisting entirely of the sale of services or of services and prepared food, if the sale is to a resident, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. A single bundled transaction involving both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

(7) In the case of the sale of a code that provides a purchaser with the right to obtain more than one digital product or one or more digital products and other products or services, and all of the products and services, digital or otherwise, to be obtained through the use of the code do not have the same sales and use tax treatment, for purposes of the tax imposed by RCW 82.08.020:

(a) The transaction is deemed to be the sale of the products and services to be obtained through the use of the code; and

(b)(i) The tax imposed by RCW 82.08.020 applies to the entire selling price of the code, except as provided in (b)(ii) of this subsection (7).

(ii) If the seller can identify by reasonable and verifiable standards the portion of the selling price attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, the tax imposed by RCW 82.08.020 does not apply to that portion of the selling price of the code attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 nor to that portion of the selling price of the code attributable to any digital goods, the sale of which is exempt under RCW ~~((82.08.02087))~~ 82.08.0208(3).

Sec. 16. RCW 82.08.806 and 2011 c 174 s 204 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair

parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260~~((43))~~ (14) or 82.04.280(1)(a).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 17. RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section ~~((the following definitions apply))~~:

(a) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas;

(b) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes; and

(c) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets~~((and~~

~~(b) "Biofuel" has the same meaning as provided in RCW 43.325.010)).~~

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under RCW 82.32.605, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, 2024.

Sec. 18. RCW 82.08.9651 and 2017 3rd sp.s. c 37 s 506 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 19. RCW 82.12.0208 and 2009 c 535 s 601 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital products, if the use of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

(2) The provisions of this chapter do not apply to the use by a business or other organization of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(c) for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c) available free of charge for the use or enjoyment of the general public. For purposes of this subsection (2), "general public" has the same meaning as in RCW 82.08.0208. The exemption provided in this subsection (2) does not apply unless the user has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(3) The provisions of this chapter do not apply to the use by students of digital goods furnished by a public or private elementary or secondary school, or an institution of higher education as defined in section 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

(4)(a) The provisions of this chapter do not apply in respect to the use of digital goods that are:

(i) Of a noncommercial nature, such as personal email communications;

(ii) Created solely for an internal audience; or

(iii) Created solely for the business needs of the person who created the digital good, including business email communications, but not including the type of digital good that is offered for sale.

(b) This subsection (4) does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

(5) The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

(6) The provisions of this chapter do not apply to the use by a business of digital goods, and services rendered in respect to digital goods, where the digital goods and services rendered in respect to digital goods are used solely for business purposes. The exemption provided by this subsection (6) also applies to the use by a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes. For purposes of this subsection (6), the definitions in RCW 82.08.0208 apply.

(7)(a) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c).

(b) No apportionment under this subsection (7) is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(c) For purposes of this subsection (7), the following definitions apply:

(i) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously at one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state; and

(ii) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) in the performance of his or her duties as an employee or other agent of the taxpayer.

(8)(a) Except as provided in (b) of this subsection (8), the provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (8), the exemption provided in this subsection (8) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (8) applies to the sale of programming described in (b)(i) of this subsection (8) if the seller is subject to a franchise fee in this state under the

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (8), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

Sec. 20. RCW 82.12.02749 and 2002 c 113 s 3 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to the use of medical supplies, chemicals, or materials by an organ procurement organization exempt under RCW 82.04.326. The definitions of medical supplies, chemicals, and materials in RCW ~~((82.04.324))~~ 82.08.02807 apply to this section. This exemption does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

Sec. 21. RCW 82.12.930 and 2003 c 5 s 17 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use by municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services as defined in RCW 82.04.050(2)(a) rendered in respect to contracts for watershed protection and/or flood prevention. This exemption is limited to that portion of the selling price that is reimbursed by the United States government according to the provisions of the watershed protection and flood prevention act (68 Stat. 666; 16 U.S.C. Sec. ~~((404))~~ 1001 et seq.).

Sec. 22. RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Biofuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Hog fuel" has the same meaning as provided in RCW 82.08.956~~((; and~~

~~((b) "Biofuel" has the same meaning as provided in RCW 43.325.010)).~~

(3) This section expires June 30, 2024.

Sec. 23. RCW 82.12.9651 and 2017 3rd sp.s. c 37 s 508 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for

fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 24. RCW 82.14.049 and 2011 c 174 s 107 are each amended to read as follows:

(1) The legislative authority of any county may impose a sales and use tax, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax is one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Proceeds of the tax may not be used to subsidize any professional sports team and must be used solely for the following purposes:

(a) Acquiring, constructing, maintaining, or operating public sports stadium facilities;

(b) Engineering, planning, financial, legal, or professional services incidental to public sports stadium facilities;

(c) Youth or amateur sport activities or facilities; or

(d) Debt or refinancing debt issued for the purposes of subsection (1) of this section.

(2) In a county of one million or more, at least seventy-five percent of the tax imposed under this section must be used to retire the debt on the stadium under RCW 67.28.180(2)(b) ~~((; and~~) (i)(B), until that debt is fully retired.

Sec. 25. RCW 82.14.400 and 2000 c 240 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district, a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand, the county ~~((shall))~~ must submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax ~~((shall))~~ must equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section ~~((shall))~~ must be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department ~~((of revenue shall))~~ must perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 ~~((shall))~~ must be transferred annually to the department of ~~((community, trade, and economic development))~~ commerce, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of ~~((community, trade, and economic development))~~ commerce, or its successor agency, ~~((shall))~~ must use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for ~~((persons who are mentally ill))~~ individuals with mental illness.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section ~~((shall))~~ must be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds ~~((shall))~~ must be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county ~~((shall))~~ must establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, ~~((shall))~~ must be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection ~~((shall))~~ must come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection ~~((shall))~~ may not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question.

Sec. 26. RCW 82.14.457 and 2017 c 323 s 527 are each amended to read as follows:

(1) A business or other organization that is entitled under RCW ~~((82.12.02088))~~ 82.12.0208(7) to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under RCW ~~((82.12.02088))~~ 82.12.0208(7).

(3) This section does not affect the sourcing of local use taxes.

Sec. 27. RCW 82.16.0497 and 2006 c 213 s 1 are each amended to read as follows:

(1) ~~((Unless the context clearly requires otherwise,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of ~~((community, trade, and economic development))~~ commerce or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of ~~((community, trade, and economic development))~~ commerce to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit ~~((shall be))~~ is allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed in the first fiscal year that billing discounts are given. Thereafter, credit ~~((shall be))~~ is allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year ~~((shall))~~ may not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 ~~((shall))~~ may not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must ~~((by))~~ be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses ~~((shall))~~ must be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that

may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds ~~((shall))~~ may not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in fiscal year 2002.

Sec. 28. RCW 82.16.055 and 1980 c 149 s 3 are each amended to read as follows:

(1) In computing tax under this chapter there ~~((shall))~~ must be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35.020, as existing on June 30, 2006; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before January 1, 1990.

(3) Deductions under subsection (1)(a) of this section ~~((shall))~~ must be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section ~~((shall))~~ must at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, ~~((shall))~~ must determine the eligibility of individual projects and measures for deductions under this section.

Sec. 29. RCW 82.23A.010 and 2012 1st sp.s. c 3 s 4 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Rack" means a mechanism for delivering petroleum products from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer. For the purposes of this definition:

(a) "Terminal" has the same ~~((definition as in RCW 82.36.010 and))~~ meaning as provided in RCW 82.38.020; and

(b) "Nonbulk transfer" means a transfer that does not meet the definition of "bulk transfer" as defined in RCW ~~((82.36.010 and))~~ 82.38.020.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

Sec. 30. RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter~~((:))~~ unless the context clearly requires otherwise.

(1) "Board" means the liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more

of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 31. RCW 82.24.551 and 1997 c 420 s 10 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

Sec. 32. RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the liquor ~~((control))~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Indian country" means the same as defined in chapter 82.24 RCW.

(10) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

(11) "Manufacturer" means a person who manufactures and sells tobacco products.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(12) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

(13) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

(14) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(15) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

(16) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(17) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(18)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(19)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection (18)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality

and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection (14) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

(20) "Taxpayer" means a person liable for the tax imposed by this chapter.

(21) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, but does not include cigarettes as defined in RCW 82.24.010.

(22) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

(23) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

Sec. 33. RCW 82.26.121 and 1997 c 420 s 11 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

Sec. 34. RCW 82.26.130 and 2002 c 325 s 5 are each amended to read as follows:

(1) The department ~~((shall))~~ must by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010~~((3))~~ (8)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest ~~((shall))~~ must be assessed in accordance with chapter 82.32 RCW.

Sec. 35. RCW 82.26.190 and 2009 c 154 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state after September 30, 2005, without a valid license issued under this chapter. Any person who sells tobacco products to persons other than ultimate consumers or who meets the definition of distributor under RCW 82.26.010~~((3))~~ (8)(d) must obtain a distributor's license under this chapter. Any person who sells tobacco products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter 9A.20 RCW.

(2)(a) No person engaged in or conducting business as a distributor or retailer in this state may:

(i) Refuse to allow the department or the board, on demand, to make a full inspection of any place of business where any of the tobacco products taxed under this chapter are sold, stored, or handled, or otherwise hinder or prevent such inspection;

(ii) Make, use, or present or exhibit to the department or the board any invoice for any of the tobacco products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(iii) Fail to produce on demand of the department or the board all invoices of all the tobacco products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(b) No person, other than a licensed distributor or retailer, may transport tobacco products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under RCW 82.26.140;

(ii) The person transporting the tobacco products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of tobacco products being transported; and

(iii) The tobacco products are consigned to or purchased by a person in this state who is licensed under this chapter.

(c) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, ~~((shall))~~ may not operate in any other capacity unless the additional appropriate license is first secured. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 36. RCW 82.26.200 and 2005 c 180 s 17 are each amended to read as follows:

(1) A retailer that obtains tobacco products from an unlicensed distributor or any other person that is not licensed under this chapter must be licensed both as a retailer and a distributor under this chapter and is liable for the tax imposed under RCW 82.26.020 with respect to the tobacco products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in RCW 82.26.010~~((40))~~ (14) and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under this chapter ~~((shall))~~ must sell tobacco products to retailers located in Washington only if the retailer has a current retailer's license under this chapter.

Sec. 37. RCW 82.29A.060 and 1994 c 95 s 1 are each amended to read as follows:

(1) All administrative provisions in chapters 82.02 and 82.32 RCW ~~((shall be))~~ are applicable to taxes imposed pursuant to this chapter.

(2)(a) A lessee, or a sublessee in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the county board of equalization for a change in appraised value when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((4b))~~ (g) based on an appraisal done by the county assessor at the request of the department. The petition must be on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed ~~((shall))~~ may not be considered by the board. The

petition must be filed with the board within the time period set forth in RCW 84.40.038. A decision of the board of equalization may be appealed by the taxpayer to the board of tax appeals as provided in RCW 84.08.130.

(b) A sublessee, in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the department for a change in taxable rent when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((4b))~~ (g).

(c) Any change in tax resulting from an appeal under this subsection ~~((shall))~~ must be allocated to the lessee or sublessee responsible for paying the tax.

(3) This section ~~((shall))~~ does not authorize the issuance of any levy upon any property owned by the public lessor.

(4) In selecting leasehold excise tax returns for audit the department of revenue ~~((shall))~~ must give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter ~~((shall))~~ must be open to public inspection at all reasonable times.

Sec. 38. RCW 82.29A.120 and 2017 3rd sp.s. c 37 s 1302 are each amended to read as follows:

(1)(a) After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040, the following credits are allowed in determining the tax payable:

(i) For lessees and sublessees who would qualify for a property tax exemption under RCW 84.36.381 if the property were privately owned, the tax otherwise due after this credit must be reduced by a percentage equal to the percentage reduction in property tax that would result from the property tax exemption under RCW 84.36.381; and

(ii) A credit of thirty-three percent of the tax otherwise due is allowed with respect to a product lease.

(b)(i) For a leasehold interest in real property owned by a state university, a credit is allowed equal to the amount that the tax under this chapter exceeds the property tax that would apply if the real property were privately owned by the taxpayer.

(ii) The credit under this subsection (1)(b) is available only if the tax parcel that is subject to the leasehold interest has a market value in excess of ten million dollars. If the leasehold interest attaches to two or more parcels, the credit is available if at least one of the tax parcels has a market value in excess of ten million dollars. In either case, the market value must be determined as of January 1st of the year prior to the year for which the credit is claimed.

(iii) For purposes of calculating the credit under this subsection (1)(b):

(A) If a tax parcel does not have current assessed value in accordance with RCW 84.40.020, a market value appraisal performed by a Washington state-certified general real estate appraiser, as defined in RCW 18.140.010, is sufficient to establish the market value. If the underlying real property that is the subject of the leasehold interest consists of a part of one or more tax parcels, this appraisal must include the market value of the part of the parcel or parcels to which the leasehold interest applies; and

(B) The property tax that would otherwise apply to the real property that is the subject of the leasehold interest is calculated using the existing consolidated levy rate for the property's tax code area.

(iv) The definitions in this subsection apply throughout this subsection (1)(b) unless the context clearly requires otherwise.

(A) "Market value" means the true and fair value of the property as that term is used in RCW 84.40.030, based on the

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

property's highest and best use and determined by any reasonable means approved by the department.

(B) "Real property" has the same meaning as in RCW 84.04.090 and also includes all improvements upon the land the fee of which is still vested in the public owner.

(C) "State university" has the same meaning as "state universities" as provided in RCW 28B.10.016.

(v) The credit provided under this subsection (1)(b) may not be claimed for tax reporting periods beginning on or after January 1, 2032.

(2) ~~((This section expires))~~ No credit under subsection (1)(b) of this section may be claimed or approved on or after January 1, 2032.

Sec. 39. RCW 82.32.062 and 2002 c 57 s 1 are each amended to read as follows:

(1) In addition to the procedure set forth in RCW 82.32.060 and as an exception to the four-year period explicitly set forth in RCW 82.32.060, an offset for a tax that has been paid in excess of that properly due may be taken under the following conditions:

~~((+))~~ (a) The tax paid in excess of that properly due was sales tax paid on the purchase of property acquired for leasing; (2)) or use tax paid on property purchased for the purpose of leasing;

(b) The taxpayer was at the time of purchase entitled to purchase the property at wholesale under RCW 82.04.060; and

~~((3))~~ (c) The taxpayer substantiates that ((sales tax was paid at the time of purchase)) the taxpayer paid sales or use tax on the purchase of the property and that there was no intervening use of the ((equipment)) property by the taxpayer.

(2) The offset under this section is applied to and reduced by the amount of retail sales tax otherwise due from the beginning of lease of the property until the offset is extinguished.

Sec. 40. RCW 82.32.300 and 2019 c 445 s 209 are each amended to read as follows:

(1) The ~~((administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department, which must))~~ department must administer this chapter and such other provisions of the Revised Code of Washington as specifically provided by law. To that end, the department may prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment, and collection of taxes and penalties imposed thereunder.

(2) ~~(a)~~ The department ((must)) may make and publish rules ((and regulations)), not inconsistent therewith, necessary to enforce provisions of this chapter ((and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor and cannabis board must)) and such other provisions of the Revised Code of Washington that the department is empowered by law to enforce. The liquor and cannabis board may make and publish rules necessary to enforce chapters 82.24, 82.26, and 82.25 RCW((, which has)).

(b) Rules adopted by the department or liquor and cannabis board under the authority of this subsection have the same force and effect as if specifically included ((therein)) in law, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees must be fixed by the department and charged to the proper appropriation for the department.

(4) The department must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 41. RCW 82.32.780 and 2010 c 112 s 2 are each amended to read as follows:

(1)(a) Taxpayers seeking to obtain a new reseller permit or to renew or reinstate a reseller permit, other than taxpayers subject to the provisions of RCW 82.32.783, must apply to the department in a form and manner prescribed by the department. The department must use its best efforts to rule on applications within sixty days of receiving a complete application. If the department fails to rule on an application within sixty days of receiving a complete application, the taxpayer may either request a review as provided in subsection (6) of this section or resubmit the application. Nothing in this subsection may be construed as preventing the department from ruling on an application more than sixty days after the department received the application.

(b) An application must be denied if:

(i) The department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit;

(ii) The application contains any material misstatement; or

(iii) The application is incomplete.

(c) The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title.

(d) The department's decision to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(e) The department must refuse to accept an application to renew a reseller permit that is received more than ninety days before the expiration of the reseller permit.

(2) Notwithstanding subsection (1) of this section, the department may issue or renew a reseller permit for a taxpayer that has not applied for the permit or renewal of the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3) Except as otherwise provided in this section, reseller permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b)(i) A reseller permit is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (3) if the permit is issued to a taxpayer who:

(A) Is not registered with the department under RCW 82.32.030;

(B) Has been registered with the department under RCW 82.32.030 for a continuous period of less than one year as of the date that the department received the taxpayer's application for a reseller permit;

(C) Was on nonreporting status as authorized under RCW 82.32.045~~((4))~~ (5) at the time that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit;

(D) Has filed tax returns reporting no business activity for purposes of sales and business and occupation taxes for the twelve-month period immediately preceding the date that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit; or

(E) Has failed to file tax returns covering any part of the twelve-month period immediately preceding the department's receipt of the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit.

(ii) The provisions of this subsection (3)(b) do not apply to reseller permits issued to any business owned by a federally recognized Indian tribe or by an enrolled member of a federally recognized Indian tribe, if the business does not engage in any business activity that subjects the business to any tax imposed by the state under chapter 82.04 RCW. Permits issued to such businesses are valid for the period provided in (a) of this subsection (3).

(iii) Nothing in this subsection (3)(b) may be construed as affecting the department's right to deny a taxpayer's application for a reseller permit or to renew or reinstate a reseller permit as provided in subsection (1)(b) and (c) of this section.

(c) A reseller permit is no longer valid if the permit holder's certificate of registration is revoked, the permit holder's tax reporting account is closed by the department, or the permit holder otherwise ceases to engage in business.

(d) The department may provide by rule for a uniform expiration date for reseller permits issued, renewed, or reinstated under this section, if the department determines that a uniform expiration date for reseller permits will improve administrative efficiency for the department. If the department adopts a uniform expiration date by rule, the department may extend or shorten the twenty-four or forty-eight month period provided in (a) and (b) of this subsection for a period not to exceed six months as necessary to conform the reseller permit to the uniform expiration date.

(4)(a) The department may revoke a taxpayer's reseller permit for any of the following reasons:

(i) The taxpayer used or allowed or caused its reseller permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the reseller permit for the purchase;

(ii) The department issued the reseller permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the reseller permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a reseller permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose reseller permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a reseller permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide the public with access to reseller permit numbers on its web site, including the name of the permit holder, the status of the reseller permit, the expiration date of the permit, and any other information that is disclosable under RCW 82.32.330(3)((+)) (k).

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a

reseller permit or the department's failure to rule on an application within the time prescribed in subsection (1)(a) of this section. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a reseller permit or other documentation authorized under RCW 82.04.470 and the consequences of misusing such permits or other documentation.

Sec. 42. RCW 82.60.025 and 2010 1st sp.s. c 16 s 4 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 43. RCW 82.60.063 and 2010 1st sp.s. c 16 s 10 are each amended to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty-four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual ~~((survey))~~ tax performance report as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

Sec. 44. RCW 82.63.010 and 2015 3rd sp.s. c 5 s 303 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from handheld calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.63.020(2); and

(iii) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment,

credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" ~~((shall apply))~~ applies separately to each phase.

(10) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(11) "Multiple qualified buildings" means qualified buildings leased to the same person when such structures: (a) Are located within a five-mile radius; and (b) the initiation of construction of each building begins within a sixty-month period.

(12) "Person" has the meaning given in RCW 82.04.030 and includes state universities as defined in RCW 28B.10.016.

(13) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building or buildings are used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department. Such rules may include provisions for determining the amount of the deferral based on apportionment of costs of construction of an investment project consisting of a building or multiple buildings, where qualified research and development or pilot scale manufacturing activities are shifted within a building or from one building to another building.

(15)(a) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other

devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(b) "Qualified machinery and equipment" does not include any fixtures, equipment, or support facilities, if the sale to or use by the recipient is not eligible for an exemption under RCW 82.08.02565 or 82.12.02565 solely because the recipient is an ineligible person as defined in RCW 82.08.02565.

(16) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(17) "Recipient" means a person receiving a tax deferral under this chapter.

(18) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

Sec. 45. RCW 82.74.010 and 2006 c 354 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

(6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests

exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

(7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

(8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ~~((warehouse))~~ warehousing, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 46. RCW 82.75.010 and 2010 c 114 s 145 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Biotechnology" means a technology based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination of these, and includes, but is not limited to, recombinant DNA techniques, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms.

(3) "Biotechnology product" means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans.

(4) "Department" means the department of revenue.

(5)(a) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.75.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related

activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(7) "Manufacturing" has the meaning provided in RCW 82.04.120.

(8) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is designed or developed and:

(a) Recognized in the national formulary, or the United States pharmacopeia, or any supplement to them;

(b) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or other animals; or

(c) Intended to affect the structure or any function of the body of human beings or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(9) "Person" has the meaning provided in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for biotechnology product manufacturing or medical device manufacturing activities, including plant offices, commercial laboratories for process development, quality assurance and quality control, and warehouses or other facilities for the storage of raw material or finished goods if the facilities are an essential or an integral part of a factory, plant, or laboratory used for biotechnology product manufacturing or medical device manufacturing. If a building is used partly for biotechnology product manufacturing or medical device manufacturing and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a biotechnology product manufacturing or medical device manufacturing operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

Sec. 47. RCW 82.82.010 and 2008 c 15 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Corporate headquarters" means a facility or facilities where corporate staff employees are physically employed, and where the majority of the company's management services are handled either on a regional or a national basis. Company management services may include: Accounts receivable and payable, accounting, data processing, distribution management, employee benefit plan, financial and securities accounting, information technology, insurance, legal, merchandising, payroll, personnel, purchasing procurement, planning, reporting and compliance, research and development, tax, treasury, or other headquarters-related services. "Corporate headquarters" does not

include a facility or facilities used for manufacturing, wholesaling, or warehousing.

(3) "Department" means the department of revenue.

(4) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020.

(5)(a) "Eligible investment project" means an investment project in a qualified building or buildings in an eligible area, as defined in subsection (4) of this section, which will have employment at the qualified building or buildings of at least three hundred employees in qualified employment positions, each of whom must earn for the year reported at least the average annual wage for the state for that year as determined by the employment security department.

(b) The lessor or owner of a qualified building or buildings is not eligible for a deferral unless:

(i) The underlying ownership of the building or buildings vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.82.020; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6) "Investment project" means a capital investment of at least thirty million dollars in a qualified building or buildings including tangible personal property and fixtures that will be incorporated as an ingredient or component of such buildings during the course of their construction, and including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacture" has the same meaning as provided in RCW 82.04.120.

(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority.

(9) "Person" has the same meaning as provided in RCW 82.04.030.

(10) "Qualified building or buildings" means construction of a new structure or structures or expansion of an existing structure or structures to be used for corporate headquarters. If a building is used partly for corporate headquarters and partly for other purposes, the applicable tax deferral is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation.

(14) "Wholesale sale" has the same meaning as provided in RCW 82.04.060.

Sec. 48. RCW 82.85.030 and 2015 3rd sp.s. c 6 s 403 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the building, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW ~~((82.32.585))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 49. RCW 82.85.080 and 2015 3rd sp.s. c 6 s 408 are each amended to read as follows:

(1) Each recipient of a deferral of taxes granted under this chapter must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.85.030, the lessee must file a complete annual ~~((survey))~~ tax performance report, and the applicant is not required to file a complete annual ~~((survey))~~ tax performance report.

(2) If, on the basis of a ~~((survey))~~ tax performance report under RCW ~~((82.32.585))~~ 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter due to the fact the investment project is no longer used for qualified activities, the amount of deferred taxes outstanding for the investment project is immediately due and payable.

(3) If the economic benefits of a tax deferral under this chapter are passed to a lessee as provided in RCW 82.85.030, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

Sec. 50. RCW 84.36.840 and 2016 c 217 s 6 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, 84.36.049, and 84.36.030, are exempt from property taxes, and before the exemption is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. This report must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

(2) ~~((Educational institutions claiming exemption under RCW 84.36.050 must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.~~

~~((3)))~~ The reports required under ~~((subsections (1) and (2) of))~~ this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports must be submitted on or before March 31st of each year. The department must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department must allow a reasonable

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

Sec. 51. RCW 84.37.040 and 2007 sp.s. c 2 s 4 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments or real property tax obligations, or both, under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than the first day of September of the year for which the deferral is sought ~~((: PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 52. RCW 84.38.040 and 2013 c 23 s 353 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later ~~((: PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county ~~((shall))~~ must include proof of the claimant's age acceptable to the assessor.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 53. RCW 84.38.050 and 1979 ex.s. c 214 s 8 are each amended to read as follows:

(1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor ~~((shall))~~ must send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments ~~((shall))~~ must be made by filing with the assessor no later than thirty days before the special assessment is due on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence ~~((shall))~~ must be deferred but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

Sec. 54. RCW 84.38.110 and 1984 c 220 s 24 are each amended to read as follows:

The county assessor ~~((shall))~~ must:

(1) Immediately transmit ~~((one))~~ a copy of each declaration to defer to the department of revenue. The department may audit any declaration and ~~((shall))~~ must notify the assessor as soon as possible of any claim where any factor appears to disqualify the claimant for the deferral sought.

(2) Transmit ~~((one))~~ a copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) Compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) As soon as possible notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

Sec. 55. RCW 84.39.020 and 2005 c 253 s 2 are each amended to read as follows:

(1) Each claimant applying for assistance under RCW 84.39.010 ~~((shall))~~ must file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department ~~((shall))~~ must supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim ~~((shall))~~ must designate the property to which the assistance applies and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The claim must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim ~~((shall))~~ must include proof of the claimant's age acceptable to the department.

(3) The following documentation ~~((shall))~~ must be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

(b) A copy of the applicant's certificate of marriage to the deceased;

(c) A copy of the deceased veteran's death certificate; and

(d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of RCW 84.39.010(2).

(4) The department of veterans affairs ~~((shall))~~ must assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

~~((4))~~ (5) The department ~~((shall))~~ must determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board ~~((shall))~~ must consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

Sec. 56. RCW 84.39.030 and 2005 c 253 s 3 are each amended to read as follows:

(1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department ~~((shall))~~ must send to each claimant who has been granted assistance for the previous year a renewal form~~((s))~~ and notice to renew.

Sec. 57. RCW 84.56.150 and 1961 c 15 s 84.56.150 are each amended to read as follows:

If any person, firm, or corporation ~~((shall remove))~~ removes from one county to another in this state personal property ~~((which))~~ that has been assessed in the former county for a tax ~~((which))~~ that is unpaid at the time of such removal, the treasurer of the county from which the property is removed ~~((shall))~~ must certify to the treasurer of the county to which the property has been ~~((removed))~~ moved a statement of the tax together with all delinquencies and penalties.

Sec. 58. RCW 82.32.805 and 2013 2nd sp.s. c 13 s 1701 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, every new tax preference expires on the first day of the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference. With respect to any new property tax exemption, the exemption does not apply to taxes levied for collection beginning in the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference.

(b) A future amendment that expands a tax preference does not extend the tax preference beyond the period provided in this subsection unless an extension is expressly and unambiguously stated in the amendment.

(2) Subsection (1) of this section does not apply if legislation creating a new tax preference includes an expiration date for the new tax preference or an exemption from this section in its entirety or from the provisions of subsection (1) of this section, whether or not such exemption is codified.

(3) Subsection (1) of this section does not apply to any existing tax preference that is amended to clarify an ambiguity or correct a technical inconsistency. Future enacted legislation intended to make such clarifications or corrections must explicitly indicate this intent.

(4) For the purposes of this section, the following definitions apply:

(a) "New tax preference" means a tax preference that initially takes effect after August 1, 2013, or a tax preference in effect as of August 1, 2013, that is expanded or extended after August 1, 2013, even if the expanding or extending amendment includes any other change to the tax preference.

(b) "Tax preference" has the same meaning as in RCW 43.136.021 with respect to any state tax administered by the department, except does not include the Washington estate and transfer tax in chapter 83.100 RCW.

(5) The department must provide written notice to the office of the code reviser of a ten-year expiration date required under this section for a new tax preference.

Sec. 59. RCW 82.32.808 and 2017 c 135 s 8 are each amended to read as follows:

(1) As provided in this section, every bill enacting a new tax preference must include a tax preference performance statement, unless the legislation enacting the new tax preference contains an explicit exemption from the requirements of this section.

(2) A tax preference performance statement must state the legislative purpose for the new tax preference. The tax preference performance statement must indicate one or more of the following general categories, by reference to the applicable category specified in this subsection, as the legislative purpose of the new tax preference:

(a) Tax preferences intended to induce certain designated behavior by taxpayers;

(b) Tax preferences intended to improve industry competitiveness;

(c) Tax preferences intended to create or retain jobs;

(d) Tax preferences intended to reduce structural inefficiencies in the tax structure;

(e) Tax preferences intended to provide tax relief for certain businesses or individuals; or

(f) A general purpose not identified in (a) through (e) of this subsection.

(3) In addition to identifying the general legislative purpose of the tax preference under subsection (2) of this section, the tax preference performance statement must provide additional detailed information regarding the legislative purpose of the new tax preference.

(4) A new tax preference performance statement must specify clear, relevant, and ascertainable metrics and data requirements that allow the joint legislative audit and review committee and the legislature to measure the effectiveness of the new tax preference in achieving the purpose designated under subsection (2) of this section.

(5) If the tax preference performance statement for a new tax preference indicates a legislative purpose described in subsection (2)(b) or (c) of this section, any taxpayer claiming the new tax preference must file an annual tax performance report in accordance with RCW 82.32.534.

(6)(a) Taxpayers claiming a new tax preference must report the amount of the tax preference claimed by the taxpayer to the department as otherwise required by statute or determined by the department as part of the taxpayer's regular tax reporting responsibilities. For new tax preferences allowing certain types of gross income of the business to be excluded from business and occupation or public utility taxation, the tax return must explicitly report the amount of the exclusion, regardless of whether it is structured as an exemption or deduction, if the taxpayer is otherwise required to report taxes to the department on a monthly or quarterly basis. For a new sales and use tax exemption, the total purchase price or value of the exempt product or service subject to the exemption claimed by the buyer must be reported on an addendum to the buyer's tax return if the buyer is otherwise required to report taxes to the department on a monthly or quarterly basis and the buyer is required to submit an exemption certificate, or similar document, to the seller.

(b) This subsection does not apply to:

(i) Property tax exemptions;

(ii) Tax preferences required by constitutional law;

(iii) Tax preferences for which the tax benefit to the taxpayer is less than one thousand dollars per calendar year; or

(iv) Taxpayers who are annual filers.

(c) The department may waive the filing requirements of this subsection for taxpayers who are not required to file electronically any return or report under this chapter.

(7)(a) Except as otherwise provided in this subsection, the amount claimed by a taxpayer for any new tax preference is subject to public disclosure and is not considered confidential tax

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

information under RCW 82.32.330, if the reporting periods subject to disclosure ended at least twenty-four months prior to the date of disclosure and the taxpayer is required to report the amount of the tax preference claimed by the taxpayer to the department under subsection (6) of this section.

(b)(i) The department may waive the public disclosure requirement under (a) of this subsection (7) for good cause. Good cause may be demonstrated by a reasonable showing of economic harm to a taxpayer if the information specified under this subsection is disclosed. The waiver under this subsection (7)(b)(i) only applies to the new tax preferences provided in chapter 13, Laws of 2013 2nd sp. sess.

(ii) The amount of the tax preference claimed by a taxpayer during a calendar year is confidential under RCW 82.32.330 and may not be disclosed under this subsection if the amount for the calendar year is less than ten thousand dollars.

(c) In lieu of the disclosure and waiver requirements under this subsection, the requirements under RCW 82.32.534 apply to any tax preference that requires a tax performance report.

(8) If a new tax preference does not include the information required under subsections (2) through (4) of this section, the joint legislative audit and review committee is not required to perform a tax preference review under chapter 43.136 RCW, and it is legislatively presumed that it is the intent of the legislature to allow the new tax preference to expire upon its scheduled expiration date.

(9) For the purposes of this section, "tax preference" and "new tax preference" have the same meaning as provided in RCW 82.32.805.

(10) The provisions of this section do not apply to the extent that legislation creating a new tax preference provides an exemption, in whole or in part, from this section, whether or not such exemption is codified.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

(1)RCW 82.04.4322 (Deductions—Artistic or cultural organization—Compensation from United States, state, etc., for artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 1;

(2)RCW 82.04.4324 (Deductions—Artistic or cultural organization—Deduction for tax under RCW 82.04.240—Value of articles for use in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 2;

(3)RCW 82.04.4326 (Deductions—Artistic or cultural organizations—Tuition charges for attending artistic or cultural education programs) and 1981 c 140 s 3;

(4)RCW 82.08.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 502;

(5)RCW 82.08.02082 (Exemptions—Digital products or services—Ingredient or component—Made available for free) and 2017 c 323 s 517, 2010 c 111 s 401, & 2009 c 535 s 503;

(6)RCW 82.08.02087 (Exemptions—Digital goods and services—Purchased for business purposes) and 2010 c 111 s 402 & 2009 c 535 s 504;

(7)RCW 82.08.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state) and 2017 c 323 s 518 & 2009 c 535 s 701;

(8)RCW 82.12.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 602;

(9)RCW 82.12.02082 (Exemptions—Digital products or services—Made available for free to general public) and 2017 c 323 s 521, 2010 c 111 s 501, & 2009 c 535 s 603;

(10)RCW 82.12.02084 (Exemptions—Digital goods—Use by students) and 2009 c 535 s 604;

(11)RCW 82.12.02085 (Exemptions—Digital goods—Noncommercial—Internal audience—Not for sale) and 2009 c 535 s 605;

(12)RCW 82.12.02086 (Exemptions—Digital products or codes—Free of charge) and 2009 c 535 s 606;

(13)RCW 82.12.02087 (Exemptions—Digital goods, codes, and services—Used for business purposes) and 2010 c 111 s 502 & 2009 c 535 s 607;

(14)RCW 82.32.755 (Sourcing compliance—Taxpayer relief—Interest and penalties—Streamlined sales and use tax agreement) and 2007 c 6 s 1601;

(15)RCW 82.32.760 (Sourcing compliance—Taxpayer relief—Credits—Streamlined sales and use tax agreement) and 2007 c 6 s 1602;

(16)RCW 82.66.010 (Definitions) and 1995 c 352 s 1;

(17)RCW 82.66.020 (Application for deferral—Contents—Ruling) and 1995 c 352 s 2;

(18)RCW 82.66.040 (Repayment schedule—Interest, penalties) and 1998 c 339 s 1 & 1995 c 352 s 4;

(19)RCW 82.66.050 (Applications not confidential) and 1995 c 352 s 6;

(20)RCW 82.66.060 (Administration) and 1995 c 352 s 5; and

(21)RCW 82.66.901 (Effective date—1995 c 352) and 1995 c 352 s 9.

NEW SECTION. Sec. 61. The following sections are decodified:

(1) RCW 82.58.005 (Findings);

(2) RCW 82.58.901 (Effective date—2002 c 267 §§ 1-9); and

(3) RCW 82.58.902 (Contingent effective date—2002 c 267 §§ 10 and 11).

NEW SECTION. Sec. 62. Section 38 of this act takes effect January 1, 2022."

On page 1, line 5 of the title, after "43.88A RCW;" strike the remainder of the title and insert "amending RCW 19.02.085, 82.04.192, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4327, 82.04.4328, 82.08.0201, 82.08.0208, 82.08.025651, 82.08.02807, 82.08.155, 82.08.195, 82.08.806, 82.08.956, 82.08.9651, 82.12.0208, 82.12.02749, 82.12.930, 82.12.956, 82.12.9651, 82.14.049, 82.14.400, 82.14.457, 82.16.0497, 82.16.055, 82.23A.010, 82.24.010, 82.24.551, 82.26.121, 82.26.130, 82.26.190, 82.26.200, 82.29A.060, 82.29A.120, 82.32.062, 82.32.300, 82.32.780, 82.60.025, 82.60.063, 82.63.010, 82.74.010, 82.75.010, 82.82.010, 82.85.030, 82.85.080, 84.36.840, 84.37.040, 84.38.040, 84.38.050, 84.38.110, 84.39.020, 84.39.030, 84.56.150, 82.32.805, and 82.32.808; amending 2017 3rd sp.s. c 37 ss 501 and 504 (uncodified); reenacting and amending RCW 82.26.010; decodifying RCW 82.58.005, 82.58.901, and 82.58.902; repealing RCW 82.04.4322, 82.04.4324, 82.04.4326, 82.08.02081, 82.08.02082, 82.08.02087, 82.08.02088, 82.12.02081, 82.12.02082, 82.12.02084, 82.12.02085, 82.12.02086, 82.12.02087, 82.32.755, 82.32.760, 82.66.010, 82.66.020, 82.66.040, 82.66.050, 82.66.060, and 82.66.901; and providing an effective date."

Senator Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1135 by Senators Schoesler and Keiser to Senate Bill No. 5402.

The motion by Senator Schoesler carried and striking floor amendment no. 1135 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senator Fortunato

ENGROSSED SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

SECOND READING

SENATE BILL NO. 6288, by Senators Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña

Creating the Washington office of firearm violence prevention.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 6288 was substituted for Senate Bill No. 6288 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 998 by Senator Muzzall be adopted:

On page 1, beginning on line 1, after "that" strike "firearm"
 On page 1, line 11, after "recognizes that" strike "firearm"
 On page 1, line 15, after "state." Strike all material through line 17.
 On page 1, beginning on line 19, strike "firearm"
 On page 1, line 21, after "from" strike "firearm"
 On page 2, line 4, after "impacts of" strike "firearm"
 On page 2, line 9, after "costs of" strike "firearm"
 On page 2, line 14, after "office of" strike "firearm"
 On page 2, line 16, after "office of" strike "firearm"
 On page 2, line 19, after "reduce" strike "firearm"
 On page 2, line 26, after "evidence-based" strike "firearm"
 On page 2, beginning on line 30, strike "firearm"

On page 2, beginning on line 33, strike "firearm"
 On page 2, line 35, after "of" strike "firearm"
 On page 3, line 1, after "Washington" strike "firearm"
 On page 3, beginning on line 6, strike "firearm"
 On page 3, line 9, after "Washington" strike "firearm"
 On page 3, line 12, after "effective" strike "firearm"
 On page 3, line 20, after "incidence of" strike "firearm"
 On page 3, line 23, after "victimized by" strike "firearm"
 On page 3, line 35, after "evidence-based" strike "firearm"
 On page 4, line 1, after "proposed" strike "firearm"
 On page 4, line 6, after "reducing" strike "firearm"
 On page 4, line 14, after "safety of" strike "firearm"
 On page 1, line 1 of the title, after "office of", strike "firearm"

Senator Muzzall spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Muzzall and without objection, floor amendment no. 998 by Senator Muzzall on page 1, line 1 to Substitute Senate Bill No. 6288 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, the following amendments:

no. 1118 by Senator Schoesler on page 2, line 6;
 no. 1132 by Senator Braun on page 2, line 28;
 no. 1119 by Senator Wilson, L. on page 2, line 29;
 no. 1120 by Senator Wilson, L. on page 3, line 2;
 no. 1129 by Senator Braun on page 3, line 2;
 no. 1115 by Senator Becker on page 3, line 8;
 no. 1117 by Senator Wagoner on page 3, line 26;
 no. 1121 by Senator Short on page 3, line 26
 no. 1094 by Senator Padden on page 4, line 26; and
 no. 1131 by Senator Braun on page 4, line 28 to Substitute Senate Bill No. 6288 were withdrawn.

MOTION

Senator Randall moved that the following striking floor amendment no. 1104 by Senator Randall be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that firearm violence is a significant public health and safety concern in Washington. From 2014 to 2018, over one thousand people in Washington were murdered and well over half of those victims were murdered with a gun. Thousands more were hospitalized or treated in emergency departments after surviving gunshot injuries. The legislature recognizes that firearm violence in Washington disproportionately impacts low-income communities and communities of color, with young men of color being particularly vulnerable. This violence imposes a high physical, emotional, and financial toll on families and communities across the state. In Washington, the overall estimate of the annual economic cost of gun violence is three billion eight hundred million dollars.

The legislature recognizes that rates of suicide have been growing in the United States as well as in the state of Washington. Seventy-nine percent of all firearm deaths in Washington state are suicides. More people die of suicide by firearm than by all other means combined.

The legislature intends to establish the Washington office of firearm safety and violence prevention to provide statewide

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

leadership, coordination, and technical assistance to promote effective state and local efforts to reduce preventable injuries and deaths from firearm violence. The office will work with government entities, law enforcement agencies, community-based organizations, and individuals through the state to develop evidence-based policies, strategies, and interventions to reduce the impacts of firearm violence in Washington's communities. The office will also administer the Washington firearm violence intervention and prevention grant program which will provide for intentional, coordinated, and sustained investments in evidence-based violence reduction strategies to reduce the human and financial costs of firearm violence and enhance firearm safety.

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

(1) "Department" means the department of commerce.

(2) "Office" means the Washington office of firearm safety and violence prevention.

NEW SECTION. Sec. 3. (1) The Washington office of firearm safety and violence prevention is created within the department for the purposes of coordinating and promoting effective state and local efforts to reduce firearm violence.

(2) The duties of the office include, but are not limited to:

(a) Working with law enforcement agencies, county prosecutors, researchers, and public health agencies throughout the state to identify and improve upon available data sources, data collection methods, and data-sharing mechanisms. The office will also identify gaps in available data needed for ongoing analysis, policy development, and the implementation of evidence-based firearm violence intervention and prevention strategies;

(b) Researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;

(c) Researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;

(d) Working with the office of crime victim advocacy to identify opportunities to better support victims of firearm violence, a population that is currently underrepresented among recipients of victim services;

(e) Contract for a statewide helpline, counseling, and referral services for victims, friends, and family members impacted by gun violence and community professionals and providers who engage with them;

(f) Contract with the University of Washington to develop a best practice guide for therapy for gun violence victims;

(g) Administering the Washington firearm violence intervention and prevention grant program as outlined in section 4 of this act.

(3) The office shall report to the appropriate legislative policy committees by December 1st every odd-numbered year on its progress and findings in analyzing data, developing strategies to prevent firearm violence, and recommendations for additional legislative policy options. The first report must be submitted by December 1, 2021.

NEW SECTION. Sec. 4. Subject to the availability of amounts appropriated for this specific purpose, the office shall contract with a level one trauma center in the state of Washington to provide a statewide helpline, counseling, and referral service for victims, friends, and family members impacted by gun violence and community professionals, legal practitioners, health providers, and others who engage with them. The service must be developed in consultation with the office of crime victims advocacy established in RCW 43.280.080, and include the

opportunity for brief clinical encounters, problem solving, and referral to the best statewide resources available to meet their needs. The service must become conversant with providers across the state that are trained in evidence-based trauma therapy and establish relationships to ensure specific knowledge of available resources. The office of crime victims advocacy established in RCW 43.280.080 must provide consultation within existing resources.

NEW SECTION. Sec. 5. The office shall contract with the University of Washington department of psychiatry and behavioral sciences to develop a best practice guide for therapy for gun violence victims in collaboration with the Harborview center for sexual assault and traumatic stress. The guide must summarize the state of the knowledge in this area and provide recommendations for areas of focus and action that are meaningful and practical for different constituencies. The guide must be made available to the public online and disseminated across the state to appropriate entities including but not limited to medical examiner's offices, prosecuting attorneys, level one and level two trauma centers, and victim support organizations.

NEW SECTION. Sec. 6. (1) The Washington firearm violence intervention and prevention grant program is created to be administered by the office. The purpose of the program is to improve public health and safety by supporting effective firearm violence reduction initiatives in communities that are disproportionately affected by firearm violence including suicides.

(2) Program grants shall be used to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies, that seek to interrupt the cycles of violence, victimization, and retaliation in order to reduce the incidence of firearm violence. These initiatives must be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by firearm violence.

(3) Program grants shall be made on a competitive basis to cities that are disproportionately impacted by violence, and to community-based organizations that serve the residents of those cities. Where appropriate, two or more cities may submit joint applications to better address regional problems.

(4) An applicant for a program grant shall submit a proposal, in a form prescribed by the office, which must include, but not be limited to, all of the following:

(a) Clearly defined and measurable objectives for the grant;

(b) A statement describing how the applicant proposes to use the grant to implement an evidence-based firearm reduction initiative in accordance with this section;

(c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and

(d) Evidence indicating that the proposed firearm violence reduction initiative would likely reduce the incidence of firearm violence.

(5) In awarding program grants, the office shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing firearm violence in the applicant's community, without contributing to mass incarceration.

(6) Each city that receives a program grant shall distribute no less than fifty percent of the grant funds to one or more of any of the following types of entities:

(a) Community-based organizations; and

(b) Public agencies or departments, other than law enforcement agencies or departments, that are primarily dedicated to community safety or firearm violence prevention.

(7) The office shall form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based approaches.

(8) Each grantee shall report to the office, in a form and at intervals prescribed by the office, the grantee's progress in achieving the grant objectives.

(9) The office may contract with an independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the Washington office of firearm safety and violence prevention; adding a new chapter to Title 43 RCW; and creating a new section."

MOTION

Senator Muzzall moved that the following floor amendment no. 1112 by Senator Muzzall be adopted:

On page 1, line 3, after "that" strike "firearm"
 On page 1, line 9, after "that" strike "firearm"
 On page 1, at the beginning of line 18, strike all material through "combined." on line 20
 On page 1, at the beginning of line 22, strike "firearm"
 On page 1, line 25, after "from" strike "firearm"
 On page 1, line 28, after "impacts of" strike "firearm"
 On page 1, line 30, after "Washington" strike "firearm"
 On page 2, line 1, after "costs of" strike "firearm"
 On page 2, line 2, after "enhance" strike "firearm"
 On page 2, line 7, after "office of" strike "firearm"
 On page 2, line 9, after "office of" strike "firearm"
 On page 2, line 12, after "reduce" strike "firearm"
 On page 2, line 19, after "evidence-based" strike "firearm"
 On page 2, at the beginning of line 23, strike "firearm"
 On page 2, at the beginning of line 26, strike "firearm"
 On page 2, line 28, after "victims of" strike "firearm"
 On page 2, line 37, after "Washington" strike "firearm"
 On page 3, at the beginning of line 4, strike "firearm"
 On page 3, line 34, after "Washington" strike "firearm"
 On page 3, line 37, after "effective" strike "firearm"
 On page 4, line 2, after "affected by" strike "firearm"
 On page 4, line 8, after "incidence of" strike "firearm"
 On page 4, line 11, after "victimized by" strike "firearm"
 On page 4, line 23, after "evidence-based" strike "firearm"
 On page 4, line 28, after "proposed" strike "firearm"
 On page 4, line 29, after "incidence of" strike "firearm"
 On page 4, line 33, after "reducing" strike "firearm"
 On page 5, line 3, after "safety or" strike "firearm"
 On page 5, line 19, after "office of" strike "firearm"

Senator Muzzall spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1112 by Senator Muzzall on page 1, line 3 to striking floor amendment no. 1104.

The motion by Senator Muzzall did not carry and floor amendment no. 1112 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1122 by Senator Schoesler be adopted:

On page 1, line 30, after "firearm" strike "violence intervention and prevention" and insert "safety"

On page 2, line 12, after "to" strike "reduce firearm violence" and insert "promote safe firearm practices"

On page 2, beginning on line 37, after "firearm" strike "violence intervention and prevention" and insert "safety"

On page 3, beginning on line 34, after "firearm" strike "violence intervention and prevention" and insert "safety"

Beginning on page 3, line 37, after "firearm" strike "violence reduction" and insert "safety"

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 30 to striking floor amendment no. 1104.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

MOTION

Senator Braun moved that the following floor amendment no. 1133 by Senator Braun be adopted:

On page 2, line 21, after "(b)", strike all material down through "(d)" on line 27

On page 2, line 31, strike "(e)", and insert "(c)"

On page 2, line 35, strike "(f)", and insert "(d)"

On page 2, line 37, strike "(g)", and insert "(e)"

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1133 by Senator Braun on page 2, line 21 to striking floor amendment no. 1104.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

The motion by Senator Braun did not carry and floor amendment no. 1133 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1124 by Senator Wilson, L. be adopted:

On page 2, line 22, after "statewide" strike "evidence-based" and insert "scientific, peer-reviewed"

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

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1124 by Senator Wilson, L. on page 2, line 22 to striking floor amendment no. 1104.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1124 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1123 by Senator Wilson, L. be adopted:

On page 2, line 38, after "act" insert ";

(h) Working with the national rifle association, education professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in prekindergarten through grade five;

(i) Working with the national rifle association, education professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in grades six through eight;

(j) Working with the national rifle association, education professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in grades nine through twelve"

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

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1123 by Senator Wilson, L. on page 2, line 38 to striking floor amendment no. 1104.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1123 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1130 by Senator Braun be adopted:

On page 2, line 38, after "act" insert ";

(h) Reducing instances of firearm deaths by suicide, which comprise over seventy-five percent of firearm deaths in Washington over the last five years. The office shall work collaboratively with the department of health and the Washington action alliance for suicide prevention"

On page 3, line 5, after "must" insert "focus on efforts and progress in reducing instances of firearm death by suicide and"

Senators Braun, Short and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 2, line 38 to striking floor amendment no. 1104.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

WITHDRAWAL OF AMENDMENT

On motion of Senator Becker and without objection, floor amendment no. 1116 by Senator Becker on page 3, line 6 to striking floor amendment no. 1104 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 1125 by Senator Wagoner on page 4, line 14 to striking floor amendment no. 1104 was withdrawn.

MOTION

Senator Short moved that the following floor amendment no. 1126 by Senator Short be adopted:

On page 4, line 14, after "violence," insert "to law enforcement agencies in those cities,"

On page 5, beginning on line 1, after "departments" strike all material through "departments," on line 2

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1126 by Senator Short on page 1, line 14 to striking floor amendment no. 1104.

The motion by Senator Short carried and floor amendment no. 1126 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1113 by Senator Padden be adopted:

On page 5, after line 15, insert the following:

"(10) Program grants may not be awarded to any community-based organization owned by a billionaire."

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1113 by Senator Padden on page 5, after line 15 to striking floor amendment no. 1104.

The motion by Senator Padden did not carry and floor amendment no. 1113 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 1128 by Senator Braun on page 5, line 17 to striking floor amendment no. 1104 was withdrawn.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1104 by Senator Randall as amended to Substitute Senate Bill No. 6288.

The motion by Senator Randall carried and striking floor amendment no. 1104 as amended was adopted on a rising vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 6288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Randall spoke in favor of passage of the bill.

Senators Padden, Braun, Walsh, Wagoner and Short spoke against passage of the bill.

Senator Pedersen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6288.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6288 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frocht, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6087, by Senators Keiser, Conway, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Saldaña, Wilson, C. and Sheldon

Imposing cost-sharing requirements for coverage of insulin products.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 6087 was substituted for Senate Bill No. 6087 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 1091 by Senators Keiser and Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation. Beginning January 1, 2022, for every one hundred dollar increase in the cost of an insulin product for the health plan from the previous plan year, taking into account rebates and other price concessions, the health plan may submit a request to the office of the insurance commissioner, including proper documentation, to raise the cost-sharing amount for a thirty-day supply by five dollars.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation. Beginning January 1, 2022, for every one hundred dollar increase in the cost of an insulin product for the health plan from the previous plan year, taking into account rebates and other price concessions, the health plan may submit a request to the office of the insurance commissioner, including proper documentation, to raise the cost-sharing amount for a thirty-day supply by five dollars.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the health plan offered under this chapter must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

Sec. 3. RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education,

including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

Sec. 4. RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have

signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage)) Except as provided in section 1 of this act, coverage~~ required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

Sec. 5. RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage)) Except as provided in section 1 of this act, coverage~~ required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

Sec. 6. RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage)) Except as provided in section 1 of this act, coverage~~ required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and providing expiration dates."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1091 by Senators Keiser and Cleveland to Second Substitute Senate Bill No. 6087.

The motion by Senator Keiser carried and striking floor amendment no. 1091 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and O'Ban spoke in favor of passage of the bill. Senators Becker and Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6087.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6087 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6113, by Senators Keiser, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Van De Wege, and Wilson, C.

Creating a central insulin purchasing program.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6113 was substituted for Senate Bill No. 6113 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators O'Ban, Walsh and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6663, by Senators Brown, Becker and Walsh

Studying dual diagnoses of eating disorder and diabetes mellitus type 1. Revised for 1st Substitute: Concerning dual diagnoses of eating disorder and diabetes mellitus type 1.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6663 was substituted for Senate Bill No. 6663 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6663.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)

Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime. Revised for 2nd Substitute: Modifying youth sentencing guidelines.

The bill was read on Third Reading.

MOTION

On motion of Senator Darneille, the rules were suspended and Substitute Senate Bill No. 5488 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)

Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 5488 was substituted for Substitute Senate Bill No. 5488 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5533, by Senators Braun, Darneille and Zeiger

Concerning certificates of parental improvement. Revised for 4th Substitute: Certifying parental improvement.

MOTIONS

On motion of Senator Braun, Fourth Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Fourth Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Fourth Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Wagoner

Excused: Senator Fortunato

FOURTH SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6638, by Senators Wilson, C., Lovelett, Randall, Nguyen, Das and Darneille

Providing reentry services.

MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 6638 was substituted for Senate Bill No. 6638 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following striking floor amendment no. 1105 by Senator Wilson, C. be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 7. (1) The legislature finds that it is critical to successful community reintegration and recovery for persons who are being released from prison, jail, juvenile rehabilitation, or other state institutions to have access to supportive services and for those who have behavioral health services needs to receive targeted assistance. This act employs multiple strategies to improve reentry services for these individuals. It provides for suspension of medicaid benefits to end before a person's release from custody so that medical assistance benefits can be made available immediately upon the person's release and so that authorized medicaid services can be provided before the person's release if the state receives a medicaid waiver. It creates a reentry services modality within the community behavioral health services act and directs the Washington state health care authority to apply for a section 1115 medicaid waiver so that the state can leverage federal funding to provide reentry services before the person's release. It provides persons applying for a conditional release under chapter 10.77 RCW with access to the same community support services available to persons receiving community services under a less restrictive alternative order under chapter 71.05 RCW. Finally, it removes stigmatizing language from the program created under RCW 72.09.370 and 71.24.470 and creates a work group to advise the state how to use strategies based on evidence-based, research-based, and promising practices to expand the provision of cost-effective reentry services to new populations.

(2) The legislature finds that the support for patients and communities act, H.R. 6 115th Cong. Sec. 271 (2018), provided federal recognition of the importance of providing transition services to persons who are soon to be former inmates of public institutions. This act requires the secretary of health and human services to issue a state medicaid director letter by October 2019 regarding opportunities for states to apply for a section 1115 waiver to improve care transitions by providing medicaid services up to thirty days before a person's expected release. This guidance has not yet been released. New York state and the District of Columbia have already submitted section 1115 waiver applications which remain pending in the year 2019 in anticipation of this opportunity.

Sec. 8. RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

2020 REGULAR SESSION

(1) The authority is directed to suspend, rather than terminate, medical assistance benefits by July 1, 2017, for persons who are incarcerated or committed to a state hospital or other institution or facility. This must include the ability for a person to apply for medical assistance in suspense status during incarceration or civil commitment, and may not depend upon knowledge of the release date of the person. The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.

(2) When a release date is scheduled for an individual whose medical assistance benefits are suspended under this section, the medical assistance benefits of a person may be restored up to ninety days prior to the person's release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(3) Starting January 1, 2022, the medical assistance benefits of a person that have been suspended under this section must be restored up to ninety days and not less than seven days prior to the person's scheduled release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(4) For the purpose of this section, "reentry services" has the same meaning as under RCW 71.24.025.

Sec. 9. RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2 are each reenacted and amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

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

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

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

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05

RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(9) "Child" means a person under the age of eighteen years.

(10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(12) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(13) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(14) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(15) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(16) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in

this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(17) "Department" means the department of health.

(18) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

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

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

(21) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(22) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (23) of this section.

(23) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(24) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(25) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(26) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(27) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(28) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

less restrictive alternative treatment on the grounds of the state hospital.

(29) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(30) "Mental health peer respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(31) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(32) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (10), (39), and (40) of this section.

(33) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(34) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (23) of this section but does not meet the full criteria for evidence-based.

(35) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(36) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(37) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults

who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(38) "Secretary" means the secretary of the department of health.

(39) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(40) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(41) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

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

(43) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(44) "Reentry services" means targeted services to support community reintegration and recovery for a person with an identified behavioral health services need who is scheduled or expected to be released from a prison, jail, juvenile rehabilitation facility, state hospital, or other institution or facility within ninety days. "Reentry services" also means targeted services provided to such a person following release to support the person's recovery and stability in the community. "Reentry services" may include:

(a) Engagement, assessment, recovery support, and release planning provided up to ninety days prior to a scheduled or expected release provided by behavioral health clinicians, certified peer counselors, or both;

(b) Intensive case management, peer bridger services, or both provided during the period beginning immediately upon the person's release which may decrease in intensity over time depending on the specific needs of the individual;

(c) Coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, transportation, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary; and

(d) Provision of services under contract through the reentry community services program under RCW 72.09.370 and 71.24.470.

NEW SECTION. Sec. 10. (1) The health care authority shall, after the release of federal guidance, apply for a section 1115 medicaid waiver to provide reentry services as defined under RCW 71.24.025 through the state medicaid program to persons who are expecting to be released from a public institution and are otherwise eligible to receive medical assistance. The authority shall consult with the work group established under section 10 of this act about the details of the application and how to maximize support for Washington state reentry programs within the limitations of what the centers of medicare and medicaid services are likely to approve.

(2) In developing its application, the health care authority must explicitly consider how to best leverage the 1115 medicaid waiver application for the following purposes:

(a) To provide federal funding support for the state-only portions of the reentry community services program under RCW 72.09.370 and 71.24.470;

(b) To provide sustainable funding for cost-effective or cost-neutral reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462; and

(c) To accommodate the special needs of persons in jail who tend to stay for short periods of time and not have access to a documented anticipated release date.

(3) The authority shall consider how evaluations of the reentry community services program created under RCW 72.09.370 and 71.24.470 conducted by the Washington state institute for public policy may be used to establish an evidence base for its waiver application demonstrating the potential for delivering cost-effective reentry services in the state of Washington.

(4) The health care authority shall update the governor and appropriate committees of the legislature in writing upon submission of its section 1115 medicaid waiver application, at the point at which such application obtains final approval or denial from the centers for medicaid and medicare services, and at other critical junctures at the discretion of the health care authority.

Sec. 11. RCW 71.24.385 and 2019 c 325 s 1023 and 2019 c 264 s 6 are each reenacted and amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health administrative services organizations and managed care organizations, as applicable, shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

(i) Crisis diversion services;

(ii) Evaluation and treatment and community hospital beds;

(iii) Residential treatment;

(iv) Programs for intensive community treatment;

(v) Outpatient services, including family support;

(vi) Peer support services;

(vii) Community support services;

(viii) Resource management services; ~~((and))~~

(ix) Reentry services; and

(x) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

(A) Withdrawal management;

(B) Residential treatment; and

(C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, recovery support services, reentry services, or technology-based recovery supports.

(iii) The authority may contract for the use of an approved substance use disorder treatment program or other individual or organization if the director considers this to be an effective and economical course to follow.

(2)(a) The managed care organization and the behavioral health administrative services organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Managed care organizations and behavioral health administrative services organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(b) Managed care organizations and behavioral health administrative services organizations may allow reimbursement to providers for services delivered through a partial hospitalization or intensive outpatient program. Such payment and services are distinct from the state's delivery of wraparound with intensive services under the *T.R. v. Strange and Birch* settlement agreement.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 12. RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within

prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

(4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

(5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

(6) A licensed or certified behavioral health agency as defined under RCW 71.24.025 that provides community behavioral health services to a person placed on conditional release under this section or agrees to provide such services upon the person's conditional release shall provide equivalent services to the person as it would provide to a person who is court ordered to receive less restrictive alternative treatment under RCW 71.05.585. A licensed or certified behavioral health agency must participate in reentry planning when a person is recommended for conditional release under this section and may provide reentry services as defined in RCW 71.24.025 in coordination with state hospital staff and the person's managed care organization, behavioral health administrative services organization, or private insurance carrier.

Sec. 13. RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ~~((offender))~~ reentry community ~~((safety))~~ services program is established to provide intensive services to ~~((offenders))~~ incarcerated persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify ~~((offenders))~~ persons in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In determining ~~((an offender's dangerousness))~~ whether an incarcerated person may meet these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness ~~((of offenders))~~ for persons with mental illnesses who are involved with the criminal justice system and shall include consideration of ~~((an offender's))~~ the person's substance use disorder or history of substance abuse.

(2) Prior to release of ~~((an offender))~~ a person identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and ~~((the))~~ reentry community services providers, as appropriate, shall

develop a plan, as determined necessary by the team, for delivery of treatment and support services to the ~~((offender))~~ incarcerated person upon release. In developing the plan, the ~~((offender))~~ person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ~~((offenders))~~ incarcerated persons under the age of twenty-one. The team shall consult with the ~~((offender's))~~ person's counsel, if any, and, as appropriate, the ~~((offender's))~~ person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific ~~((offender))~~ incarcerated person. The team may recommend: (a) That the ~~((offender))~~ person be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an ~~((offender))~~ incarcerated person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the ~~((offender's))~~ person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the ~~((offender's))~~ person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the ~~((offender))~~ person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the ~~((offender))~~ person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the ~~((offender))~~ person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the ~~((offender))~~ person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 14. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist ~~((offenders))~~ incarcerated persons identified under RCW 72.09.370 for participation in the ~~((offender))~~ reentry community

~~((safety))~~ services program. The contracts may be with any qualified and appropriate entities.

(2) The case manager has the authority to assist these ~~((offenders))~~ individuals in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ~~((offender))~~ reentry community ~~((safety))~~ services program was formerly known as the community integration assistance program.

Sec. 15. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((-is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report ~~((an offender's))~~ a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program" means a person who has been identified under RCW 72.09.370 as ~~((an offender))~~ a person who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

NEW SECTION. Sec. 16. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(a) Advise the authority on its waiver application under section 4 of this act;

(b) Consider how to expand, replicate, or adapt the essential elements of the reentry community services program under RCW 72.09.370 and 71.24.470 while preserving those aspects most essential to stable reentry and recovery to provide reentry community services to:

(i) A larger set of persons incarcerated in prison including up to all persons releasing from prison who are reasonably believed to present either a high risk of violent recidivism, a high risk of nonviolent recidivism, or both in combination with a mental disorder or a substance use disorder, or other subsets of persons at the discretion of the work group;

(ii) Persons who are committed to a state hospital or long-term involuntary behavioral health treatment facility under chapter 10.77 RCW or RCW 71.05.280(3), who are reasonably believed to be ready for safe discharge to an appropriate community placement;

(iii) Persons expecting release from confinement under chapter 13.40 RCW;

(iv) Persons expecting release from confinement in jail; and/or

(v) Other populations recommended by the work group;

(c) Evaluate whether it would be better for administration of contracts for services under the reentry community services program remain at the state level or instead be administered by managed care organizations or behavioral health administrative services organizations;

(d) Identify the costs and savings that could be realized through expanding or replicating the reentry community services program as described under (b) of this subsection or through other means of providing reentry services;

(e) Evaluate the sustainability of promising reentry services or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462;

(f) Recommend means of funding and staffing expanded reentry services; and

(g) Consider how peer services can be incorporated into the reentry services programs.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; the Washington statewide reentry council; the Washington state senate and house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by December 1, 2020, and a final report by December 1, 2021.

NEW SECTION. Sec. 17. The Washington state health care authority shall revise its contracts with managed care organizations and behavioral health administrative services organizations to require those entities to ensure that providers that contract to provide services through the reentry community

services program under RCW 72.09.370 and 71.24.330 are available to their eligible clients in every regional service area.

NEW SECTION. Sec. 18. The Washington state institute for public policy shall update its previous evaluations of the reentry community services program under RCW 72.09.370 and 71.24.470, considering impacts on both recidivism and the use of public services. The institute shall collaborate with the work group established under section 10 of this act to determine research parameters and additional research questions that would support the work of the work group including, but not limited to, the potential cost, benefit, and risks to the state of expanding or replicating the reentry community services program; and what modifications to the program are most and least likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by December 1, 2020, and a final report by November 1, 2021, to the governor and relevant committees of the legislature."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 74.09.670, 10.77.150, 72.09.370, 71.24.470, and 71.24.480; reenacting and amending RCW 71.24.025 and 71.24.385; adding a new section to chapter 71.24 RCW; and creating new sections."

MOTION

Senator Padden moved that the following floor amendment no. 1141 by Senator Padden be adopted:

On page 1, line 22, after "Finally, it", strike all material through "71.24.470 and" on page 1, line 24.

On page 16, starting at line 1, strike all of sections 7, 8, and 9 and insert the following:

"Sec. 7. RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ~~((offender))~~ reentry community ~~((safety))~~ services program is established to provide intensive services to offenders identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness of offenders with mental illnesses who are involved with the criminal justice system and shall include consideration of an offender's substance use disorder or history of substance abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the

offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 8. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist offenders identified under RCW 72.09.370 for participation in the ~~((offender))~~ reentry community ~~((safety))~~ services program. The contracts may be with any qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded

medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ~~((offender))~~ reentry community ~~((safety))~~ services program was formerly known as the community integration assistance program.

Sec. 9. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((providers))~~ agency's duties under this chapter~~((is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder."

Senators Padden, Walsh, Short, Sheldon and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Wilson, C. spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 22 to striking floor amendment no. 1105.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1105 by Senator Wilson, C. to Substitute Senate Bill No. 6638.

The motion by Senator Wilson, C. carried and striking floor amendment no. 1105 was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6638.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6638 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Sheldon, Short and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:34 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:28 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Jeffery Estes, Senate Gubernatorial Appointment No. 9159, be confirmed as a member of the State Board of Education.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF JEFFERY ESTES

The President declared the question before the Senate to be the confirmation of Jeffery Estes, Senate Gubernatorial Appointment No. 9159, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Jeffery Estes, Senate Gubernatorial Appointment No. 9159, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Becker and Ericksen

Excused: Senator Fortunato

Jeffery Estes, Senate Gubernatorial Appointment No. 9159, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

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

SECOND READING

SENATE BILL NO. 6115, by Senators Takko, Warnick, Hobbs, Van De Wege, Wilson, L. and Sheldon

Concerning off-road vehicle registrations.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6068, by Senators Warnick, Mullet, Wilson, L., Takko, Short, Liias and Honeyford

Concerning sales and use tax exemptions for large private airplanes.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 6068 was substituted for Senate Bill No. 6068 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6068.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6528, by Senators Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, and Wilson, C.

Concerning the prevention of derelict vessels.

MOTIONS

On motion of Senator Lovelett, Second Substitute Senate Bill No. 6528 was substituted for Senate Bill No. 6528 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 6528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6528.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6528 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6501, by Senator Padden

Concerning the unlawful disposition of human remains. Revised for 1st Substitute: Concerning the disposition of human remains and cremation.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6417, by Senators Holy and Van De Wege

Allowing retirees to change their survivor option election after retirement.

The measure was read the second time.

MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6632, by Senator Takko

Providing additional funding for the business licensing service program administered by the department of revenue.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6632 was substituted for Senate Bill No. 6632 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6632.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6632 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6478, by Senators Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa

Revising economic assistance programs.

MOTIONS

On motion of Senator Nguyen, Second Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Second Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden,

Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Stanford, Rivers, Wilson, C., Conway, King and Nguyen

Concerning price differentials in the sale of marijuana.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Carlyle, Conway, Ericksen, Hasegawa, Honeyford, O'Ban, Padden, Saldaña, Sheldon, Wagoner, Warnick and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6206, by Senators Rivers, King and Stanford

Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6206 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Conway, Ericksen, Honeyford, Padden, Salomon, Sheldon and Van De Wege

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6442, by Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das

Concerning private detention facilities. Revised for 1st Substitute: Concerning the private detainment of individuals.

MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Saldaña moved that the following floor amendment no. 1109 by Senator Saldaña be adopted:

On page 1, line 8, after "prisons" strike "and detention facilities"

On page 1, line 14, after "prisons" strike "and detention facilities"

On page 1, line 21, after "prisons" strike "and detention facilities"

On page 2, line 2, after "prisons" strike "and detention facilities"

On page 2, beginning on line 20, after "prisons" strike all material through "facilities" on line 21

On page 2, line 28, after "prisons" strike "and detention facilities"

Beginning on page 2, line 30, strike all material through page 4, line 7

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

On page 7, beginning on line 28, strike all material through line 29

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

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

On page 8, line 1, after "CLAUSE." strike "Parts I and II of this act are" and insert "This act is"

On page 8, line 4, after "and" strike "take" and insert "takes"

On page 8, beginning on line 9, strike all of section 305

On page 1, at the beginning of line 4 of the title, strike "adding a new chapter to Title 70 RCW;"

Senator Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1109 by Senator Saldaña on page 1, line 8 to Engrossed Substitute Senate Bill No. 6442.

The motion by Senator Saldaña carried and floor amendment no. 1109 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Walsh: "I was wondering if the ICE [Immigrations and Customs Enforcement] facility, is that what your amendment has done is taken that out?"

Senator Saldaña: "Yes, so what this amendment does, it takes out, we were looking to try to end the, any private prisons and for-profit prisons in the state of Washington. Regardless of whether it was one that we, as a state, were using or whether is, was a federal or local jurisdictions that were using it. At this point we have decided that the best way forward is to take care for what we as the state of Washington can take care of, which is particularly when we as a state are incarcerating. So, it does remove that piece that would address any federal detention centers at this point."

Senator Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dyingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6404, by Senators Frockt, O'Ban, Dyingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña

Adopting prior authorization and appropriate use criteria in patient care.

MOTION

On motion of Senator Frockt, Engrossed Substitute Senate Bill No. 6404 was substituted for Senate Bill No. 6404 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking floor amendment no. 1103 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that covers at least one percent of the covered lives in the state, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved; and

(e) The average determination response time in hours for prior authorization requests to the plan with respect to each code listed in (a) through (d) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) The commissioner shall provide the data collected under subsection (1) of this section to the prior authorization work group. The data provided to the work group must be aggregated and deidentified, and may not identify the name of the carrier that submitted the data.

(3) In support of the prior authorization work group, the commissioner may request additional information from carriers reporting data under this section.

(4) The commissioner shall develop standardized reports of the aggregated and deidentified data submitted under subsection (1) of this section and make the reports available upon request to interested parties.

(5) The commissioner shall post recommendations from the prior authorization work group made under section 2 of this act on the commissioner's web site.

(6) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(7) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

NEW SECTION. Sec. 2. A new section is added to chapter 70.250 RCW to read as follows:

(1)(a) The prior authorization work group is created to enhance the understanding and use of prior authorization in Washington

state. The prior authorization work group must be hosted and staffed by the collaborative.

(b) By September 1, 2020, the governor shall appoint fifteen members of the prior authorization work group to be comprised of representatives from health care providers, hospitals, clinics, carriers, the office of the insurance commissioner, and the health care authority. Except for the representative of the office of the insurance commissioner, all appointed representatives must be clinicians with at least fifty percent representing providers, hospitals, and clinics, and at least twenty-five percent representing carriers. One representative must be a behavioral health provider or from a behavioral health organization. The appointed members of the prior authorization work group shall select the work group chair.

(2)(a) By January 1, 2021, and annually thereafter, the prior authorization work group shall select and review not less than five medical or surgical services, which may include mental health and substance use disorder services, subject to prior authorization by insurance carriers. The prior authorization work group shall conduct its review and issue prior authorization recommendations by December 31st of the year in which the review began.

(b) The prior authorization work group shall establish subcommittees to focus on specific services selected for review. Each subcommittee must be comprised of practicing clinicians with expertise relevant to the specific medical or surgical service selected for review. Each subcommittee must include at least two members of the specialty or subspecialty society most experienced with the service identified for review. Subcommittee members are not required to be members of the prior authorization work group. Each subcommittee shall make recommendations to the prior authorization work group related to the recommendations in subsection (3) of this section.

(c) In 2021 the prior authorization work group shall review, as one of the services selected, noninvasive cardiac diagnostic imaging procedures.

(d) The prior authorization work group shall consider the prior authorization data collected in section 1 of this act and shall select and prioritize services for review based on the following criteria:

(i) The volume of the service as indicated by prior authorization requests;

(ii) Indications based on medical literature that prior authorization is not appropriate for a service;

(iii) The potential for negative impact on patient care caused by prior authorization delays; and

(iv) Input from health care providers, health care facilities, insurance carriers, and health insurance purchasers.

(3) For each service identified in subsection (2) of this section, the prior authorization work group shall assess the following areas and make corresponding recommendations:

(a) Whether the utilization and approval patterns and medical literature justify the use of a prior authorization requirement for the service. If not, the prior authorization work group shall recommend no prior authorization be required for the service;

(b) Whether adoption of uniform appropriate use criteria or evidence-based criteria confirmed through a clinical decision support mechanism for the service in lieu of prior authorization is appropriate. If so, the prior authorization work group shall identify and select appropriate criteria for the service. The prior authorization work group shall consider the availability and cost of the clinical decision support mechanisms and possible alternative methods of validation in its recommendation. If the work group recommends the use of appropriate use criteria, the work group shall recommend adoption of appropriate use criteria developed by a federally qualified provider-led entity pursuant to 42 C.F.R. 414.94 as it existed on February 1, 2020;

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(c) Whether an appropriate federal policy or initiative exists for the service. Any recommendations by the prior authorization work group should align with criteria used for federal initiatives and approval mechanisms under the medicare program; and

(d) The prior authorization work group shall consider the services as provided to both adult and pediatric patients and when appropriate, provide separate recommendations regarding the service for adult and pediatric patients.

(4) The prior authorization work group shall review and make updates as necessary to the recommendations made pursuant to subsection (3) of this section based on evidence that a recommendation no longer reflects relevant evidence-based guidelines.

(5) Beginning December 1, 2021, the work group must annually report on its recommendations to the health care committees of the legislature.

(6) For purposes of this section:

(a) "Prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

(b) "Appropriate use criteria" means criteria developed or endorsed by a provider-led entity to assist health care practitioners in making the most appropriate treatment decision for a specific clinical condition for an individual. To the extent feasible, such criteria must be evidence-based.

(c) "Clinical decision support mechanism" means a tool for use by clinicians that communicates selected appropriate use criteria information to the user and assists clinicians in making the most appropriate treatment decision for a patient's specific clinical condition.

(d) "Qualified provider-led entity" means a professional medical specialty society or organization."

On page 1, line 3 of the title, after "criteria;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 70.250 RCW."

MOTION

Senator Frockt moved that the following floor amendment no. 1139 by Senator Frockt be adopted:

On page 4, line 4, after "carriers," insert "a patient advocacy group,"

On page 4, line 5, after "representative of" insert "the patient advocacy group and"

Senators Frockt and O'Ban spoke in favor of adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President. What is a patient advocacy group and what would an example of one of those be?"

Senator Frockt: "The cancer, could be diabetes society, could be cancer society, could be blood disorder society, something of that nature. There are many dozens."

Senator Schoesler: "With so many, how could we choose?"

The President declared the question before the Senate to be the adoption of floor amendment no. 1139 by Senator Frockt on page 4, line 4 to striking floor amendment no. 1103.

The motion by Senator Frockt carried and floor amendment no. 1139 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 1137 by Senator O'Ban be adopted:

On page 5, after line 4, insert the following:

"(e) Recommendations of the prior authorization work group require the affirmative vote of sixty percent of its members."

Senators O'Ban and Frockt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1137 by Senator O'Ban on page 5, line 4 to striking floor amendment no. 1103.

The motion by Senator O'Ban carried and floor amendment no. 1137 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1103 by Senator Frockt as amended to Substitute Senate Bill No. 6404.

The motion by Senator Frockt carried and striking floor amendment no. 1103 as amended was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, O'Ban and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6574, by Senators Takko and Short

Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6574 was substituted for Senate Bill No. 6574 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1061 by Senators Short and Takko be adopted:

On page 2, line 36, after "board" insert "including making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members"

On page 3, beginning on line 34, after "unless the" strike "board ((administrative officer)) chair" and insert "((board administrative officer)) director of the environmental and land use hearings office"

On page 3, beginning on line 35, after "determines" strike "that there is an emergency including, but not limited to," and insert "((that there is an emergency including, but not limited to,)) otherwise due to caseload management determinations or"

On page 3, line 37, after "absence," insert "or"

On page 3, line 37, after "vacancy" strike " , or significant workload imbalance" and insert "((~~or significant workload imbalance~~))"

Senators Short and Takko spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1061 by Senators Short and Takko on page 2, line 36 to Substitute Senate Bill No. 6574.

The motion by Senator Short carried and floor amendment no. 1061 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill. Senator Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6574.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6574 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett,

McCoy, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa, Honeyford, Mullet, Padden and Schoesler

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Hasegawa, Hunt, Billig, Saldaña, Stanford, and Wilson, C.

Addressing compacts of free association.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Joint Memorial No. 8017 was substituted for Senate Joint Memorial No. 8017 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Rivers spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senator Keiser

Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Revised for 1st Substitute: Describing permissible common carrier activities under the three-tier system.

MOTION

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

On motion of Senator Keiser, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 1143 by Senators Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.28.310 and 2019 c 149 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers, including common carriers licensed under RCW 66.24.395, branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer, including common carriers licensed under RCW 66.24.395, or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members (~~(only)~~) to: (A) Common carriers licensed under RCW 66.24.395 for use by their employees or ticketed passengers; or (B) retailers, other than common carriers licensed under RCW 66.24.395, and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer, including common carriers licensed under RCW 66.24.395, may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer, including common carriers licensed under RCW 66.24.395.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites;

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites;

(c) Manufacturers, distributors, or their licensed representatives from using web sites or social media accounts in their name to post, repost, or share promotional information or images about events featuring a product of the manufacturer's own production or a product sold by the distributor, held at an on-premises licensed liquor retailer's location or a licensed special occasion event. The promotional information may include links to purchase event tickets. Manufacturers, distributors, or their licensed representatives may not pay a third party to enhance viewership of a specific post. Industry members, or their licensed representatives, are not obligated to post, repost, or share information or images on a web site or on social media. A licensed liquor retailer may not require an industry member or their licensed representative to post, repost, or share information or images on a web site or on social media as a condition for selling any alcohol to the retailer or participating in a retailer's event; or

(d) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers, including common carriers licensed under RCW 66.24.395, when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, a common carrier license under RCW 66.24.395, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee,

including common carrier licensees under RCW 66.24.395, may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement, or common carrier licensees under RCW 66.24.395, when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

(10) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(11) Nothing in RCW 66.28.305 prohibits a common carrier licensed under RCW 66.24.395 from:

(a) Transporting liquor without charge or at a discounted rate when the liquor was purchased by a ticketed passenger and is not intended to be sold for resale;

(b) Displaying or distributing information about an industry member, provided the industry member did not pay the common carrier to have the information displayed or distributed;

(c) Sponsoring any public or private event including those hosted by or otherwise affiliated with an industry member;

(d) Engaging in joint promotional activities with an industry member, provided the industry member does not pay the common carrier or a third party to participate in the joint promotional activity and any branded promotional items provided by the industry member are of nominal value;

(e) Accepting payment from an industry member for advertising, provided:

(i) The advertising appears in a publication produced and distributed to passengers of the common carrier;

(ii) The amount of the payment is consistent with the advertising rates paid by other advertisers purchasing similar advertisements in the same publication; and

(iii) The payment is not used as an inducement to purchase the products of the industry member paying for the advertising nor does it result in the exclusion of products of other industry members.

(12) Nothing in RCW 66.28.305 prohibits an industry member, subject to the requirements of its license, from entering into an agreement to provide tastings with or without charge to passengers of a common carrier holding a license under RCW 66.24.395.

Sec. 2. RCW 66.24.395 and 1997 c 321 s 25 are each amended to read as follows:

(1)(a) There shall be a license that may be issued to corporations, associations, or persons operating as federally licensed commercial common passenger carriers engaged in interstate commerce, in or over territorial limits of the state of Washington on passenger trains, vessels, or airplanes. Such license shall permit the sale of spirituous liquor, wine, and beer at retail for passenger consumption within the state upon one such train passenger car, vessel, or airplane, while in or over the territorial limits of the state. Such license shall include the privilege of transporting into and storing within the state such liquor for subsequent retail sale to passengers in passenger train cars, vessels or airplanes. The fees for such master license shall be seven hundred fifty dollars per annum (class CCI-1): PROVIDED, That upon payment of an additional sum of five dollars per annum per car, or vessel, or airplane, the privileges authorized by such license classes shall extend to additional cars, or vessels, or airplanes operated by the same licensee within the state, and a duplicate license for each additional car, or vessel, or airplane shall be issued: PROVIDED, FURTHER, That such licensee may make such sales and/or service upon cars, or vessels, or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED, FURTHER, That such license shall be valid only while such cars, or vessels, or airplanes are actively operated as common carriers for hire in interstate commerce and not while they are out of such common carrier service.

(b) Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be subject to such board markup and state liquor taxes in an amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board.

(2) Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1)(b) of this section. Interstate common carriers licensed under this section may purchase alcoholic beverages outside the territorial limits of the state of Washington and import such alcoholic beverages into the state of Washington for sales and service aboard passenger trains, vessels, or airplanes. The storage facilities for liquor within the state by common carriers licensed under this section shall be subject to written approval by the board.

(3) Interstate common carriers licensed under this section may provide complimentary alcoholic beverages to passengers aboard passenger trains, vessels, or airplanes."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "and amending RCW 66.28.310 and 66.24.395."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1143 by Senators Keiser and King to Substitute Senate Bill No. 6095.

The motion by Senator Keiser carried and striking floor amendment no. 1143 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6238, by Senators Hunt, Kuderer, Wilson, C. and Sheldon

Requiring local ballot measure statement committee members to be registered voters in the jurisdiction voting on the measure.

The measure was read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 1047 by Senator Hunt be adopted:

On page 1, at the beginning of line 19, after "the" strike "area" and insert "jurisdiction"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1047 by Senator Hunt on page 1, line 19 to Senate Bill No. 6238.

The motion by Senator Hunt carried and floor amendment no. 1047 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Erickson, Honeyford, O'Ban, Padden and Short

Excused: Senators Fortunato and Sheldon

ENGROSSED SENATE BILL NO. 6238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6286, by Senators Frockt, Pedersen and Mullet

Permitting athlete agents to provide some benefits to student athletes.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford and Short

Excused: Senators Fortunato and Sheldon

SENATE BILL NO. 6286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5679, by Senators Hasegawa, Conway and Darneille

Concerning the mitigation of public facilities in certain cities.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, King, Short and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5679.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senators Dhingra, Padden, Nguyen, Das and Hasegawa

Concerning drug offender sentencing.

MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5867, by Senators Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh and Kuderer

Resentencing of persons convicted of drug offenses.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5867 was substituted for Senate Bill No. 5867 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Pedersen spoke in favor of passage of the bill.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5867 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 5867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6626, by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner

Creating the position of military spouse liaison.

The measure was read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1149 by Senators Conway and Randall be adopted:

On page 2, after line 12, insert the following:

NEW SECTION. Sec. 2. (1) The nursing care quality assurance commission shall work with the national council of state boards of nursing and the national licensure compact administrators to develop a plan and timeline to address elements of the nurse licensure compact that currently fail to address concerns regarding:

(a) The financing mechanisms of the interstate compact and how state licensing fees from a multistate license are spent by the compact's governing authority;

(b) What educational and continuing education criteria an applicant must meet to receive a multistate licensure through the nurse licensure compact, especially when a state legislature has determined certain topics to be necessary and therefore required for nurses or all health care professionals;

(c) How the national council for the state boards of nursing and the national licensure compact administrators ensure their applicants and licensees understand what practice rules apply when practicing outside the home state;

(d) How the national council for the state boards of nursing and the national licensure compact administrators track where multistate licensees are practicing; and

(e) What data the interstate national council for the state boards of nursing and the national licensure compact administrators can provide to show that interstate compacts are increasing access to care, helping with health profession shortages in certain states, and improving protection of the public.

(2) The nursing care quality assurance commission shall report to the legislature on progress on the above topics by December 1, 2021.

On page 1, line 2 of the title, after "liaison", insert "adding a new section;"

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1149 by Senators Conway and Randall on page 2, after line 12 to Senate Bill No. 6626.

The motion by Senator Randall carried and floor amendment no. 1149 was adopted by voice vote.

MOTION

Senator Randall moved that the following floor amendment no. 1150 by Senators Conway and Randall be adopted:

On page 2, after line 12, insert the following:

Sec. 2. RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. All spouses or state-registered domestic partners of service members of any branch of the United States armed forces, national guard, or armed forces reserves shall have application fees, license fees, and any other fees associated with licensing waived by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium.

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

On page 1, line 2 of the title, after "liaison", insert "; and amending RCW 43.70.250"

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1150 by Senators Conway and Randall on page 2, after line 12 to Senate Bill No. 6626.

The motion by Senator Randall carried and floor amendment no. 1150 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6626.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6190, by Senators Braun, Keiser and Kuderer

Preserving the developmental disabilities community trust.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6190 was substituted for Senate Bill No. 6190 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 972 by Senator Hasegawa be adopted:

On page 2, line 3, after "lease" strike "or sale"

On page 2, line 4, after "easements," strike "or"

On page 2, beginning on line 4, after "timber" strike "~~((or other activities short of sale of the property))~~" and insert ", or other activities short of sale of the property ("

On page 2, line 6, after "~~aet~~)," insert "The sale of public property is prohibited for the purposes of funding the developmental disabilities community trust."

On page 2, line 6, after "lease" strike "or sale"

On page 2, line 15, after "sale" strike "property or"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senators Braun and Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 972 by Senator Hasegawa on page 2, line 3 to Substitute Senate Bill No. 6190.

The motion by Senator Hasegawa did not carry and floor amendment no. 972 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator McCoy

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6183, by Senators Hunt, Conway, Kuderer, and Wilson, C.

Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 6183 was substituted for Senate Bill No. 6183 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 6183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator McCoy was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6183.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6183 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt,

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SUBSTITUTE SENATE BILL NO. 6183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6156, by Senators Takko, Wagoner, Saldaña, Conway and Sheldon

Modifying the requirements for collector vehicle registrations.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 6156 was substituted for Senate Bill No. 6156 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following floor amendment no. 1098 by Senator Takko be adopted:

On page 2, line 34, after "annually," insert "except for personalized collector vehicle license plates."

On page 5, line 8, after "registrations" insert "on or"

On page 5, line 20, after "registrations" insert "on or"

Senators Takko and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1098 by Senator Takko on page 2, line 34 to Substitute Senate Bill No. 6156.

The motion by Senator Takko carried and floor amendment no. 1098 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1154 by Senator King be adopted:

On page 3, line 20, strike "\$100.00", and insert "\$70.00"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1154 by Senator King on page 3, line 20 to Substitute Senate Bill No. 6156.

The motion by Senator King carried and floor amendment no. 1154 was adopted by a rising vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 1148 by Senators Honeyford and Sheldon be adopted:

On page 5, line 10, after "at least", strike "forty", and insert "thirty"

On page 5, line 22, after "at least", strike "forty", and insert "thirty"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1148 by Senators Honeyford and Sheldon on page 5, line 10 to Substitute Senate Bill No. 6156.

The motion by Senator Honeyford did not carry and floor amendment no. 1148 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 1063 by Senator King on page 6, line 33 to Substitute Senate Bill No. 6156 was withdrawn.

MOTION

Senator King moved that the following floor amendment no. 1153 by Senators King and Takko be adopted:

On page 6, line 33, after "department" insert "for initial applications pay the applicable fees in RCW 46.17.005 and 46.17.040 and for renewals pay the applicable fees as specified in this subsection (5)."

(a)(i) If the renewal transaction is conducted by the county auditor, the county auditor shall collect a service fee of five dollars for the registration renewal that will be retained by the county auditor;

(ii) If the renewal transaction is conducted by a subagent appointed by the director, the subagent shall collect a service fee of five dollars for the registration renewal that will be retained by the subagent; and

(iii) The service fee for a registration renewal does not apply to a transaction that is conducted on-line"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1153 by Senators King and Takko on page 6, line 33 to Substitute Senate Bill No. 6156.

The motion by Senator King carried and floor amendment no. 1153 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Conway, Honeyford and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6156.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6156 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser,

King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Conway, Ericksen, Hawkins, Holy, Honeyford, Muzzall, O'Ban, Padden, Randall, Rivers, Rolfes, Schoesler, Short, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6551, by Senators Stanford, Saldaña, Darneille, Dhingra, Frockt, Hasegawa, and Wilson, C.

Integrating international medical graduates into Washington's health care delivery system.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Becker and without objection, striking floor amendment no. 1110 by Senators Becker and Keiser to Senate Bill No. 6551 was withdrawn.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 6551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Saldaña and Hasegawa spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6551.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6551 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SENATE BILL NO. 6551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Frockt: "Thank you. I just wanted to see if the body could thank the interns who have stayed here late tonight. They kind of drew the short end of the stick and are helping us out tonight, so thank you."

REMARKS BY THE PRESIDENT

President Habib: "But we could also convince ourselves that they are having the times of their lives, I mean this is, this is, this is high drama."

The senate recognized the university and college interns participating in the senate's Civic Education Program who volunteered to provide paging services to the senate during the evening's debate.

SECOND READING

SENATE BILL NO. 5789, by Senators Liias, Nguyen, Saldaña, and Wilson, C.

Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5789 was substituted for Senate Bill No. 5789 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 1151 by Senator Hasegawa be adopted:

On page 7, line 12, after "(6).", insert "However, the notice of infraction may provide the registered owner of the vehicle the option of a waiver of the infraction if the owner of the vehicle completes a demographic and transit service survey. The waiver option is only available to the first notice of infraction issued to the registered owner under the pilot project. The demographic and transit service survey must be created by the city after consultation with transit service providers. The purpose of the survey is to determine why the individual did not use transit, to capture socioeconomic demographic data on the individual, the individual's trip origin and destination, and other pertinent information related to transportation choices and options available to persons traveling into the city."

On page 7, line 13, strike "However" and insert "Further"

Senators Hasegawa and Liias spoke in favor of adoption of the amendment.

Senator King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1151 by Senator Hasegawa on page 7, line 12 to Substitute Senate Bill No. 5789.

The motion by Senator Hasegawa did not carry and floor amendment no. 1151 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5789.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SUBSTITUTE SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:42 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Wednesday, February 19, 2020.

Senator Becker announced a meeting of the Republican Caucus immediately upon adjournment.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 19, 2020

The Senate was called to order at 9:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Miss Clara Blakeslee and Miss Chloe Lee, presented the Colors. Page Mr. Alexander Olson led the Senate in the Pledge of Allegiance. The prayer was offered by Minister Malando Redeemer of Shiloh Baptist Church, Tacoma.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

2SHB 1182 by House Committee on Appropriations (originally sponsored by Santos, Steele, Dolan, Ortiz-Self and Slatter)

AN ACT Relating to modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible and requiring that the expenditure of funds be consistent with the Washington integrated student supports protocol; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.035, 28A.165.100, 28A.165.065, 28A.300.139, 28A.320.190, and 28A.710.280; adding a new section to chapter 28A.630 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

2SHB 1191 by House Committee on Education (originally sponsored by Goodman and Frame)

AN ACT Relating to school notifications; amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Early Learning & K-12 Education.

2SHB 1645 by House Committee on Human Services & Early Learning (originally sponsored by Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan)

AN ACT Relating to certificates of parental improvement; amending RCW 74.13.700, 74.13.020, 43.43.832, 74.39A.056, 43.20A.710, and 43.216.010; reenacting and amending RCW 43.216.270; adding new sections to chapter 74.13 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

2SHB 1651 by House Committee on Human Services & Early Learning (originally sponsored by Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri, Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos)

AN ACT Relating to the rights of clients of the developmental disabilities administration of the department of social and health services; and adding a new chapter to Title 71A RCW.

Referred to Committee on Health & Long Term Care.

HB 2110 by Representatives Ryu and Santos
AN ACT Relating to modifying the definition of affordable workforce housing for the purposes of permitted lodging tax revenue expenditures; and amending RCW 67.28.180.

Referred to Committee on Housing Stability & Affordability.

HB 2259 by Representatives Rude, Leavitt and Thai
AN ACT Relating to the office of the superintendent of public instruction's authority to conduct criminal background checks; and amending RCW 28A.400.303.

Referred to Committee on Early Learning & K-12 Education.

SHB 2308 by House Committee on Appropriations (originally sponsored by Slatter, Tharinger, Wylie and Appleton)

AN ACT Relating to requiring employers to periodically report standard occupational classifications or job titles of

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

workers; amending RCW 50.12.070 and 50.12.220; creating new sections; and providing an effective date.

Referred to Committee on Labor & Commerce.

SHB 2338 by House Committee on Health Care & Wellness (originally sponsored by Macri, Thai, Wylie, Doglio, Cody and Pollet)
AN ACT Relating to prohibiting discrimination in health care coverage; and amending RCW 41.05.600, 48.20.580, 48.21.241, 48.41.220, 48.44.341, 48.46.291, 70.47.200, 48.30.300, and 48.43.0128.

Referred to Committee on Health & Long Term Care.

SHB 2359 by House Committee on Commerce & Gaming (originally sponsored by Vick and Wylie)
AN ACT Relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application; and amending RCW 69.50.331.

Referred to Committee on Labor & Commerce.

SHB 2384 by House Committee on Finance (originally sponsored by Doglio, Ramel, Tarleton, Macri, Kloba and Gregerson)
AN ACT Relating to the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households; amending RCW 84.36.560 and 84.36.815; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

HB 2390 by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins
AN ACT Relating to using respectful language regarding individuals with developmental disabilities; amending RCW 7.68.020, 18.59.040, 20.01.330, 26.33.350, 26.40.010, 26.40.020, 26.40.030, 26.44.015, 27.04.045, 28B.07.010, 35.58.240, 35.68.075, 35.86A.010, 35.86A.070, 35.92.060, 35.95A.050, 36.57.040, 36.57A.090, 39.23.005, 41.05.095, 43.20A.635, 43.24.090, 43.31.512, 43.63A.670, 43.216.720, 43.220.070, 46.72.010, 47.04.170, 48.20.420, 48.21.150, 48.30.300, 48.30.320, 48.41.140, 48.44.200, 48.44.210, 48.44.220, 48.46.320, 48.46.370, 49.12.110, 49.74.005, 50.12.210, 51.08.030, 57.08.014, 70.82.010, 70.82.030, 70.84.010, 70.84.080, 71A.10.040, 71A.12.010, 71A.12.020, 72.05.010, 72.05.130, 72.60.235, 72.64.150, 72.70.010, 74.04.515, 74.12.290, 74.13.310, 74.13A.085, 74.18.045, 74.26.010, 79.105.210, 82.80.030, and 84.36.350; and reenacting and amending RCW 43.180.070, 66.24.425, 71.34.020, 74.13.031, 74.13A.020, and 82.04.385.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2396 by Representatives Hudgins, Tarleton and Wylie
AN ACT Relating to the regulation of bot communication on public-facing internet web sites; adding a new section to chapter 42.17A RCW; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

2SHB 2457 by House Committee on Appropriations (originally sponsored by Cody, Kloba, Robinson, Schmick, Tharinger, Macri, Pollet and Wylie)
AN ACT Relating to the establishment of a board for the evaluation and containment of health care expenditures; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

HB 2458 by Representatives Stonier, Sells, Dolan, Schmick, Boehnke, Bergquist, Vick, Pollet and Wylie
AN ACT Relating to optional benefits offered by school districts; amending RCW 28A.400.280; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2464 by House Committee on Health Care & Wellness (originally sponsored by Gildon and Young)
AN ACT Relating to protecting patients from excess charges for prescription medications; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

SHB 2498 by House Committee on Appropriations (originally sponsored by Corry, Blake, Walsh, Mosbrucker, Chandler, Hoff, Dye, Graham, Davis, Dent, Dufault, Van Werven, Maycumber, Rude, Ybarra, Lekanoff, Eslick and Leavitt)
AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2SHB 2513 by House Committee on Appropriations (originally sponsored by Slatter, Leavitt, Ortiz-Self, Valdez, Bergquist, Davis, J. Johnson, Pollet, Goodman, Lekanoff, Ormsby and Riccelli)
AN ACT Relating to prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices; amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SHB 2554 by House Committee on Health Care & Wellness (originally sponsored by Stonier, Cody, Macri, Riccelli, Robinson, Tharinger, Senn, Peterson, Valdez, Davis, Doglio, Dolan, Fitzgibbon, Walen, Frame, Ramel, Pollet, Ryu, Goodman, Lekanoff, Ormsby and Chapman)
AN ACT Relating to mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW.

Referred to Committee on Health & Long Term Care.

SHB 2567 by House Committee on Civil Rights & Judiciary (originally sponsored by Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba)

AN ACT Relating to the courts open to all act; adding new sections to chapter 2.28 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 35.20 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SHB 2634 by House Committee on Finance (originally sponsored by Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger)

AN ACT Relating to exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax; amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Housing Stability & Affordability.

SHB 2673 by House Committee on Environment & Energy (originally sponsored by Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault)

AN ACT Relating to exemptions for infill development under the state environmental policy act; and amending RCW 43.21C.229.

Referred to Committee on Housing Stability & Affordability.

HB 2710 by Representatives Robinson, Tarleton, Cody, Tharinger and Ormsby

AN ACT Relating to modifying the uses, disclosure, and requirement dates of prescription drug price transparency data; and amending RCW 43.71C.020, 43.71C.030, 43.71C.040, 43.71C.050, 43.71C.060, 43.71C.070, 43.71C.080, and 43.71C.100.

Referred to Committee on Health & Long Term Care.

HB 2739 by Representatives Kloba, Stonier, Appleton, Davis and Duerr

AN ACT Relating to adjusting certain requirements of the shared leave program; and amending RCW 41.04.665.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2789 by House Committee on Public Safety (originally sponsored by Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young and Frame)

AN ACT Relating to collecting information regarding police use of deadly force; and adding new sections to chapter 36.28A RCW.

Referred to Committee on Law & Justice.

2SHB 2793 by House Committee on Appropriations (originally sponsored by Hansen and Irwin)

AN ACT Relating to vacating criminal records; reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION 8678

By Senators Hasegawa, Hobbs, Brown, Billig, Darneille, Muzzall, Nguyen, Wagoner, Conway, and Wilson, L.

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the seventy-eighth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, King, Hobbs, Zeiger, Liias, Brown and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

MOTION

At 9:32 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

 AFTERNOON SESSION

The Senate was called to order at 11:17 a.m. by President Habib.

MOTION

Pursuant to Rule 18, on motion of Senator Liias, Senate Bill No. 5400 providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1, was named a special order to be considered at 4:55 p.m.

MOTION

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

 THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Roy D. Jennings, Gubernatorial Appointment No. 9306, be confirmed as a member of the Transportation Commission.

Senators Cleveland and King spoke in favor of passage of the motion.

APPOINTMENT OF ROY D. JENNINGS

MOTION

On motion of Senator Rivers, Senator Fortunato was excused.

The President declared the question before the Senate to be the confirmation of Roy D. Jennings, Gubernatorial Appointment No. 9306, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Roy D. Jennings, Gubernatorial Appointment No. 9306, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

Roy D. Jennings, Gubernatorial Appointment No. 9306, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 6117, by Senators Wellman, Dhingra, Hunt, Kuderer, Pedersen, Saldaña, and Wilson, C.

Concerning appropriations for special education programs. Revised for 2nd Substitute: Concerning special education.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 6117 was substituted for Senate Bill No. 6117 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1142 by Senator Short be adopted:

On page 2, line 19, after "If" insert "a school district has one thousand or more enrolled students, and"

Senator Short spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1142 by Senator Short on page 2, line 19 to Second Substitute Senate Bill No. 6117.

The motion by Senator Short did not carry and floor amendment no. 1142 was not adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Braun and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhir, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6189, by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, and Wilson, C.

Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning eligibility for school employees' benefits board coverage.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6189 was substituted for Senate Bill No. 6189 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following striking floor amendment no. 1095 by Senators Mullet and Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The joint legislative audit and review committee shall conduct a study to identify the number and types of part-time school district employees and their eligibility for benefits through the school employees' benefits board. The office of the superintendent of public instruction and the health care authority shall assist in providing any data requested by the joint legislative audit and review committee to conduct the study. The study will seek to identify:

(a) The categories and number of employees who worked full-time and less than full-time during the 2018-19 and 2019-20 school years, including ranges of hours worked, how many of those employees were eligible for employer support for benefits each year, and the amount of employer support provided for benefits. The study must summarize the data by major job category, such as substitute teacher, educational staff associate, paraprofessional, bus driver, principal, vice principal, and any other major job categories identified during the review;

(b) The number of certificated and classified employees eligible for school employees' benefits board benefits beginning January 1, 2020, and the number who waived medical coverage by district;

(c) The number of certificated and classified school employee benefit units, including estimated benefit units attributable to pupil transportation and special education, funded in the state budget for school employees' benefits board benefits by district.

(2) The joint legislative audit and review committee shall submit the review to the appropriate committees of the legislature by September 1, 2021. The review shall include recommendations for continued and regular data collection that should be incorporated into the superintendent of public instruction's and the health care authority's regular data and reporting systems.

(3) This section expires January 1, 2022.

NEW SECTION. Sec. 2. (1) The health care authority shall conduct an analysis of the impacts of changes to the requirement that school employers remit premiums for employees that waive medical coverage under RCW 41.05.050(4)(d). The analysis shall consider the estimated impacts to the projected future funding rates and the estimated amount billed to each school district based on the following:

(a) A variable rate for employees waiving medical coverage and that are covered under dental, vision, long-term life and disability, and any other benefits not waived;

(b) A policy allowing members to waive coverage for some or all of the employer paid benefits;

(c) Any other options considered by the authority or as recommended by the school employees' benefits board.

(2) The analysis is due to the relevant fiscal committees of the legislature by September 1, 2021.

(3) This section expires June 30, 2022.

Sec. 3. RCW 28A.300.615 and 2016 c 233 s 8 are each amended to read as follows:

(1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of hours worked by each substitute teacher ~~((s hired under RCW 28A.410.252 per school year))~~;

(c) The number of substitute teachers that received benefits under the school employees' benefits board;

~~((d))~~ (d) The full daily compensation rate per substitute teacher; and

~~((e))~~ (e) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

Beginning with the 2022 plan year, individuals are limited to a single enrollment in medical, dental, and vision plans among school employees' benefits board and public employees' benefits board plans. However, individuals may be enrolled in both public employees' benefits board and school employees' benefits board plans as long as those enrollments are across different types of plans, such as medical, dental, and vision. The school employees' benefits board and the public employees' benefits board shall adopt policies to reflect this single enrollment requirement."

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "amending RCW 28A.300.615; adding a new section to chapter 41.05 RCW; creating new sections; and providing expiration dates."

MOTION

Senator Padden moved that the following floor amendment no. 1100 by Senator Padden be adopted:

On page 3, after line 6, insert the following:

"**Sec. 5.** RCW 41.05.740 and 2018 c 260 s 1 are each amended to read as follows:

(1) The school employees' benefits board is created within the authority. The function of the school employees' benefits board is to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) By September 30, 2017, the governor shall appoint the following voting members to the school employees' benefits board as follows:

(a) Two members from associations representing certificated employees;

(b) Two members from associations representing classified employees;

(c) Four members with expertise in employee health benefits policy and administration, one of which is nominated by an association representing school business officials; and

(d) The director of the authority or his or her designee.

(3) Initial members of the school employees' benefits board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(4) Compensation and reimbursement related to school employees' benefits board member service are as follows:

(a) Members of the school employees' benefits board must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(b) While school employees' benefits board members are carrying out their powers and duties under this chapter (~~((41.05 RCW))~~), if the service of any certificated or classified employee results in a need for a school employees' benefits board organization to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the authority from funds appropriated by the legislature for the school employees' benefits board program. If such substitute is paid by the authority, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school employees' benefits board organization deduct from the salary of a certificated or classified employee serving on the school employees' benefits board more than the amount paid the substitute employed by the school employees' benefits board organization.

(5) The director of the authority or his or her designee shall be the chair and another member shall be selected by the school employees' benefits board as vice chair. The chair shall conduct meetings of the school employees' benefits board. The vice chair shall preside over meetings in the absence of the chair. The school employees' benefits board shall develop bylaws for the conduct of its business.

(6) The school employees' benefits board shall:

(a) Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, or any of, or combination of, the enumerated types of insurance for eligible school employees and their dependents on the best basis possible with relation both to the welfare of the school employees and the state. However, liability insurance should not be made available to dependents;

(b) Develop school employee benefit plans that include comprehensive, evidence-based health care benefits for school employees. In developing these plans, the school employees' benefits board shall consider the following elements:

(i) Methods of maximizing cost containment while ensuring access to quality health care;

(ii) Development of provider arrangements that encourage cost containment and ensure access to quality care including, but not limited to, prepaid delivery systems and prospective payment methods;

(iii) Wellness, preventive care, chronic disease management, and other incentives that focus on proven strategies;

(iv) Utilization review procedures to support cost-effective benefits delivery;

(v) Ways to leverage efficient purchasing by coordinating with the public employees' benefits board;

(vi) Effective coordination of benefits; and

(vii) Minimum standards for insuring entities;

(c) Authorize premium contributions for a school employee and the employee's dependents in a manner that encourages the use of cost-efficient health care systems. For participating school employees, the required school employee share of the cost for family coverage premiums may not exceed three times the premiums for a school employee purchasing single coverage for the same coverage plan;

(d) Determine the terms and conditions of school employee and dependent eligibility criteria, enrollment policies, and scope of coverage. At a minimum, the eligibility criteria established by the school employees' benefits board shall address the following:

(i) The effective date of coverage following hire;

(ii) The benefits eligibility criteria, but the school employees' benefits board's criteria shall be no more restrictive than requiring that a school employee be anticipated to work at least six hundred thirty hours per school year to be benefits eligible, except that, beginning September 1, 2020, an employee in a job sharing position who is anticipated to work at least six hundred thirty hours is benefits eligible and must receive a prorated portion of the full-time employer contribution that is consistent with the district's job sharing plan under RCW 28A.405.070; and

(iii) Coverage for dependents, including criteria for legal spouses; children up to age twenty-six; children of any age with disabilities, mental illness, or intellectual or other developmental disabilities; and state registered domestic partners, as defined in RCW 26.60.020, and others authorized by the legislature;

(e) Establish terms and conditions for a school employees' benefits board organization to have the ability to locally negotiate eligibility criteria for a school employee who is anticipated to work less than six hundred thirty hours in a school year. A school employees' benefits board organization that elects to use a lower

threshold of hours for benefits eligibility must use benefits authorized by the school employees' benefits board and shall do so as an enrichment to the state's definition of basic education;

(f) Establish penalties to be imposed when a school employees' benefits board organization fails to comply with established participation criteria; and

(g) Participate with the authority in the preparation of specifications and selection of carriers contracted for school employee benefit plan coverage of eligible school employees in accordance with the criteria set forth in rules. To the extent possible, the school employees' benefits board shall leverage efficient purchasing by coordinating with the public employees' benefits board.

(7) School employees shall choose participation in one of the health care benefit plans developed by the school employees' benefits board. Individual school employees eligible for benefits under subsection (6)(d) of this section may be permitted to waive coverage under terms and conditions established by the school employees' benefits board.

(8) By November 30, 2021, the authority shall review the benefit plans provided through the school employees' benefits board, complete an analysis of the benefits provided and the administration of the benefits plans, and determine whether provisions in chapter 13, Laws of 2017 3rd sp. sess. have resulted in cost savings to the state. The authority shall submit a report to the relevant legislative policy and fiscal committees summarizing the results of the review and analysis."

On page 3, line 8, after "28A.300.615" insert "and 41.05.740"

Senators Padden and Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1100 by Senator Padden on page 3, after line 6 to striking floor amendment no. 1095.

The motion by Senator Padden did not carry and floor amendment no. 1100 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 1136 by Senator Becker be adopted:

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

Substitute teachers and other employees who work an intermittent unspecified workweek are not eligible for benefits through the school employees' benefits board."

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

Correct the technical portion of the title.

Senator Becker spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1136 by Senator Becker on page 3, after line 6 to striking floor amendment no. 1095.

The motion by Senator Becker did not carry and floor amendment no. 1136 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1095 by Senators Mullet and Wellman to Substitute Senate Bill No. 6189.

The motion by Senator Mullet carried and striking floor amendment no. 1095 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 6189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senators Schoesler and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6189.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Rivers

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6382, by Senators Erickson and Takko

Concerning state-inspected commercial custom meat facilities. Revised for 2nd Substitute: Creating the meat and poultry processing and marketing assistance program.

MOTIONS

On motion of Senator Erickson, Second Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Erickson, the rules were suspended, Second Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Erickson and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6382.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6382 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6049, by Senators Liias, Das, Keiser, Kuderer, Rolfes, Van De Wege, and Wilson, C.

Creating the insurance commissioner's fraud account.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6049.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5829, by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler, Hunt, Walsh, Warnick, Takko and Van De Wege)

Concerning pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system.

The bill was read on Third Reading.

MOTION

On motion of Senator Mullet, the rules were suspended and Substitute Senate Bill No. 5829 was returned to second reading for the purpose of amendment.

MOTION

Senator Mullet moved that the following striking floor amendment no. 1146 by Senators Mullet and Wagoner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.24.030 and 2005 c 37 s 2 are each amended to read as follows:

(1) The volunteer firefighters' and reserve officers' relief and pension principal fund is created in the state treasury as a trust fund for the benefit of the participants covered by this chapter consisting of:

(a) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(b) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording relief provided in this chapter for firefighters as follows:

(i) ~~((Thirty))~~ Fifty dollars for each volunteer or part-paid member of its fire department;

(ii) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(c) An annual fee for each emergency worker of an emergency medical service district paid by the district that is sufficient to pay the full costs of covering the emergency worker under the relief provisions of this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system.

(d) Where a municipal corporation has elected to make relief provisions of this chapter available to its reserve officers, an annual fee for each reserve officer paid by the municipal corporation that is sufficient to pay the full costs of covering the reserve officer under the relief provisions of this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system.

(e) Where a municipal corporation has elected to make the retirement pension provisions of this chapter available to members of its fire department, an annual fee of ~~((sixty))~~ ninety dollars for each of its firefighters electing to enroll, ~~((thirty))~~ forty-five dollars of which shall be paid by the municipality and ~~((thirty))~~ forty-five dollars of which shall be paid by the firefighter. However, nothing in this section prohibits any municipality from voluntarily paying the firefighters' fee for this retirement pension coverage.

(f) Where an emergency medical service district has elected to make the retirement pension provisions of this chapter available to its emergency workers, for each emergency worker electing to enroll: (i) An annual fee of ~~((thirty))~~ forty-five dollars shall be paid by the emergency worker; and (ii) an annual fee paid by the emergency medical service district that, together with the ~~((thirty))~~ forty-five dollar fee per emergency worker, is sufficient

to pay the full costs of covering the emergency worker under the retirement pension benefits provided under this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system. However, nothing in this section prohibits any emergency medical service district from voluntarily paying the emergency workers' fees for this retirement pension coverage.

(g) Where a municipal corporation has elected to make the retirement pension provisions of this chapter available to its reserve officers, for each reserve officer electing to enroll: (i) An annual fee of ~~((thirty))~~ forty-five dollars shall be paid by the reserve officer; and (ii) an annual fee paid by the municipal corporation that, together with the ~~((thirty))~~ forty-five dollar fee per reserve officer, is sufficient to pay the full costs of covering the reserve officer under the retirement pension benefits provided under this chapter, including operating expenses. The state board shall determine the amount of this fee based on the latest actuarial valuation of the system. However, nothing in this section prohibits any municipal corporation from voluntarily paying the reserve officers' fees for this retirement pension coverage.

(h) Moneys transferred from the administrative fund, as provided under subsection (4) of this section, which may only be used to pay relief and retirement pensions for firefighters.

(i) Earnings from the investment of moneys in the principal fund.

(2) The state investment board, upon request of the state treasurer shall have full power to invest, reinvest, manage, contract, sell, or exchange investments acquired from that portion of the amounts credited to the principal fund as is not, in the judgment of the state board, required to meet current withdrawals. Investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

All bonds, investments, or other obligations purchased by the state investment board shall be placed in the custody of the state treasurer, and he or she shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds, investments, or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

(3) The interest, earnings, and proceeds from the sale and redemption of any investments held by the principal fund and invested by the state investment board shall be credited to and form a part of the principal fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

Subject to restrictions contained in this chapter, all amounts credited to the principal fund shall be available for making the benefit payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

(4) The volunteer firefighters' and reserve officers' administrative fund is created in the state treasury. Moneys in the fund, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation, and may be used only for operating expenses of the volunteer firefighters' and reserve officers' relief and pension principal fund, the operating expenses of the volunteer firefighters' and reserve officers' administrative fund, or for transfer from the administrative fund to the principal fund.

(a) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the administrative fund.

(b) The state board shall compute a percentage of the amounts credited to the administrative fund to be paid into the principal fund.

(c) For the purpose of providing amounts to be used to defray the cost of administration of the principal and administrative

funds, the state board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the administrative fund sufficient to cover estimated expenses for the biennium.

Sec. 2. RCW 41.24.170 and 2003 c 62 s 1 are each amended to read as follows:

(1) Except as provided in RCW 41.24.410, whenever any participant has been a member and served honorably for a period of ten years or more as an active member in any capacity, of any regularly organized fire department or law enforcement agency of any municipality in this state, and which municipality has adopted appropriate legislation allowing its firefighters or reserve officers to enroll in the retirement pension provisions of this chapter, and the participant has enrolled under the retirement pension provisions and has reached the age of sixty-five years, the board of trustees shall order and direct that he or she be retired and be paid a monthly pension from the principal fund as provided in this section.

(2)(a) Whenever a participant has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department or law enforcement agency of any municipality in this state, and he or she has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he or she be retired and such participant be paid a monthly pension of three hundred fifty dollars from the fund for the balance of that participant's life.

(b) Beginning the date that the state board receives a determination from the federal internal revenue service that this subsection (2)(b) does not exceed limits on deferred compensation from volunteer plans, but no sooner than July 1, 2022, whenever a participant is eligible for a benefit under (a) of this subsection, the board of trustees shall order and direct that he or she be retired and such participant be paid the monthly pension under (a) of this subsection plus ten dollars per month for each year that the retirement fee was paid beyond twenty-five years, from the fund for the balance of that participant's life.

(3) Whenever any participant has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department or law enforcement agency of any municipality in this state, and the participant has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he or she be retired and that such participant shall receive a minimum monthly pension of ~~((fifty))~~ one hundred dollars increased by the sum of ten dollars each month for each year the annual fee has been paid, but not to exceed ~~((the maximum monthly pension provided in this section))~~ three hundred fifty dollars, for the balance of the participant's life.

(4) No pension provided in this section may become payable before the sixty-fifth birthday of the participant, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

~~((4))~~ (a) Any participant, who is older than fifty-nine years of age, less than sixty-five years of age, and has completed twenty-five years or more of service may irrevocably elect a reduced monthly pension in lieu of the pension that participant would be entitled to under this section at age sixty-five. The participant who elects this option shall receive the reduced pension for the balance of his or her life. The reduced monthly pension is calculated as a percentage of the pension the participant would be entitled to at age sixty-five. The percentage used in the calculation is based upon the age of the participant at the time of retirement as follows:

Age 60 Sixty percent

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Age 61 Sixty-eight percent
 Age 62 Seventy-six percent
 Age 63 Eighty-four percent
 Age 64 Ninety-two percent

((2)) (b) If a participant is age sixty-five or older but has less than twenty-five years of service, the participant is entitled to a reduced benefit. The reduced benefit shall be computed as follows:

((a)) (i) Upon completion of ten years, but less than fifteen years of service, a monthly pension equal to twenty percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service;

((b)) (ii) Upon completion of fifteen years, but less than twenty years of service, a monthly pension equal to thirty-five percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service; and

((c)) (iii) Upon completion of twenty years, but less than twenty-five years of service, a monthly pension equal to seventy-five percent of such pension as the participant would have been entitled to receive at age sixty-five after twenty-five years of service.

((3)) (c) If a participant with less than twenty-five years of service elects to retire after turning age sixty but before turning age sixty-five, the participant's retirement allowance is subject:

((a)) (i) First to the reduction under (b) of this subsection ((2) of this section) based upon the participant's years of service; and

((b)) (ii) Second to the reduction under (a) of this subsection ((1) of this section) based upon the participant's age.

NEW SECTION. Sec. 3. (1) Section 1 of this act takes effect January 1, 2021.

(2) Section 2 of this act takes effect July 1, 2020."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.24.030 and 41.24.170; and providing effective dates."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1146 by Senators Mullet and Wagoner to Substitute Senate Bill No. 5829.

The motion by Senator Mullet carried and striking floor amendment no. 1146 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5829.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko,

Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger
 Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6419, by Senators Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon

Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6419 was substituted for Senate Bill No. 6419 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Randall and without objection, floor amendment no. 1159 by Senators Randall and Braun on page 2, line 31 to Substitute Senate Bill No. 6419 was withdrawn.

MOTION

Senator Randall moved that the following floor amendment no. 1161 by Senators Randall and Braun be adopted:

On page 2, line 31, after "discretion", insert ". The task force must make funds available to reimburse travel expenses for stakeholders who are not participating on behalf of an employer, governmental agency, or other organization and allow for telephonic or other means of remote participation"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1161 by Senators Randall and Braun on page 2, line 31 to Substitute Senate Bill No. 6419.

The motion by Senator Randall carried and floor amendment no. 1161 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Braun and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6236, by Senators Kuderer, Pedersen, Lovelett, Wellman and Hasegawa

Concerning certain noneconomic damage waivers.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6236.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford, Schoesler and Short
Excused: Senator Fortunato

SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Braun, Conway, Mullet, Schoesler and Palumbo

Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 950 by Senators Braun and Mullet be adopted:

On page 1, beginning on line 13, after "disabilities" strike all material through "insurance," on line 14

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

The President declared the question before the Senate to be the adoption of floor amendment no. 950 by Senators Braun and Mullet on page 1, line 13 to Senate Joint Resolution No. 8212.

The motion by Senator Braun carried and floor amendment no. 950 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8212 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa and Padden
Excused: Senator Fortunato

ENGROSSED SENATE JOINT RESOLUTION NO. 8212, having received the two-thirds majority, was declared passed. There being no objection, the title of the resolution was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6212, by Senators Das, Keiser, Lovelett, Zeiger, Dhingra, Saldaña, Nguyen, Kuderer, Warnick, Randall, Darneille, Van De Wege, Conway, and Wilson, C.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Concerning the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households.

The measure was read the second time.

MOTION

On motion of Senator Das, the rules were suspended, Senate Bill No. 6212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6212 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hasegawa, Honeyford, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

Excused: Senator Fortunato

SENATE BILL NO. 6212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6058, by Senators Randall, Saldaña, Wilson, C., Hunt, Kuderer, Nguyen and Van De Wege

Concerning fire district health clinic services.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6058.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6354, by Senators King, Cleveland, Keiser and Honeyford

Providing enhanced payment to low volume, small rural hospitals.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Cleveland, Carlyle and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6164, by Senators Dhingra, Wilson, C., McCoy, Das, Darneille, Kuderer and Randall

Concerning prosecutorial discretion to seek resentencing.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Darneille spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6164.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6164 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Keiser assumed the chair.

SECOND READING

SENATE BILL NO. 5607, by Senators Wellman, Das, Kuderer, Nguyen, Randall, Hunt, Carlyle, Darneille, Cleveland, Keiser, Takko, Saldaña, Liias, Van De Wege, Hasegawa, and Wilson, C.

Concerning dual language learning in early learning and K-12 education.

MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5607 was substituted for Senate Bill No. 5607 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5984, by Senators Wellman, Rivers, Hasegawa, Padden, Cleveland, Walsh, Hunt, Brown, Zeiger, Randall, Takko, Lovelett, Nguyen, Kuderer, Das, and Wilson, C.

Concerning language understanding of documents used in dissolution proceedings.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wellman moved that the following striking floor amendment no. 1134 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 26.09 RCW to read as follows:

In any matter brought pursuant to domestic relations proceedings under this chapter, when a limited English proficiency party requests interpretation services, or when a court has reason to know that the party may require an interpreter has limited English proficiency or is deaf, deaf-blind, or hard of hearing and relies on sign language to communicate, any orders being presented to the court for signature on behalf of that party, or by agreement of the parties, must include a certification from an interpreter that the order has been interpreted to the party in the relevant language. The interpreter appointed for this purpose for a person with limited English proficiency must be an interpreter certified or registered by the administrative office of the courts pursuant to Chapter 2.43 RCW or a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter must be qualified by the judicial officer pursuant to chapter 2.43 RCW. In the event the party who is deaf, deaf-blind, or hard of hearing relies on any form of manual communication, the interpreter appointed for this purpose must be an interpreter appointed pursuant to Chapter 2.42 RCW. When requested, and upon reasonable advance notice, an interpreter must be provided for limited English proficiency litigants by the court at no cost to the party for this purpose.

NEW SECTION. Sec. 2. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the general fund to

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

the administrative office of the courts interpreter reimbursement program for the purposes of this act.

MOTION

Senator Rolfes moved that the following floor amendment no. 1162 by Senator Rolfes be adopted:

On page 2, beginning on line 4, strike all of section 2

On page 2, after line 8, insert the following:

On page 1, line 2 of the title, after "proceedings;" insert "and" and beginning on line 2, after "RCW" strike all material through "appropriation" on line 3"

Senator Rolfes spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 1162 by Senator Rolfes on page 2, line 4 to striking floor amendment no. 1134.

The motion by Senator Rolfes carried and floor amendment no. 1162 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking floor amendment no. 1134 by Senator Wellman as amended to Substitute Senate Bill No. 5984.

The motion by Senator Wellman carried and striking floor amendment no. 1134 as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6319, by Senators Takko, Short, Dhingra, Lovelett, and Wilson, C.

Concerning administration of the senior property tax exemption program.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6319 was substituted for Senate Bill No. 6319 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6592, by Senators Holy, Hunt, Takko and Keiser

Concerning tourism authorities.

MOTION

On motion of Senator Holy, Substitute Senate Bill No. 6592 was substituted for Senate Bill No. 6592 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1108 by Senator Short be adopted:

On page 2, beginning on line 22, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 35.101 RCW to read as follows:

(1) In addition to the two dollar charge authorized by RCW 35.101.050, a legislative authority may impose an additional

charge of up to three dollars per night of stay on the furnishing of lodging by a lodging business located in the area.

(2) This section expires July 1, 2027."

On page 3, line 13, after "RCW 35.101.050" insert "or section 2 of this act"

On page 3, line 20, after "authorized in" strike "RCW 35.101.050(4)" and insert "section 2 of this act"

On page 3, after line 20, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 35.101 RCW to read as follows:

Each tourism promotion area must conduct a program review of the additional tourism promotion area charge established in section 2 of this act. The review must be completed and submitted to the appropriate committees of the legislature by January 1, 2026. The review must:

(1) Analyze how tourism promotion area charge funds were used during the period when the additional charge was imposed;

(2) Identify additional marketing and promotional measures conducted or purchased with additional funds beyond the current two dollar charge;

(3) Assess whether additional tourism promotion area charges above two dollars contributed to an actual increase in the number of tourists, as defined in RCW 35.101.010; and

(4) Assess the average additional cost per visit per tourist due to additional tourism promotion area charges above two dollars."

On page 1, beginning on line 1 of the title, after "authorities;" strike all material through "35.101.130" on line 2 and insert "amending RCW 35.101.010 and 35.101.130; adding new sections to chapter 35.101 RCW; and providing an expiration date"

Senators Short, Holy and Takko spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 1108 by Senator Short on page 2, line 22 to Substitute Senate Bill No. 6592.

The motion by Senator Short carried and floor amendment no. 1108 was adopted by voice vote.

MOTION

On motion of Senator Holy, the rules were suspended, Engrossed Substitute Senate Bill No. 6592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6592.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6592 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Ericksen, Honeyford, Padden and Salomon

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Lieutenant Governor Habib assumed the chair.

SECOND READING

SENATE BILL NO. 6064, by Senators Wagoner, Dhingra and Sheldon

Requiring full body scanners at each department of corrections institution. Revised for 2nd Substitute: Concerning full body scanners and dry cell watches at state correctional institutions.

MOTIONS

On motion of Senator Wagoner, Second Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Second Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner, Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6064.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6280, by Senators Nguyen, Carlyle, Wellman, Salomon, Lovelett, Das, Randall, Pedersen, Wilson, C. and Hunt

Concerning the use of facial recognition services.

MOTION

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

On motion of Senator Nguyen, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nguyen moved that the following striking floor amendment no. 1155 by Senator Nguyen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

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

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(7) "Ongoing surveillance" means tracking the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if

no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(8) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(9) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(10) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(11) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 3. (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must produce an accountability report for that service. The report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(2) Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing and implementing the accountability report, the agency must consider issues raised by the public through:

(a) A public review and comment period; and

(b) Community consultation meetings during the public review period.

(4) The accountability report must be updated every two years and each update must be subject to the public comment and community consultation processes described in this section.

(5) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(6) The accountability report required for the facial recognition matching system authorized in RCW 46.20.037 is due July 1, 2021.

NEW SECTION. Sec. 4. (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent of their use of such services;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be submitted to the office of privacy and data protection.

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its public release.

NEW SECTION. Sec. 5. State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water.

NEW SECTION. Sec. 6. Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

NEW SECTION. Sec. 7. (1) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. However, making such an application programming interface or other technical capability available does not require the disclosure of proprietary data, trade secrets, intellectual property, or other information, or if doing so would increase the risk of cyberattacks including, without limitation, cyberattacks related to unique methods of conducting business, data unique to the product or services, or determining prices or rates to be charged for services. Such subpopulations are defined by visually detectable characteristics such as: (a) Race, skin tone, ethnicity, gender, age, or disability status; or (b) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, and the methodology, data, and results are disclosed in a manner that allows full reproduction directly to the provider who, acting reasonably, determines that the methodology and results of that testing are valid, then the provider must develop and implement a plan to mitigate the identified performance differences.

(2) This section does not apply to the facial recognition matching system authorized in RCW 46.20.037 under contract as

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

of the effective date of this section. Upon renewal or extension of the contract as of the effective date of this section, or upon entering into a new contract for facial recognition services, the department of licensing must ensure that the facial recognition service provider of the system authorized in RCW 46.20.037 fulfills the requirements of this section.

NEW SECTION. Sec. 8. State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

NEW SECTION. Sec. 9. (1) State and local government agencies must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for ongoing surveillance, or an extension thereof, as described in section 12(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of ongoing surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

NEW SECTION. Sec. 10. This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order.

NEW SECTION. Sec. 11. (1)(a) A legislative task force on facial recognition services is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(7) This section expires May 1, 2022.

NEW SECTION. Sec. 12. A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service to engage in ongoing surveillance unless the use is in support of law enforcement activities and there is probable cause to believe that an individual has committed, is engaged in, or is about to commit, a felony or there is a need by law enforcement to invoke their community care-taking function, and either:

(a) A court order has been obtained to permit the use of the facial recognition service for ongoing surveillance; or

(b) Where the agency reasonably determines that an exigent circumstance exists, and an appropriate court order is obtained as soon as reasonably practicable. In the absence of an authorizing order, such use must immediately terminate at the earliest of the following:

(i) The information sought is obtained;

(ii) The application for the order is denied; or

(iii) When forty-eight hours have lapsed since the beginning of the emergency surveillance for the purpose of ongoing surveillance.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools. The prohibition in this subsection does not prohibit state and local government agencies from applying a facial recognition service to an individual who happens to possess one or more of these characteristics where an officer of that agency holds a reasonable suspicion that that individual has committed, is engaged in, or is about to commit a felony or there is need to invoke their community care-taking function.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution, unless:

(a) Such use is specifically authorized by applicable law and is pertinent to and within the scope of an authorized law enforcement activity; and

(b) There is reasonable suspicion to believe the individual has committed, is engaged in, or is about to commit a felony or there is need to invoke their community care-taking function.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A facial recognition service match alone does not constitute reasonable suspicion.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 9.73 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1155 by Senator Nguyen to Substitute Senate Bill No. 6280.

The motion by Senator Nguyen carried and striking floor amendment no. 1155 was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute Senate Bill No. 6280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, King and Carlyle spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hasegawa, Holy, Honeyford, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6617, by Senators Liias and Das

Concerning accessory dwelling unit regulation.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 6617 was substituted for Senate Bill No. 6617 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 1167 by Senator Liias be adopted:

On page 3, beginning on line 33, after "(3)" strike all material through "64.37.010" on line 38 and insert "May remove any requirement that the owner of a lot on which there is an accessory dwelling unit reside in or occupy the accessory dwelling unit or another housing unit on the same lot"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1167 by Senator Liias on page 3, line 33 to Substitute Senate Bill No. 6617.

The motion by Senator Liias carried and floor amendment no. 1167 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senators Zeiger and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6617 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen,

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Van De Wege, Walsh and Wilson, C.

Voting nay: Senators Becker, Brown, Cleveland, Conway, Ericksen, Hasegawa, Honeyford, O'Ban, Padden, Rolfes, Short, Takko, Wagoner, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6582, by Senators Hobbs, Stanford, Muzzall, Salomon, McCoy, Wagoner and Liias

Concerning the number of fire protection district commissioners.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6582 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6582.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6582 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5299, by Senators Padden, Frockt, Kuderer and Wagoner

Concerning impaired driving.

MOTIONS

On motion of Senator Padden, Second Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 1066 by Senator Padden be adopted:

On page 24, line 15, after "(1)", strike "Within existing resources", and insert "When funded"

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1066 by Senator Padden on page 24, line 15 to Second Substitute Senate Bill No. 5299.

The motion by Senator Padden carried and floor amendment no. 1066 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, O'Ban, Honeyford and Becker spoke in favor of passage of the bill.

Senator Frockt spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hunt, Mullet and Saldaña

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6378, by Senators Kuderer, Darneille, Das and Lovelett

Concerning residential tenant protections.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6378 was substituted for Senate Bill No. 6378 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following striking floor amendment no. 1062 by Senator Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite the passage of several eviction reforms during the 2019 regular legislative session there is a need to clarify certain reforms and to address the unintended effects and oversights that have limited the impact and remedial nature of these reforms available to tenants. Specifically, the legislature finds that further clarity is required as to how and when tenants can access emergency rental assistance to pay off unlawful detainer judgment amounts and have their tenancies reinstated before judgment, when landlords can issue pay or vacate notices to tenants whose primary source of income is regular, monthly governmental assistance, and that a landlord cannot threaten a tenant with eviction for failure to pay fees not related to rent. As a result, the legislature intends with this act to make such modifications to ensure that tenants with limited to no resources maintain stable housing.

Sec. 2. RCW 59.18.057 and 2019 c 356 s 3 are each amended to read as follows:

(1) Every fourteen-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO: _____

AND TO: _____

ADDRESS: _____

FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving ~~((the attached))~~ this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

(1) **Monthly rent due for (list month(s)): \$ (dollar amount)**

AND/OR

(2) **Utilities due for (list month(s)): \$ (dollar amount)**

AND/OR

(3) **Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount)**

TOTAL AMOUNT DUE: \$ (dollar amount)

Note - payment must be ~~((by cash))~~ made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds ((pursuant to the terms of the rental agreement)).

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages on its web site. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, for no-cost legal assistance for low-income renters call 2-1-1 ((to learn about these services)) or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at <http://www.washingtonlawhelp.org>.

State law provides you the right to receive interpreter services at court.

OWNER/LANDLORD: _____ DATE: _____

WHERE TOTAL AMOUNT DUE IS TO BE PAID:

(owner/landlord name)_____

(address)_____

(2) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law.

Sec. 3. RCW 59.18.063 and 2011 c 132 s 4 are each amended to read as follows:

(1) A landlord may refuse to accept cash for any payment of rent made by a tenant, but shall provide a receipt for any payment made by a tenant in the form of cash when the landlord accepts cash.

(2) A landlord shall provide, upon the request of a tenant, a written receipt for any payments made by the tenant in a form other than cash.

Sec. 4. RCW 59.18.365 and 2019 c 356 s 9 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

(a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;

(b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;

(c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;

(d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND
FOR COUNTY

Plaintiff/	|	NO.
Landlord/	|	
Owner,	|	

vs.

EVICITION SUMMONS

Defendant/	(Residential)
Tenant/	
Occupant.	

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT
YOU.

YOUR WRITTEN

RESPONSE MUST BE RECEIVED BY: 5:00 p.m., on

.....

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

TO: (Defendant's Name)
 (Defendant's Address)

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself in court and could be evicted. If you cannot afford a lawyer, you may call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). They can refer you to free or low-cost legal help. ~~((They can help you find help to pay for a lawyer.))~~ You may find additional information to help you at <http://www.washingtonlawhelp.org>.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance." This is a letter that includes the following:

- (1) A statement that you are appearing in the court case
- (2) Names of the landlord(s) and the tenant(s) (as listed above)
- (3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

This case ☐ is / ☐ is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at: (Clerk's Office/Address/Room number/Business hours of court clerk)

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

..... (Attorney/Landlord Name)
 (Address)
 (Fax - required if available)

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing.** If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

Sec. 5. RCW 59.18.410 and 2019 c 356 s 7 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall

not occur until the expiration of five court days after the entry of the judgment. Before ~~((such time has expired))~~ entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;

(vi) Hardship on the tenant if evicted; and
 (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT
 PLAN ORDERED BY COURT
 NAME(S)
 ADDRESS
 CITY, STATE, ZIP
 THIS IS NOTICE THAT YOU ARE IN DEFAULT OF
 YOUR RENT AND/OR PAYMENT PLAN ORDERED BY
 THE COURT. YOUR LANDLORD HAS RECEIVED THE
 FOLLOWING PAYMENTS:

DATE
 AMOUNT
 DATE
 AMOUNT
 DATE
 AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL
 EVICTION WITHIN THREE CALENDAR DAYS OF
 SERVICE OF THIS NOTICE. TO STOP A PHYSICAL
 EVICTION, YOU ARE REQUIRED TO PAY THE
 BALANCE OF YOUR RENT AND/OR PAYMENT PLAN
 IN THE AMOUNT OF \$

PAYMENT MAY BE MADE TO THE COURT OR TO THE
 LANDLORD. IF YOU FAIL TO PAY THE BALANCE
 WITHIN THREE CALENDAR DAYS, THE LANDLORD
 MAY PROCEED WITH A PHYSICAL EVICTION FOR
 POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE
 SIGNATURE
 LANDLORD/AGENT
 NAME
 ADDRESS
 PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

~~(d) ((A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3)).~~

~~(e))~~(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)((e)) ~~(d)~~ shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)((e)) ~~(d)~~ within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(~~(e)~~) (d) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

Sec. 6. RCW 59.18.230 and 2011 c 132 s 11 are each amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the execution or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed five hundred dollars, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and

who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to five hundred dollars per day but not to exceed five thousand dollars, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

Sec. 7. RCW 59.18.290 and 2019 c 356 s 10 are each amended to read as follows:

(1) It is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorneys' fees.

(2) It is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable attorneys' fees subject to subsections (3) and (4) of this section.

(3) Where the court has entered a judgment in favor of the landlord restoring possession of the property to the landlord, the court may award reasonable attorneys' fees to the landlord; however, the court shall not award attorneys' fees in the following instances:

(a) If the judgment for possession is entered after the tenant failed to (~~appear~~) respond to a pleading or other notice requiring a response authorized under this chapter; or

(b) If the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or one thousand two hundred dollars, whichever is greater.

(4) If a tenant has filed a motion to stay a writ of restitution from execution, the court may only award attorneys' fees to the landlord if the tenant is permitted to be reinstated pursuant to RCW 59.18.410(3). Any attorneys' fees awarded shall be subject to repayment pursuant to RCW 59.18.410(3).

Sec. 8. RCW 59.18.140 and 2019 c 105 s 1 are each amended to read as follows:

(1) The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his or her dwelling unit, appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his or her initial occupancy of the dwelling unit and thus become part of the rental agreement.

(2) The tenant may propose that the date rent is due in the rental agreement be altered to a different due date of the month if the request is submitted in writing and the tenant can demonstrate that

his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due. The landlord shall agree to such a proposal if the proposed new due date is not more than five days later than the original rent due date. If the tenant can demonstrate that their source of regular, monthly governmental assistance is not received until more than five days after the original rent due date, a landlord may retain the original rent due date but must provide the tenant a one-time option to pay one month's rent in equal installments over three months. Nothing in this section precludes the landlord and the tenant from agreeing to a different rent due date or other arrangements.

(3) Except for termination of tenancy and an increase in the amount of rent, after thirty days written notice to each affected tenant, a new rule of tenancy may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

((3)) (4)(a) Except as provided in (b) of this subsection, a landlord shall provide a minimum of sixty days' prior written notice of an increase in the amount of rent to each affected tenant, and any increase in the amount of rent may not become effective prior to the completion of the term of the rental agreement.

(b) If the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of thirty days' prior written notice of an increase in the amount of rent to each affected tenant. An increase in the amount of rent may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

Sec. 9. RCW 43.31.605 and 2019 c 356 s 12 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW

4.56.110. Any claim for reimbursement made pursuant to RCW 59.18.410(3)(d)(ii) must be accompanied by a court order staying the writ of restitution pursuant to RCW 59.18.410(3). Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. Sec. 10. Sections 5 through 9 of this act are necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "protections;" strike the remainder of the title and insert "amending RCW 59.18.057, 59.18.063, 59.18.365, 59.18.410, 59.18.230, 59.18.290, 59.18.140, and 43.31.605; creating a new section; and declaring an emergency."

MOTION

Senator Kuderer moved that the following floor amendment no. 1163 by Senator Kuderer be adopted:

On page 10, beginning on line 1, after "(d)" strike all material through "(e))" on line 6 and insert "A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)"

Correct any internal references accordingly.

Beginning on page 13, line 28, strike all of section 8

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

On page 20, line 15, after "59.18.290," strike "59.18.140,"

Senators Kuderer and Zeiger spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1163 by Senator Kuderer on page 10, line 1 to striking floor amendment no. 1062.

The motion by Senator Kuderer carried and floor amendment no. 1163 was adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1165 by Senators Wilson, L. and Zeiger be adopted:

On page 20, after line 8, insert the following:

NEW SECTION. Sec. 10. A new section is added to chapter 35.21 RCW to read as follows:

A city or town of any class may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as authorized under chapter 59.12, 59.18, or 59.20 RCW unless the city or town compensates the landlord for the cost of rent, as defined in RCW 59.18.030.

NEW SECTION. Sec. 11. A new section is added to chapter 35A.21 RCW to read as follows:

A code city may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as authorized under chapter 59.12, 59.18, or 59.20 RCW unless the code city compensates the landlord for the cost of rent, as defined in RCW 59.18.030.

NEW SECTION. Sec. 12. A new section is added to chapter 36.01 RCW to read as follows:

A county may not enact, maintain, or enforce ordinances or other provisions that prohibit for any period of time any evictions of tenants by landlords in single-family or multifamily residential rental units or manufactured/mobile home communities as authorized under chapter 59.12, 59.18, or 59.20 RCW unless the

county compensates the landlord for the cost of rent, as defined in RCW 59.18.030."

Renumber the remaining section consecutively.

On page 20, line 15, after "43.31.605;" insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW;"

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

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1165 by Senators Wilson, L. and Zeiger on page 20, after line 8 to striking floor amendment no. 1062.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1165 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 1166 by Senators Wilson, L. and Zeiger on page 20, line 9 to striking floor amendment no. 1062 was withdrawn.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1062 by Senator Kuderer as amended to Substitute Senate Bill No. 6378.

The motion by Senator Kuderer carried and striking floor amendment no. 1062 as amended was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 6378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Zeiger and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6378 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

SENATE BILL NO. 6641, by Senators O'Ban, Conway, and Wilson, C.

Increasing the availability of certified sex offender treatment providers.

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 6641 was substituted for Senate Bill No. 6641 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking floor amendment no. 1152 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

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

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

(2) "Certified affiliate sex offender treatment provider" means a licensed, certified, or registered health professional who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor.

(3) "Department" means the department of health.

(4)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider;

(ii) A person who, at the time supervision is provided, meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who, at the time supervision is provided, meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(5) "Secretary" means the secretary of health.

~~((5))~~ (6) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 2. RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may perform or provide the following services:

(a) ~~((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;~~

~~((b)))~~ Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

~~((c)))~~ (b) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ~~((certified sex offender treatment provider))~~ qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)~~((c)))~~ (b) of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facility or state-run treatment or education programs are not required to be a certified affiliate provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

Sec. 3. RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

The department shall issue an affiliate certificate to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

(2) Successful completion of an examination administered or approved by the secretary;

(3) Proof of supervision by a ~~((certified sex offender treatment provider))~~ qualified supervisor;

(4) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(5) Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

(6) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

Sec. 4. RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment or education program in Washington or in another state or territory of the United States;

(2) Examination procedures;

(3)(a) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary with advice from the board under section 5 of this act deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment or education program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;

(7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.

(8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

(9) Employees of a state-run facility or state-run treatment or education program do not need to be licensed as a certified affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

NEW SECTION. Sec. 5. A new section is added to chapter 18.155 RCW to read as follows:

(1) The sexual offender treatment providers advisory committee, originally created under chapter 3, section 805, Laws of 1990, is reestablished to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:

(a) One superior court judge;

(b) Three sex offender treatment providers, including at least one representative of the Washington association for the treatment of sexual abusers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from the Washington association of prosecuting attorneys;

(f) The secretary of the department of social and health services or the secretary's designee;

(g) The secretary of the department of corrections or the secretary's designee; and

(h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services, children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

(a) Certification procedures under this chapter and their implementation;

(b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;

(c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington; and

(d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

NEW SECTION. Sec. 6. The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 18.155.020, 18.155.030, 18.155.075, and 18.155.080; adding a new section to chapter 18.155 RCW; and decodifying RCW 18.155.900, 18.155.901, and 18.155.902."

Senator O'Ban spoke in favor of adoption of the striking amendment.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1152 by Senator O'Ban to Senate Bill No. 6641.

The motion by Senator O'Ban carried and striking floor amendment no. 1152 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6641.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6408, by Senators Wilson, L., Mullet, Short, Becker, Takko, King, Zeiger, Brown, Schoesler, Frockt, Hasegawa, Rolfes, Honeyford, Walsh, Van De Wege and Braun

Concerning agency responsibilities to regulated businesses and professions.

MOTIONS

On motion of Senator Wilson, L., Substitute Senate Bill No. 6408 was substituted for Senate Bill No. 6408 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, L., the rules were suspended, Substitute Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6092, by Senators Wilson, C., Wellman, Hawkins, Kuderer and Mullet

Awarding diplomas posthumously.

MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 6092 was substituted for Senate Bill No. 6092 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following floor amendment no. 1144 by Senator Wilson, C. be adopted:

On page 2, beginning on line 19, after "(ii)" strike all material through "at" on line 20 and insert "Had completed at least seventy-five percent of the total number of credits required for graduation as established by the state board of education under RCW 28A.230.090 before"

Senator Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1144 by Senator Wilson, C. on page 2, line 19 to Substitute Senate Bill No. 6092.

The motion by Senator Wilson, C. carried and floor amendment no. 1144 was adopted by voice vote.

MOTIONS

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6092.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6256, by Senators Wellman, Short and Hasegawa

Concerning the heating oil insurance program.

MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 6256 was substituted for Senate Bill No. 6256 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor amendment no. 967 by Senator Honeyford be adopted:

On page 10, after line 30, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 70.149 RCW to read as follows:

Any city that requires a heating oil tank owner to replace the heating oil tank is solely liable for any accidental release."

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

On page 1, beginning on line 3 of the title, after "adding" strike "a new section" and insert "new sections"

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 967 by Senator Honeyford on page 10, after line 30 to Substitute Senate Bill No. 6256.

The motion by Senator Honeyford did not carry and floor amendment no. 967 was not adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 6256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6257, by Senators Wellman and Short

Concerning the underground storage tank reinsurance program.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 6257 was substituted for Senate Bill No. 6257 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 6257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6257.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6257 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5614, by Senators Rivers, Wagoner, Warnick, Becker, Short, Hawkins, Fortunato, Palumbo and O'Ban

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Harming police animals.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5614 was substituted for Senate Bill No. 5614 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following striking floor amendment no. 1040 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.76.200 and 2012 c 94 s 2 are each amended to read as follows:

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she ~~((maliciously))~~ intentionally injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4) Harming a police dog, accelerant detection dog, or police horse is a class B felony if the person kills a police dog, accelerant detection dog, or police horse.

(5)(a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of up to five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) Moneys collected must be distributed to the jurisdiction that owns the police dog.

Sec. 2. RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1
(RCW 70.74.272(1)(a))

Promoting Commercial Sexual Abuse of a Minor
(RCW 9.68A.101)

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(3))

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Vehicular Homicide, by being under the influence
of intoxicating liquor or any drug (RCW
46.61.520)

Vehicular Homicide, by the operation of any
vehicle in a reckless manner (RCW 46.61.520)

X Child Molestation 1 (RCW 9A.44.083)

Criminal Mistreatment 1 (RCW 9A.42.020)

Indecent Liberties (with forcible compulsion)
(RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW
9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW
9A.76.115)

IX Abandonment of Dependent Person 1 (RCW
9A.42.060)

Assault of a Child 2 (RCW 9A.36.130)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run—Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the
influence of intoxicating liquor or any drug
(RCW 79A.60.050)

Inciting Criminal Profiteering (RCW
9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW
70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

VIII Arson 1 (RCW 9A.48.020)

Commercial Sexual Abuse of a Minor (RCW
9.68A.100)

Homicide by Watercraft, by the operation of any
vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

VII Air bag diagnostic systems (causing bodily injury
or death) (RCW 46.37.660(2)(b))

Air bag replacement requirements (causing bodily
injury or death) (RCW 46.37.660(1)(b))

Burglary 1 (RCW 9A.52.020)

- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Harming a Police Dog, Accelerant Detection Dog, or Police Horse (if the police dog, accelerant detection dog, or police horse is killed) (RCW 9A.76.200)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness
 (RCW 9A.72.090, 9A.72.100)
 Cheating 1 (RCW 9.46.1961)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Driving While Under the Influence (RCW
 46.61.502(6))
 Endangerment with a Controlled Substance
 (RCW 9A.42.100)
 Escape 1 (RCW 9A.76.110)
 Hate Crime (RCW 9A.36.080)
 Hit and Run—Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel—Injury Accident (RCW
 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen
 (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW
 9A.82.070)
 Physical Control of a Vehicle While Under the
 Influence (RCW 46.61.504(6))
 Possession of Depictions of a Minor Engaged in
 Sexually Explicit Conduct 2 (RCW
 9.68A.070(2))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Trafficking in Stolen Property 1 (RCW
 9A.82.050)
 Unlawful factoring of a credit card or payment
 card transaction (RCW 9A.56.290(4)(b))
 Unlawful transaction of health coverage as a
 health care service contractor (RCW
 48.44.016(3))
 Unlawful transaction of health coverage as a
 health maintenance organization (RCW
 48.46.033(3))
 Unlawful transaction of insurance business (RCW
 48.15.023(3))
 Unlicensed practice as an insurance professional
 (RCW 48.17.063(2))
 Use of Proceeds of Criminal Profiteering (RCW
 9A.82.080 (1) and (2))
 Vehicle Prowling 2 (third or subsequent offense)
 (RCW 9A.52.100(3))
 Vehicular Assault, by being under the influence
 of intoxicating liquor or any drug, or by the
 operation or driving of a vehicle in a reckless
 manner (RCW 46.61.522)
 Viewing of Depictions of a Minor Engaged in
 Sexually Explicit Conduct 1 (RCW
 9.68A.075(1))

Willful Failure to Return from Furlough (RCW
 72.66.060)
 III Animal Cruelty 1 (Sexual Conduct or Contact)
 (RCW 16.52.205(3))
 Assault 3 (Except Assault 3 of a Peace Officer
 With a Projectile Stun Gun) (RCW 9A.36.031
 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW
 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral
 Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of
 death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Malicious Injury to Railroad Property (RCW
 81.60.070)
 Manufacture of Untraceable Firearm with Intent
 to Sell (RCW 9.41.190)
 Manufacture or Assembly of an Undetectable
 Firearm or Untraceable Firearm (RCW
 9.41.325)
 Mortgage Fraud (RCW 19.144.080)
 Negligently Causing Substantial Bodily Harm By
 Use of a Signal Preemption Device (RCW
 46.37.674)
 Organized Retail Theft 1 (RCW 9A.56.350(2))
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun, Bump-Fire Stock,
 Undetectable Firearm, or Short-Barreled
 Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Retail Theft with Special Circumstances 1 (RCW
 9A.56.360(2))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or
 threat of death) (RCW 9.61.230(2))
 Theft of Livestock 2 (RCW 9A.56.083)
 Theft with the Intent to Resell 1 (RCW
 9A.56.340(2))
 Trafficking in Stolen Property 2 (RCW
 9A.82.055)
 Unlawful Hunting of Big Game 1 (RCW
 77.15.410(3)(b))

- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
- Unlawful possession of firearm in the second degree (RCW 9A.14.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "animal;" strike the remainder of the title and insert "amending RCW 9A.76.200; reenacting and amending RCW 9.94A.515; and prescribing penalties."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1040 by Senator Rivers to Substitute Senate Bill No. 5614.

The motion by Senator Rivers carried and striking floor amendment no. 1040 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Darneille, Hasegawa and Saldaña
Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator Warnick announced a meeting of the Republican Caucus immediately upon going at ease.

Senator Lias announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 3:37 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6531, by Senators Braun, Takko and Schoesler

Concerning the performance of personal services by a craft distillery, distiller, spirits certificate of approval holder, or distributor. Revised for 1st Substitute: Concerning the performance of personal services by a craft distillery, distiller, or spirits certificate of approval holder.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6531 was substituted for Senate Bill No. 6531 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senators Keiser and Conway spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Conway, Darneille, Hasegawa, Kuderer, Padden, Saldaña, Salomon, Sheldon, Stanford and Van De Wege

Absent: Senator Ericksen

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

MOTION

Senator O'Ban moved that the Senate advance to the ninth order of business.

Senator Lias objection to the motion by Senator O'Ban.

Senator O'Ban demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator O'Ban that the senate advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the motion by Senator O'Ban to advance to the ninth order of business and the motion did not carry by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Braun, Brown, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L., and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C.

Excused: Senators Ericksen and Fortunato

SECOND READING

SENATE BILL NO. 6268, by Senators Rolfes, Kuderer, Wellman, Darneille, Hasegawa, Wilson, C. and Das

Preventing abusive litigation between intimate partners.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6268 was substituted for Senate Bill No. 6268 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following floor amendment no. 1069 by Senator Kuderer be adopted:

On page 4, line 4, after "charged", insert "to the unrestricted party"

Senator Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1069 by Senator Kuderer on page 4, line 4 to Substitute Senate Bill No. 6268.

The motion by Senator Kuderer carried and floor amendment no. 1069 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6268.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6358, by Senators Randall, Short, and Wilson, C.

Requiring medicaid managed care organizations to provide reimbursement of health care services provided by substitute providers.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 6358 was substituted for Senate Bill No. 6358 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6423, by Senators Cleveland, Darneille, and Wilson, C.

Concerning reports alleging child abuse and neglect.

The measure was read the second time.

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6423.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6073, by Senators Dhingra, Rivers, Lovelett, Saldaña, Wilson, C., Mullet, Keiser, Nguyen, Cleveland, Salomon, Randall, Rolfes, Darneille, Conway, Pedersen, Kuderer, Van De Wege, Das, Liias, Frock, Hasegawa and Stanford

Providing menstrual hygiene products in public school bathrooms.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 6073 was not substituted for Senate Bill No. 6073 and the substitute bill was not placed on second reading.

MOTION

On motion of Senator Dhingra, the rules were suspended, Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Hawkins and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6073.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6483, by Senators Wilson, C. and Nguyen

Concerning rating requirements for child care providers.

MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 6483 was substituted for Senate Bill No. 6483 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 6483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6483 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Erickson, Hasegawa and Short

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5168, by Senators Hasegawa and Saldaña

Modifying notice and opportunity provisions relating to certain enforcement actions taken by a homeowners' or condominium association.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Muzzall

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6228, by Senators Kuderer, Darneille, Saldaña, Pedersen, Nguyen, Hasegawa, Carlyle, Lovelett, Cleveland, Billig, Keiser, McCoy, Liias, Hunt, Wilson, C., Randall, Mullet, Takko, Das, Dhingra and Stanford

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following floor amendment no. 989 by Senator Schoesler be adopted:

On page 1, line 1 of the title, after "to" strike all material through "corrections" on line 3 and insert "allowing convicted felons to vote before they have finished the terms of their sentences"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Schoesler demanded a roll call.

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

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 1 to Substitute Senate Bill No. 6228.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

MOTION

Senator Kuderer moved that the following floor amendment no. 959 by Senator Kuderer be adopted:

On page 2, line 26, after "a" strike "~~((date of birth))~~" and insert "date of birth"

On page 2, beginning on line 26, after "comparison" strike all material through "number," on line 29

On page 7, line 25, after "~~permanent~~)" insert "automatic"

Senators Kuderer and Zeiger spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 959 by Senator Kuderer on page 2, line 26 to Substitute Senate Bill No. 6228.

The motion by Senator Kuderer carried and floor amendment no. 959 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 988 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized"

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 3, line 16 to Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was adopted by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, King, Lovelett, McCoy, Mullet, Muzzall, O'Ban, Padden, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Darneille, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen, Pedersen, Saldaña and Wilson, C.

Excused: Senator Fortunato.

MOTION

Senator Wagoner moved that the following floor amendment no. 990 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized

under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(3)(b), but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(3)(b)"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Wagoner demanded a roll call.

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

Senator Dhingra spoke against adoption of the amendment.

POINT OF ORDER

Senator Short: "Mr. President. What the good gentledady was referring to is inappropriate for this body and I might also say that you know, I think the victims of the shootings and all of the things that have been going on, I think they might disagree, but her reference to that was very inappropriate."

RULING BY THE PRESIDENT

President Habib: "I will confess, I actually personally did not hear it because I was attending to a different matter. What I will say, I've been told what was said, Senator Dhingra, I am going to ask that, in understanding how sensitive this bill is, these amendments are, I'm going to ask that we all try to be respectful. We've come so far, thirty-eight days, and I was going to say, just in a few minutes, how grateful I am to everyone here for having so much collegiality this session. I don't think I can remember any such, anything like it in the years I've been elected. So let's try to keep that. I know it is difficult on a contentious topic but if we could stay within the boundaries of this policy that would help everybody. Alright. Senator Dhingra please continue."

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 3, line 16 to Substitute Senate Bill No. 6228.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

MOTION

Senator O'Ban moved that further consideration of Substitute Senate Bill No. 6228 be deferred and the bill hold its place on the second reading calendar and that the Senate immediately consider Senate Bill No. 6515, adjusting the medicaid payment methodology for skilled nursing facilities.

Senator Liias objected to the motion by Senator O'Ban.

RULING BY THE PRESIDENT

President Habib: "Senator O'Ban's moved that the Senate defer consideration of Senate Bill No. 6228 and instead take up Senate Bill No. 6515. Senator Liias has objected. Senator O'Ban these are, it's a compound motion that you have made and so, I'm going to ask that we, I'm going to rule that we divide that question and take up you motion to defer consideration without, which if that fails to pass then you are free to make, or either way you are free to make another motion."

Senator O'Ban spoke in favor of the motion that the senate defer further consideration of Substitute Senate Bill No. 6228.

Senator Liias spoke against the motion to defer consideration. Senator Schoesler demanded a roll call.

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

Senators Schoesler, Braun and Walsh spoke in favor of the motion to defer consideration.

Senator Billig spoke against the motion to defer consideration.

The President declared the question before the Senate to be the motion by Senator O'Ban that the senate defer further consideration of Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the motion by Senator O'Ban to defer consideration on Substitute Senate Bill No. 6228 and the motion did not carry by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Fortunato.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of the special order of business having arrived, the President called the Senate to order. Further consideration of Substitute Senate Bill No. 6228 was deferred and the Senate immediately considered Senate Bill No. 5400 which had been named a special order earlier in the day.

PARLIAMENTARY INQUIRY

Senator O'Ban: "Mr. President, I understood your ruling to be that we would rule on the first motion, and then proceed to the second which was immediate consideration of Senate Bill No. 6515, the skilled nursing bill facility."

REPLY BY THE PRESIDENT

President Habib: "You can move for immediate consideration of that bill when this, so we currently have a bill before us, right? The underlying bill, 6228, is before us so a motion to immediately consider another bill is not in order at that time."

Senator O'Ban: "Well, Mr. President, when we are done with this bill, I want to reserve the right to stand and make this motion."

President Habib: "You can make that motion, and, when it is in order, and then there will be a question, there may be a question of whether or not it was subject or not to the cutoff resolution or not. That we don't know right now. That is not being ruled on at the moment. The proper time to bring a motion to immediately consider would be either had your original motion prevailed or if having failed following the completion of this bill. So, you can't bring that motion when there is another bill before the Senate."

SECOND READING

SENATE BILL NO. 5400, by Senators Conway, Bailey, Hunt, Zeiger, Wilson, C., Van De Wege, Hasegawa, Holy, Kuderer, Pedersen and Saldaña

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 1171 by Senators Brown, Rivers, Short, Walsh and Wilson, L. be adopted:

On page 1, line 16, after "of" strike "three" and insert "five"

On page 1, line 17, after "exceed" strike "sixty-two dollars and fifty cents" and insert "one hundred dollars"

On page 2, line 10, after "of" strike "three" and insert "five"

On page 2, line 12, after "exceed" strike "sixty-two dollars and fifty cents" and insert "one hundred dollars"

Senators Rivers, Walsh and Becker spoke in favor of adoption of the amendment.

Senator Conway spoke against adoption of the amendment.

Senator Walsh spoke in favor of adoption of the amendment.

Senator Walsh demanded a roll call.

Senator Becker spoke in favor of adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Wagoner: "A roll call was requested."

REPLY BY THE PRESIDENT

President Habib: "I was just told that by the attorney and I was going to be so courteous as to let Senator Becker finish her remarks and then we are going to ask for that motion to be sustained."

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

Senator Becker again spoke in favor of adoption of the amendment.

The President declared that one-sixth of the members supported the demand for a roll call by Senator Walsh and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown, Rivers, Short, Walsh and Wilson, L on page 1, line 16, to Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Brown, Rivers, Short, Walsh and Wilson, L and the amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Hunt, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

The Lieutenant Governor voting nay.

MOTION

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6228 which had been deferred earlier in the day.

EDITOR'S NOTE: The substitute bill was on second reading for purposes of amendments.

MOTION

Senator Sheldon moved that the following floor amendment no. 991 by Senator Sheldon be adopted:

On page 3, at the beginning of line 16, strike "does not include" and insert "includes"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 6, at the beginning of line 2, strike "does not include" and insert "includes"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 7, line 35, after "total confinement" strike "does not include" and insert "includes"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

Senator Sheldon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 991 by Senator Sheldon on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Sheldon did not carry and floor amendment no. 991 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 993 by Senator Holy be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or"

(2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

Senators Holy, Short and Becker spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 993 by Senator Holy on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Holy did not carry and floor amendment no. 993 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 994 by Senator Becker be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the

physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

Senators Becker and Rivers spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

Senator Rolfes spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 994 by Senator Becker on page 3, line 16 to Substitute Senate Bill No. 6228.

The motion by Senator Becker carried and floor amendment no. 994 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 996 by Senator Padden be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 1, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 2, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 4, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 7, line 35, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 7, line 38, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

Senator Padden spoke in favor of adoption of the amendment.

Senator Padden demanded a roll call.

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

Senator Kuderer spoke against adoption of the amendment.

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 16 to Substitute Senate Bill No. 6228.

ROLL CALL

THIRTY EIGHTH DAY, FEBRUARY 19, 2020

2020 REGULAR SESSION

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Stanford, Wellman and Wilson, C.

Absent: Senator Walsh

Excused: Senator Fortunato.

MOTIONS

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 6228 was deferred, and the bill held its place on the second reading calendar.

At 5:42 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Thursday, February 20, 2020.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon adjournment.

Senator Becker announced a meeting of the Republican Caucus immediately upon adjournment.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

THIRTY NINTH DAY, FEBRUARY 20, 2020

2020 REGULAR SESSION

THIRTY NINTH DAY**NOON SESSION**Senate Chamber, Olympia
Thursday, February 20, 2020

The Senate was called to order at 12:01p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

Pursuant to Rule 46, on motion of Senator Liias, and without objection, all committees were granted special leave to meet during the day's floor session.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

**SUBCOMMITTEE ON BEHAVIORAL HEALTH
REFERRALS**

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SECOND SUBSTITUTE HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642,
SECOND SUBSTITUTE HOUSE BILL NO. 2737,
SUBSTITUTE HOUSE BILL NO. 2883,
and HOUSE BILL NO. 2926.

MOTION

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

MESSAGES FROM THE HOUSE

February 18, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1256,
THIRD SUBSTITUTE HOUSE BILL NO. 1504,
SECOND SUBSTITUTE HOUSE BILL NO. 1659,
SECOND SUBSTITUTE HOUSE BILL NO. 2066,
HOUSE BILL NO. 2092,
SUBSTITUTE HOUSE BILL NO. 2244,
HOUSE BILL NO. 2319,
HOUSE BILL NO. 2352,
SUBSTITUTE HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2409,
HOUSE BILL NO. 2412,
HOUSE BILL NO. 2416,
HOUSE BILL NO. 2442,

SUBSTITUTE HOUSE BILL NO. 2483,
SECOND SUBSTITUTE HOUSE BILL NO. 2499,
SUBSTITUTE HOUSE BILL NO. 2511,
HOUSE BILL NO. 2540,
SUBSTITUTE HOUSE BILL NO. 2555,
HOUSE BILL NO. 2580,
HOUSE BILL NO. 2596,
HOUSE BILL NO. 2599,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2607,
HOUSE BILL NO. 2617,
HOUSE BILL NO. 2641,
HOUSE BILL NO. 2680,
SUBSTITUTE HOUSE BILL NO. 2712,
SUBSTITUTE HOUSE BILL NO. 2758,
SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2785,
SUBSTITUTE HOUSE BILL NO. 2803,
HOUSE BILL NO. 2826,
HOUSE BILL NO. 2853,
HOUSE BILL NO. 2858,
HOUSE BILL NO. 2860,
SUBSTITUTE HOUSE BILL NO. 2889,
SUBSTITUTE HOUSE BILL NO. 2906,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 18, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775,
ENGROSSED HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
ENGROSSED HOUSE BILL NO. 2228,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2405,
ENGROSSED HOUSE BILL NO. 2501,
ENGROSSED HOUSE BILL NO. 2623,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783,
ENGROSSED HOUSE BILL NO. 2792,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,
ENGROSSED HOUSE BILL NO. 2819,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 19, 2020

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1061,
HOUSE BILL NO. 1590,
SECOND SUBSTITUTE HOUSE BILL NO. 1733,
HOUSE BILL NO. 2013,
SUBSTITUTE HOUSE BILL NO. 2155,
SUBSTITUTE HOUSE BILL NO. 2187,
SUBSTITUTE HOUSE BILL NO. 2205,
SUBSTITUTE HOUSE BILL NO. 2246,
HOUSE BILL NO. 2251,
SUBSTITUTE HOUSE BILL NO. 2295,
SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2477,

THIRTY NINTH DAY, FEBRUARY 20, 2020

2020 REGULAR SESSION

HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 HOUSE BILL NO. 2747,
 HOUSE BILL NO. 2749,
 HOUSE BILL NO. 2757,
 SUBSTITUTE HOUSE BILL NO. 2773,
 SUBSTITUTE HOUSE BILL NO. 2794,
 HOUSE BILL NO. 2833,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2837,
 HOUSE BILL NO. 2867,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6690 by Senators Liias and King

AN ACT Relating to aerospace business and occupation taxes and world trade organization compliance; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6691 by Senators Carlyle, Sheldon, Hobbs, Honeyford, Rivers, Kuderer, Zeiger, Darneille, Braun, Cleveland, Brown, Saldaña, Warnick, Salomon, Holy, Walsh, Billig, Wilson, L., Stanford, Becker, Liias, Wilson, C., McCoy, Das, Hunt, Nguyen, Takko, Van De Wege, Wagoner, Hasegawa, Pedersen, O'Ban, Schoesler, Hawkins, Muzzall, Padden, Ericksen, Conway, Keiser, Lovelett and Randall

AN ACT Relating to the legislative chamber skylights; creating a new section; and making an appropriation.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 1256 by House Committee on Transportation (originally sponsored by Lovick, Irwin, Valdez, Orwall, Kloba, Sells, Slatter, Riccelli, Gregerson, Ortiz-Self, Kilduff, Mead, Doglio, Goodman, Dolan, Peterson, Stonier, Reeves and Appleton)

AN ACT Relating to increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone; amending RCW 46.20.075 and 46.61.672; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

E2SHB 1503 by House Committee on Appropriations (originally sponsored by Smith, Hudgins and Stanford)

AN ACT Relating to registration and consumer protection obligations of data brokers; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

3SHB 1504 by House Committee on Transportation (originally sponsored by Klippert and Goodman)

AN ACT Relating to impaired driving; amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.311, 46.20.385, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.5055, 46.61.5056, and 46.61.524; reenacting and amending RCW 46.20.355; repealing RCW 43.43.3951; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

EHB 1552 by Representatives Dolan, Doglio, Fey, Senn, Appleton, Robinson, Ryu, Jinkins, Macri and Leavitt
 AN ACT Relating to health care provider credentialing by health carriers; amending RCW 48.43.750; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

ESHB 1608 by House Committee on Health Care & Wellness (originally sponsored by Macri, Dolan, Slatter, Stonier, Robinson, Kilduff, Riccelli, Senn, Goodman, Tharinger, Jinkins, Davis, Cody, Appleton, Kloba, Ortiz-Self, Valdez, Frame, Pollet, Stanford, Tarleton and Leavitt)

AN ACT Relating to protecting patient care; adding a new section to chapter 43.70 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

2SHB 1659 by House Committee on Finance (originally sponsored by Corry, Riccelli, Dufault, Dent, Mosbrucker, Chandler, Ybarra and Ormsby)

Modifying dates related to the application due date for health sciences and services authorities and their sales and use tax authority.

Referred to Committee on Ways & Means.

EHB 1694 by Representatives Morgan, Macri, Riccelli, Goodman, Jinkins, Cody, Stonier, Robinson, Appleton, Pollet, Gregerson and Frame

AN ACT Relating to allowing tenants to pay certain sums in installments; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

ESHB 1754 by House Committee on Housing, Community Development & Veterans (originally sponsored by Santos, Jinkins and Pollet)

AN ACT Relating to the hosting of the homeless by religious organizations; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

E3SHB 1775 by House Committee on Appropriations
(originally sponsored by Orwall, Frame, Wylie,
Gregerson and Macri)

AN ACT Relating to commercially sexually exploited children; amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, and 74.14B.070; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 2036 by House Committee on Health Care & Wellness (originally sponsored by Macri, Ormsby, Riccelli and Pollet)

AN ACT Relating to health system transparency; amending RCW 43.70.052, 70.01.040, 70.41.470, and 70.170.060; adding a new section to chapter 70.230 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

EHB 2040 by Representative MacEwen

AN ACT Relating to providing flexibility and accountability for nonhigh school districts; amending RCW 28A.545.030; and adding a new section to chapter 28A.545 RCW.

Referred to Committee on Early Learning & K-12 Education.

2SHB 2066 by House Committee on Transportation
(originally sponsored by Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet)

AN ACT Relating to restrictions on driver's licenses associated with certain criminal offenses; amending RCW 46.20.285; and providing an effective date.

Referred to Committee on Law & Justice.

HB 2092 by Representatives Mosbrucker, Chapman, Dye and Eslick

AN ACT Relating to huckleberry buyers retaining and disclosing records to law enforcement; and amending RCW 76.48.111.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2138 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Kretz, Chapman and Dent)

AN ACT Relating to requirements of signs on public land; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.02 RCW; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 2228 by Representatives Springer, Dent, Ramos, Griffey, Ryu, Appleton, Leavitt, Ormsby, Wylie and Goodman

AN ACT Relating to early deployment of state fire service resources; and amending RCW 43.43.960.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2244 by House Committee on Transportation
(originally sponsored by Orcutt, Blake, Chapman, Eslick, Barkis, Goehner and Irwin)

AN ACT Relating to the authorization of wheeled all-terrain vehicles on state highways; and amending RCW 46.09.455.

Referred to Committee on Transportation.

HB 2319 by Representatives Fitzgibbon and Vick

AN ACT Relating to the sale of liquor in kegs or containers containing four gallons or more of liquor; and amending RCW 66.28.200, 66.28.210, and 66.28.220.

Referred to Committee on Labor & Commerce.

HB 2352 by Representatives Tharinger, Fitzgibbon, Leavitt, Harris and Wylie

AN ACT Relating to the building for the arts program; and amending RCW 43.63A.750.

Referred to Committee on Ways & Means.

SHB 2353 by House Committee on Transportation
(originally sponsored by Blake and Dent)

AN ACT Relating to fire trailer vehicle registration and license plates; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16A RCW; and providing an effective date.

Referred to Committee on Transportation.

E2SHB 2405 by House Committee on Appropriations
(originally sponsored by Duerr, Barkis, Fitzgibbon, Shewmake, Hoff, Kloba, Corry, Gildon, Ybarra, Jenkin, Pollet and Doglio)

AN ACT Relating to commercial property assessed clean energy and resilience; and adding a new chapter to Title 36 RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 2409 by House Committee on Labor & Workplace Standards (originally sponsored by Kilduff, Pollet, Sells, Gregerson, Valdez and Ormsby)

AN ACT Relating to industrial insurance employer penalties, duties, and the licensing of third-party administrators; amending RCW 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.14 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Labor & Commerce.

HB 2412 by Representatives Stonier, MacEwen, Blake, Young, Eslick, Riccelli and Wylie

AN ACT Relating to domestic brewery and microbrewery retail licenses; amending RCW 66.24.244; and reenacting and amending RCW 66.24.240.

Referred to Committee on Labor & Commerce.

THIRTY NINTH DAY, FEBRUARY 20, 2020

2020 REGULAR SESSION

HB 2416 by Representatives Kilduff, Chopp, Leavitt, Macri, Cody, Stonier, Ormsby and Pollet
AN ACT Relating to disclosures of information and records related to forensic mental health services; and amending RCW 10.77.210 and 70.02.205.

Referred to Committee on Health & Long Term Care.

HB 2442 by Representatives Leavitt, Hudgins, Kloba and Smith
AN ACT Relating to privacy rights for Washington minors; and adding a new chapter to Title 19 RCW.

Referred to Committee on Environment, Energy & Technology.

EHB 2461 by Representatives Riccelli, Entenman, Fitzgibbon, Lovick, Ortiz-Self, Stonier, Cody, Shewmake, Ramos, Valdez, Mead, Kloba, Thai, Robinson, Santos, Macri, Pollet, Wylie and Doglio
AN ACT Relating to including health in the state transportation system policy goals; amending RCW 47.04.280; and creating a new section.

Referred to Committee on Transportation.

SHB 2483 by House Committee on Public Safety (originally sponsored by Van Werven, Goodman and Ormsby)
AN ACT Relating to vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs; amending RCW 46.55.113 and 46.55.360; creating a new section; and repealing RCW 46.55.350.

Referred to Committee on Law & Justice.

2SHB 2499 by House Committee on Appropriations (originally sponsored by Appleton, Klippert and Goodman)
AN ACT Relating to the certification of corrections officers; amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

EHB 2501 by Representatives Eslick, Blake, Barkis, Ybarra and Shea
AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

SHB 2511 by House Committee on Labor & Workplace Standards (originally sponsored by Stonier, Sells, Gregerson, Ormsby, Chapman, Valdez, Chopp, Bergquist, Davis, Doglio, Frame, Ramel, Pollet, Macri, Goodman, Riccelli and Robinson)
AN ACT Relating to providing labor protections for domestic workers; amending RCW 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

HB 2540 by Representatives Maycumber, Lekanoff, Chapman, Senn, Rude, Mead, Walen, Duerr, Chambers, Riccelli, Harris, Van Werven, Stonier, Kloba, Leavitt, Davis, Doglio, Dufault, Pollet and Macri
AN ACT Relating to clarifying when campaign funds may be used for child care expenses; and amending RCW 42.17A.445.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2555 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman)
AN ACT Relating to background check requirements for firearms classified as other under federal firearms laws; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 2576 by House Committee on Public Safety (originally sponsored by Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli)
AN ACT Relating to private detention facilities; amending RCW 72.68.010 and 72.68.040; adding a new chapter to Title 70 RCW; creating a new section; repealing RCW 72.68.012; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2580 by Representatives Caldier, Callan, Dent, Corry and Frame
AN ACT Relating to requiring the department of children, youth, and families to submit a report regarding independent living services; and amending RCW 74.13.540.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2596 by Representatives Boehnke, Kloba, Slatter, Entenman, Hudgins, Steele, Eslick and Santos
AN ACT Relating to fostering economic growth in Washington by supporting emerging businesses in the new space economy; and creating new sections.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 2599 by Representatives Eslick, Kilduff, Doglio and Leavitt
AN ACT Relating to services for children with multiple handicaps; and repealing 74.26.010, 74.26.020, 74.26.030, 74.26.040, 74.26.050, and 74.26.060.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2601 by Representatives Tharinger, Barkis, Leavitt and Ryu
AN ACT Relating to the authority of the parks and recreation commission to approve leases; and amending RCW 79A.05.025 and 79A.05.030.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2607 by House Committee on Human Services & Early Learning (originally sponsored by Callan, Corry, Caldier, Eslick, Orwall, Entenman, Davis, Shewmake, Lekanoff, Thai, Chapman, Steele, Fey, Chopp, Robinson, Bergquist, Senn, Cody, Doglio, Goodman, Leavitt, Ramel, Santos, Ormsby, Pollet, Kloba and Macri)

AN ACT Relating to assisting homeless individuals in obtaining Washington state identicards; amending RCW 46.20.117; adding a new section to chapter 43.216 RCW; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 2617 by Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez, Lekanoff and Senn

AN ACT Relating to the lease or rental of surplus property of school districts; amending RCW 28A.335.040; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

EHB 2623 by Representatives Walen, Valdez, Macri, Chapman, Kilduff and Senn

AN ACT Relating to prohibiting the possession of firearms by persons convicted of certain criminal offenses; amending RCW 9.41.042, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 70.02.240; and reenacting and amending RCW 9.41.040 and 70.02.230.

Referred to Committee on Law & Justice.

HB 2641 by Representatives Fey, Valdez, Lekanoff, Doglio, Tharinger, Pollet and Macri

AN ACT Relating to authorizing cities to provide passenger-only ferry service; and adding a new chapter to Title 35 RCW.

Referred to Committee on Transportation.

ESHB 2660 by House Committee on Education (originally sponsored by Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri)

AN ACT Relating to increasing the availability of school meals provided to public school students at no student cost; amending RCW 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 2680 by Representatives Chapman, Jenkin, Steele, Walsh, Tarleton, Ortiz-Self, Gildon, Tharinger, Springer, Santos, Kretz and Pollet

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on State Government, Tribal Relations & Elections.

EHB 2687 by Representatives Barkis, Griffey, Corry, Blake, DeBolt, Irwin, Springer, Stokesbary, Mead and Van Werven

AN ACT Relating to planning for affordable housing under the growth management act; amending RCW 36.70A.210; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Local Government.

SHB 2712 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Kretz, Riccelli, Maycumber, Lekanoff, Mosbrucker, Chopp, Walsh, Chapman, Harris, Blake, Dent, Pettigrew, Rude, Springer, Steele, Appleton, Caldier, Fitzgibbon, Leavitt, Eslick, Volz, Van Werven, Shea, Cody, Tharinger, Robinson, Young and Ormsby)

AN ACT Relating to requiring retailers to indicate the country of origin on beef sold to the public; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 2731 by House Committee on Education (originally sponsored by Irwin, Doglio, Davis, Pollet and Leavitt)

AN ACT Relating to reporting of student head injury information sustained during athletics and other activities; adding a new section to chapter 28A.600 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Early Learning & K-12 Education.

EHB 2755 by Representatives Schmick, Caldier and Cody

AN ACT Relating to transparency regarding the cost of air ambulance services; amending RCW 43.371.060; and adding a new section to chapter 18.73 RCW.

Referred to Committee on Health & Long Term Care.

SHB 2758 by House Committee on Labor & Workplace Standards (originally sponsored by Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet)

AN ACT Relating to recognizing posttraumatic stress disorders of 911 emergency dispatch personnel; and amending RCW 51.08.142.

Referred to Committee on Labor & Commerce.

SHB 2772 by House Committee on State Government & Tribal Relations (originally sponsored by Walsh, Hudgins and Pollet)

AN ACT Relating to the administration of election campaign activities and reporting statements of financial affairs; amending RCW 42.17A.005, 42.17A.105, 42.17A.700, 42.17A.710, and 42.17A.020; adding a new section to chapter 42.17A RCW; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

THIRTY NINTH DAY, FEBRUARY 20, 2020

2020 REGULAR SESSION

ESHB 2783 by House Committee on Local Government (originally sponsored by Griffey, Springer and Walen)
AN ACT Relating to standardizing fire safety requirements for mobile on-demand gasoline providers; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

SHB 2785 by House Committee on Public Safety (originally sponsored by Lekanoff, Goodman, Klippert, Lovick and Peterson)
AN ACT Relating to the membership of the criminal justice training commission; and amending RCW 43.101.030.

Referred to Committee on Law & Justice.

EHB 2792 by Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff
AN ACT Relating to missing and unidentified persons; amending RCW 68.50.320 and 68.50.330; and creating new sections.

Referred to Committee on Law & Justice.

SHB 2803 by House Committee on Finance (originally sponsored by Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet)
AN ACT Relating to authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact; adding new sections to chapter 43.06 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2816 by House Committee on Education (originally sponsored by Corry, Steele, Caldier, Van Werven, Eslick, Chambers and Boehnke)
AN ACT Relating to nurturing positive social and emotional school and classroom climates; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

EHB 2819 by Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake and Boehnke
AN ACT Relating to designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance; amending RCW 43.157.010; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2826 by Representatives Peterson and Pollet

AN ACT Relating to clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products; amending RCW 69.50.342; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Commerce.

HB 2853 by Representatives Harris and Santos
AN ACT Relating to promoting the effective and efficient administration of the Washington state charter school commission; amending RCW 28A.710.050, 28A.710.070, 28A.710.250, and 28A.710.160; and repealing RCW 28A.710.900.

Referred to Committee on Early Learning & K-12 Education.

HB 2858 by Representatives Orcutt, Dolan and Doglio
AN ACT Relating to requirements for the filing of assessment rolls; and amending RCW 84.40.320.

Referred to Committee on Local Government.

HB 2860 by Representatives Orcutt and Fey
AN ACT Relating to the Washington plane coordinate system; amending RCW 58.20.140, 58.20.160, 58.20.180, 58.20.200, 58.20.210, and 58.20.220; adding new sections to chapter 58.20 RCW; and repealing RCW 58.20.110, 58.20.120, 58.20.130, 58.20.150, 58.20.170, and 58.20.190.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 2889 by House Committee on Local Government (originally sponsored by Griffey)
AN ACT Relating to utility tax disclosures; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

EHB 2896 by Representatives Ryu, Santos and Morgan
AN ACT Relating to the use of surplus property for public benefit; and amending RCW 43.63A.510 and 39.33.015.

Referred to Committee on Housing Stability & Affordability.

SHB 2906 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Kretz, Chapman, Lekanoff, Walsh, Schmick, Blake, Dent, Chandler, Orcutt, Springer, Pettigrew and Shewmake)
AN ACT Relating to the use of radio collars on gray wolves by the department of fish and wildlife; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Short moved adoption of the following resolution:

SENATE RESOLUTION
8682

By Senators Ericksen, Wagoner, Muzzall, Wilson, L., Holy, Brown, Warnick, Schoesler, Zeiger, Becker, King, Short, Rivers, Carlyle, O'Ban, Walsh, Padden, Honeyford, Sheldon, Randall, Wilson, C., Van De Wege, Saldaña, Salomon, Das, Hobbs, and Lovelett

WHEREAS, The Washington State commercial fishing fleet will set off for the waters of the Pacific on May 3, 2020; and

WHEREAS, The Blessing of the Fleet is a longstanding tradition and will be observed at Blaine Harbor to honor and remember our heroes on the first Sunday in May; and

WHEREAS, The commercial and tribal fishing industries have been the fundamental bedrock of the state for centuries and are a job security to many Washington families; and

WHEREAS, The fishing industry is one of the largest creators of jobs and the Washington state economy relies heavily on its bountiful harvest; and

WHEREAS, The courageous fishers, who tirelessly risk their lives to provide us these necessities, deserve our utmost honor and respect; and

WHEREAS, The dangers of the turbulent and unpredictable seas all too often rob the lives of the brave men and women who voluntarily jeopardize themselves all for our benefit; and

WHEREAS, The grief of losing our beloved friends and neighbors on the high seas impact not only the families of those we lose, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its deepest condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and convey its hope that all of our fishers will return home safely to their families, friends, and communities.

Senators Short and Carlyle spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

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

MOTION

At 12:06 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, February 21, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 21, 2020

The Senate was called to order at 10:02 a.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 20, 2020

SHB 1010 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the disposition of forfeited firearms by the Washington state patrol. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 20, 2020

EHB 1687 Prime Sponsor, Representative Stanford: Limiting defenses based on victim identity. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Holy; Kuderer; Salomon and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 20, 2020

HB 1750 Prime Sponsor, Representative Mosbrucker: Filling vacancies in county sheriff offices. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 20, 2020

EHB 2228 Prime Sponsor, Representative Springer: Permitting early deployment of state fire service resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on State Government, Tribal Relations & Elections.

February 20, 2020

HB 2315 Prime Sponsor, Representative Orwall: Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 20, 2020

SHB 2476 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning debt buyers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 20, 2020

HB 2508 Prime Sponsor, Representative Wylie: Simplifying the process for donating low-value surplus property owned by a city-owned utility. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 20, 2020

HB 2602 Prime Sponsor, Representative Morgan: Concerning hair discrimination. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 20, 2020

SHB 2632 Prime Sponsor, Committee on Public Safety:
Concerning false reporting of a crime or emergency. Reported
by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended.
Signed by Senators Pedersen, Chair; Dhingra, Vice Chair;
Padden, Ranking Member; Holy; Kuderer; Salomon and
Wilson, L.

Referred to Committee on Rules for second reading.

February 20, 2020

HB 2640 Prime Sponsor, Representative Fey:
Clarifying that facilities that are operated by a private entity in
which persons are detained in custody under process of law
pending the outcome of legal proceedings are not essential public
facilities under the growth management act. Reported by
Committee on Local Government

MAJORITY recommendation: Do pass as amended.
Signed by Senators Takko, Chair; Salomon, Vice Chair and
Lovelett.

MINORITY recommendation: Do not pass. Signed by
Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing
Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 19, 2020

MR. PRESIDENT:
The House has passed:

ENGROSSED HOUSE BILL NO. 1390,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1860,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2050,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2085,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,
ENGROSSED HOUSE BILL NO. 2166,
ENGROSSED HOUSE BILL NO. 2216,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2220,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342,
ENGROSSED HOUSE BILL NO. 2440,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2575,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2662,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2775,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth
order of business.

INTRODUCTION AND FIRST READING

HB 1061 by Representatives Blake and Walsh

AN ACT Relating to designating the Pacific razor clam as
the state clam; adding a new section to chapter 1.20 RCW;
and creating a new section.

Referred to Committee on State Government, Tribal
Relations & Elections.

HB 1590 by Representatives Doglio, Dolan, Macri, Cody,
Gregerson, Wylie, Appleton, Robinson, Ormsby,
Frame and Davis

AN ACT Relating to allowing the local sales and use tax for
affordable housing to be imposed by a councilmanic
authority; and amending RCW 82.14.530.

Referred to Committee on Local Government.

2SHB 1733 by House Committee on Appropriations
(originally sponsored by Gregerson, Dye, Dent, Blake
and Tarleton)

AN ACT Relating to retaining productive farmland; adding
a new section to chapter 89.08 RCW; adding a new section to
chapter 43.17 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural
Resources & Parks.

HB 2013 by Representatives Van Werven, Ryu, Kilduff and
Eslick

AN ACT Relating to providing for allied forces veteran
remembrance emblems; and amending RCW 46.18.295.

Referred to Committee on Transportation.

SHB 2155 by House Committee on State Government &
Tribal Relations (originally sponsored by Morgan,
Reeves, Pettigrew, Entenman, Kirby, Cody, Eslick,
Appleton, Jenkin, Ormsby, Irwin, Shewmake, Slatter,
Peterson, Fitzgibbon, Tharinger, Robinson, Jinkins,
Santos, Wylie, Blake, Callan, Thai, Ryu, Frame,
Gregerson, Doglio, Hudgins, Paul, Lovick, Stonier and
Leavitt)

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

Referred to Committee on State Government, Tribal
Relations & Elections.

SHB 2187 by House Committee on Transportation
(originally sponsored by Kilduff, Mosbrucker, Morgan,
Leavitt, Orwall, Callan, Dufault, Graham, Kraft,
Appleton, Paul, Lovick, Chapman, Ryu, Van Werven,
Barkis, Slatter, Bergquist, Griffey, Sells, Doglio and
Riccelli)

FORTIETH DAY, FEBRUARY 21, 2020

2020 REGULAR SESSION

AN ACT Relating to creating Washington state women veterans special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.425; adding a new section to chapter 43.60A RCW; adding a new section to chapter 46.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SHB 2205 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Dufault and Appleton)

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 9.41.042, 9A.42.010, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 28A.400.210, 41.05.175, 43.09.025, 46.18.255, 46.18.265, 46.18.285, 46.18.290, 48.20.389, 48.21.223, 48.44.323, 48.46.274, 64.50.010, 69.50.414, 69.52.030, and 28B.76.540; reenacting and amending RCW 43.79A.040, 43.84.092, 10.77.088, and 70.105D.030; and creating a new section.

Referred to Committee on Law & Justice.

SHB 2246 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon and Lekanoff)

AN ACT Relating to the reorganization of laws related to environmental health without making any substantive, policy changes; amending RCW 15.54.325, 15.54.820, 19.405.020, 35.21.120, 35.21.135, 35.21.154, 35.21.156, 35.21.157, 35.21.409, 35.21.755, 35.22.625, 35.23.351, 35.92.020, 35.94.050, 35A.21.152, 35A.21.153, 35A.21.324, 36.32.120, 36.32.304, 36.34.192, 36.58.040, 36.58.045, 36.58.050, 36.58A.010, 36.70A.130, 36.70A.200, 36.93.090, 36.94.010, 43.21A.020, 43.21A.175, 43.21A.702, 43.21A.711, 43.21B.130, 43.21B.260, 43.21B.300, 43.21C.036, 43.21C.0381, 43.21C.210, 43.21F.090, 43.27A.190, 43.37.050, 43.37.080, 43.37.110, 43.37.140, 43.37.170, 43.37.220, 43.41.270, 43.131.394, 43.146.900, 43.200.070, 43.200.080, 43.200.170, 43.200.180, 43.200.220, 43.200.230, 43.200.233, 43.200.235, 43.200.905, 43.200.907, 64.70.020, 64.70.040, 70.05.070, 70.75A.040, 70.75A.060, 70.76.020, 70.76.030, 70.76.040, 70.76.050, 70.76.090, 70.76.100, 70.93.095, 70.93.200, 70.93.220, 70.93.250, 70.94.015, 70.94.030, 70.94.040, 70.94.041, 70.94.053, 70.94.069, 70.94.100, 70.94.130, 70.94.142, 70.94.143, 70.94.151, 70.94.153, 70.94.154, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.181, 70.94.211, 70.94.231, 70.94.262, 70.94.302, 70.94.331, 70.94.332, 70.94.335, 70.94.385, 70.94.390, 70.94.400, 70.94.410, 70.94.422, 70.94.430, 70.94.431, 70.94.435, 70.94.450, 70.94.453, 70.94.460, 70.94.463, 70.94.467, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.524, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.541, 70.94.544, 70.94.551, 70.94.640, 70.94.6512, 70.94.6514, 70.94.6516, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, 70.94.6528, 70.94.6530, 70.94.6532, 70.94.6534, 70.94.6538, 70.94.6540, 70.94.6542, 70.94.6546, 70.94.6548, 70.94.6552, 70.94.6554, 70.94.6556, 70.94.715, 70.94.725, 70.94.730, 70.94.785, 70.94.805, 70.94.850, 70.94.892, 70.94.960, 70.94.990, 70.95.030, 70.95.065, 70.95.092, 70.95.095, 70.95.100, 70.95.110, 70.95.130, 70.95.150,

70.95.160, 70.95.167, 70.95.170, 70.95.185, 70.95.190, 70.95.205, 70.95.207, 70.95.218, 70.95.240, 70.95.250, 70.95.270, 70.95.280, 70.95.285, 70.95.290, 70.95.295, 70.95.315, 70.95.330, 70.95.400, 70.95.420, 70.95.430, 70.95.510, 70.95.530, 70.95.532, 70.95.535, 70.95.550, 70.95.555, 70.95.560, 70.95.610, 70.95.630, 70.95.650, 70.95.660, 70.95.670, 70.95.715, 70.95.807, 70.95.815, 70.95A.070, 70.95A.100, 70.95B.060, 70.95B.090, 70.95B.095, 70.95B.120, 70.95B.151, 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, 70.95C.070, 70.95C.210, 70.95C.220, 70.95C.230, 70.95D.010, 70.95E.010, 70.95E.020, 70.95E.030, 70.95E.040, 70.95E.050, 70.95E.080, 70.95E.090, 70.95F.020, 70.95F.030, 70.95G.030, 70.95G.040, 70.95G.060, 70.95I.010, 70.95I.020, 70.95I.030, 70.95I.040, 70.95I.060, 70.95I.070, 70.95J.010, 70.95J.090, 70.95K.010, 70.95K.011, 70.95L.010, 70.95L.040, 70.95M.080, 70.95M.110, 70.95N.040, 70.95N.060, 70.95N.070, 70.95N.080, 70.95N.130, 70.95N.170, 70.95N.180, 70.95N.190, 70.95N.200, 70.95N.230, 70.95N.260, 70.95N.280, 70.95N.300, 70.95N.310, 70.98.020, 70.98.085, 70.98.095, 70.98.098, 70.98.122, 70.98.220, 70.98.910, 70.99.050, 70.102.020, 70.103.030, 70.103.040, 70.103.050, 70.103.060, 70.103.070, 70.105.005, 70.105.010, 70.105.020, 70.105.035, 70.105.050, 70.105.090, 70.105.105, 70.105.110, 70.105.111, 70.105.112, 70.105.116, 70.105.135, 70.105.140, 70.105.145, 70.105.160, 70.105.165, 70.105.170, 70.105.180, 70.105.200, 70.105.210, 70.105.220, 70.105.221, 70.105.225, 70.105.235, 70.105.240, 70.105.250, 70.105.270, 70.105.280, 70.105.310, 70.105D.040, 70.105D.050, 70.105D.055, 70.105D.060, 70.105D.080, 70.105D.090, 70.105D.110, 70.105D.130, 70.105D.140, 70.105D.160, 70.105D.180, 70.105D.190, 70.105D.200, 70.105D.210, 70.106.030, 70.106.070, 70.106.100, 70.106.110, 70.107.070, 70.116.050, 70.116.060, 70.116.070, 70.118.060, 70.118.070, 70.118.080, 70.118.130, 70.118A.020, 70.118A.040, 70.118A.050, 70.118A.070, 70.118A.080, 70.118A.090, 70.118B.005, 70.118B.020, 70.118B.030, 70.119.030, 70.119.050, 70.119.060, 70.119.070, 70.119.090, 70.119.100, 70.119.120, 70.119.130, 70.119.150, 70.119.170, 70.119A.030, 70.119A.050, 70.119A.060, 70.119A.110, 70.119A.120, 70.119A.190, 70.120.010, 70.120.070, 70.120.080, 70.120.120, 70.120.130, 70.120.190, 70.120A.010, 70.120A.020, 70.121.020, 70.121.050, 70.121.060, 70.121.070, 70.121.080, 70.121.110, 70.138.010, 70.138.020, 70.138.030, 70.142.050, 70.146.030, 70.146.060, 70.146.070, 70.146.100, 70.146.110, 70.148.020, 70.148.025, 70.148.070, 70.149.030, 70.149.040, 70.149.070, 70.149.120, 70.150.030, 70.150.070, 70.164.020, 70.164.030, 70.220.020, 70.220.030, 70.220.050, 70.235.005, 70.235.020, 70.235.030, 70.235.040, 70.235.050, 70.235.060, 70.235.070, 70.235.080, 70.240.025, 70.240.035, 70.240.040, 70.240.050, 70.260.010, 70.270.030, 70.270.040, 70.270.050, 70.275.030, 70.275.040, 70.275.050, 70.275.160, 70.280.040, 70.280.050, 70.285.020, 70.285.040, 70.285.050, 70.285.090, 70.300.040, 70.310.030, 70.310.040, 70.310.050, 70.315.010, 70.315.020, 70.315.050, 70.325.020, 70.325.040, 70.325.050, 70.340.020, 70.340.030, 70.340.040, 70.340.050, 70.340.060, 70.340.080, 70.340.090, 70.340.100, 70.340.120, 70.340.130, 70.340.900, 70.360.060,

70.360.070, 70.360.090, 70.360.100, 70.360.110, 70.365.020, 70.365.030, 70.365.040, 70.365.050, 70.365.070, 70.365.080, 70.375.020, 70.375.040, 70.375.050, 70.375.060, 70.375.080, 70.375.090, 70.380.020, 77.55.061, 81.77.010, 81.77.030, 81.77.040, 82.04.660, 82.04.755, 82.04.765, 82.08.0287, 82.08.810, 82.08.811, 82.08.036, 82.08.998, 82.12.0282, 82.12.038, 82.12.810, 82.12.811, 82.12.998, 82.19.040, 82.21.030, 82.23A.020, 82.23A.902, 82.34.030, 82.34.100, 82.44.015, 88.46.010, 90.03.383, 90.03.386, 90.03.570, 90.03.590, 90.46.005, 90.46.010, 90.46.120, 90.48.039, 90.48.110, 90.48.162, 90.48.285, 90.48.530, 90.48.531, 90.52.030, 90.58.355, 90.71.270, 90.71.340, 90.71.370, 90.76.040, 90.76.050, 90.76.070, 90.76.090, 90.76.100, 90.76.110, and 90.76.902; reenacting and amending RCW 15.54.270, 43.21B.110, 43.21B.110, 43.200.015, 70.93.180, 70.94.152, 70.95.090, 70.95N.020, 70.95N.140, 70.105D.020, 70.105D.030, 70.119A.020, 70.240.010, 70.275.020, 70.365.010, 88.40.011, and 90.56.010; adding a new title to the Revised Code of Washington to be codified as Title 70A RCW; creating new sections; recodifying RCW 43.21M.010, 43.21M.020, 43.21M.030, 43.21M.040, 43.21M.900, 43.37.010, 43.37.030, 43.37.040, 43.37.050, 43.37.060, 43.37.080, 43.37.090, 43.37.100, 43.37.110, 43.37.120, 43.37.130, 43.37.140, 43.37.150, 43.37.160, 43.37.170, 43.37.180, 43.37.190, 43.37.200, 43.37.210, 43.37.215, 43.37.220, 43.37.910, 43.145.010, 43.145.020, 43.145.030, 43.146.010, 43.146.900, 43.200.010, 43.200.015, 43.200.020, 43.200.030, 43.200.070, 43.200.080, 43.200.170, 43.200.180, 43.200.190, 43.200.200, 43.200.220, 43.200.230, 43.200.233, 43.200.235, 43.200.900, 43.200.901, 43.200.905, 43.200.907, 43.205.010, 43.205.020, 70.75A.005, 70.75A.010, 70.75A.020, 70.75A.030, 70.75A.040, 70.75A.050, 70.75A.060, 70.76.005, 70.76.010, 70.76.020, 70.76.030, 70.76.040, 70.76.050, 70.76.060, 70.76.070, 70.76.080, 70.76.090, 70.76.100, 70.76.110, 70.93.010, 70.93.020, 70.93.030, 70.93.040, 70.93.050, 70.93.060, 70.93.070, 70.93.080, 70.93.090, 70.93.093, 70.93.095, 70.93.097, 70.93.110, 70.93.180, 70.93.200, 70.93.210, 70.93.220, 70.93.230, 70.93.250, 70.93.910, 70.94.011, 70.94.015, 70.94.017, 70.94.030, 70.94.033, 70.94.035, 70.94.037, 70.94.040, 70.94.041, 70.94.053, 70.94.055, 70.94.057, 70.94.068, 70.94.069, 70.94.070, 70.94.081, 70.94.085, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.095, 70.94.096, 70.94.097, 70.94.100, 70.94.110, 70.94.120, 70.94.130, 70.94.141, 70.94.142, 70.94.143, 70.94.151, 70.94.152, 70.94.153, 70.94.154, 70.94.155, 70.94.157, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.170, 70.94.181, 70.94.200, 70.94.205, 70.94.211, 70.94.221, 70.94.230, 70.94.231, 70.94.240, 70.94.260, 70.94.262, 70.94.302, 70.94.331, 70.94.332, 70.94.335, 70.94.350, 70.94.370, 70.94.380, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 70.94.420, 70.94.422, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.440, 70.94.450, 70.94.453, 70.94.455, 70.94.457, 70.94.460, 70.94.463, 70.94.467, 70.94.470, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.488, 70.94.510, 70.94.521, 70.94.524, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, 70.94.551, 70.94.555, 70.94.600, 70.94.610, 70.94.620, 70.94.640, 70.94.645, 70.94.6511, 70.94.6512, 70.94.6514, 70.94.6516, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, 70.94.6526, 70.94.6528, 70.94.6530, 70.94.6532, 70.94.6534, 70.94.6536, 70.94.6538, 70.94.6540, 70.94.6542, 70.94.6544,

70.94.6546, 70.94.6548, 70.94.6550, 70.94.6552, 70.94.6554, 70.94.6556, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.785, 70.94.800, 70.94.805, 70.94.820, 70.94.850, 70.94.860, 70.94.875, 70.94.880, 70.94.892, 70.94.901, 70.94.902, 70.94.904, 70.94.911, 70.94.960, 70.94.970, 70.94.980, 70.94.990, 70.94.991, 70.94.992, 70.95.010, 70.95.020, 70.95.030, 70.95.055, 70.95.060, 70.95.065, 70.95.075, 70.95.080, 70.95.090, 70.95.092, 70.95.094, 70.95.095, 70.95.096, 70.95.100, 70.95.110, 70.95.130, 70.95.140, 70.95.150, 70.95.160, 70.95.163, 70.95.165, 70.95.167, 70.95.170, 70.95.180, 70.95.185, 70.95.190, 70.95.200, 70.95.205, 70.95.207, 70.95.210, 70.95.212, 70.95.215, 70.95.217, 70.95.218, 70.95.220, 70.95.230, 70.95.235, 70.95.240, 70.95.250, 70.95.255, 70.95.260, 70.95.263, 70.95.265, 70.95.267, 70.95.268, 70.95.270, 70.95.280, 70.95.285, 70.95.290, 70.95.295, 70.95.300, 70.95.305, 70.95.306, 70.95.310, 70.95.315, 70.95.320, 70.95.330, 70.95.400, 70.95.410, 70.95.420, 70.95.430, 70.95.440, 70.95.500, 70.95.510, 70.95.515, 70.95.521, 70.95.530, 70.95.532, 70.95.535, 70.95.540, 70.95.550, 70.95.555, 70.95.560, 70.95.565, 70.95.570, 70.95.600, 70.95.610, 70.95.620, 70.95.630, 70.95.640, 70.95.650, 70.95.660, 70.95.670, 70.95.700, 70.95.710, 70.95.715, 70.95.720, 70.95.725, 70.95.805, 70.95.807, 70.95.810, 70.95.815, 70.95.900, 70.95.903, 70.95.904, 70.95A.010, 70.95A.020, 70.95A.030, 70.95A.035, 70.95A.040, 70.95A.045, 70.95A.050, 70.95A.060, 70.95A.070, 70.95A.080, 70.95A.090, 70.95A.100, 70.95A.910, 70.95A.912, 70.95A.930, 70.95B.010, 70.95B.020, 70.95B.030, 70.95B.040, 70.95B.050, 70.95B.060, 70.95B.071, 70.95B.080, 70.95B.090, 70.95B.095, 70.95B.100, 70.95B.110, 70.95B.115, 70.95B.120, 70.95B.130, 70.95B.140, 70.95B.151, 70.95B.900, 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, 70.95C.050, 70.95C.060, 70.95C.070, 70.95C.080, 70.95C.110, 70.95C.120, 70.95C.200, 70.95C.210, 70.95C.220, 70.95C.230, 70.95C.240, 70.95C.250, 70.95D.010, 70.95D.020, 70.95D.030, 70.95D.040, 70.95D.051, 70.95D.060, 70.95D.070, 70.95D.080, 70.95D.090, 70.95D.100, 70.95D.110, 70.95E.010, 70.95E.020, 70.95E.030, 70.95E.040, 70.95E.050, 70.95E.080, 70.95E.090, 70.95E.100, 70.95F.010, 70.95F.020, 70.95F.030, 70.95G.005, 70.95G.010, 70.95G.020, 70.95G.030, 70.95G.040, 70.95G.050, 70.95G.060, 70.95G.070, 70.95I.005, 70.95I.010, 70.95I.020, 70.95I.030, 70.95I.040, 70.95I.050, 70.95I.060, 70.95I.070, 70.95I.080, 70.95I.901, 70.95J.005, 70.95J.007, 70.95J.010, 70.95J.020, 70.95J.025, 70.95J.030, 70.95J.040, 70.95J.050, 70.95J.060, 70.95J.070, 70.95J.080, 70.95J.090, 70.95K.005, 70.95K.010, 70.95K.011, 70.95K.020, 70.95K.030, 70.95K.040, 70.95K.900, 70.95K.920, 70.95L.005, 70.95L.010, 70.95L.020, 70.95L.030, 70.95L.040, 70.95M.010, 70.95M.020, 70.95M.030, 70.95M.040, 70.95M.050, 70.95M.060, 70.95M.070, 70.95M.080, 70.95M.090, 70.95M.100, 70.95M.110, 70.95M.115, 70.95M.120, 70.95M.130, 70.95M.140, 70.95N.010, 70.95N.020, 70.95N.030, 70.95N.040, 70.95N.050, 70.95N.060, 70.95N.070, 70.95N.080, 70.95N.090, 70.95N.100, 70.95N.110, 70.95N.120, 70.95N.130, 70.95N.140, 70.95N.150, 70.95N.160, 70.95N.170, 70.95N.180, 70.95N.190, 70.95N.200, 70.95N.210, 70.95N.220, 70.95N.230, 70.95N.240, 70.95N.250, 70.95N.260, 70.95N.280, 70.95N.290, 70.95N.300, 70.95N.310, 70.95N.320, 70.95N.330, 70.95N.340, 70.95N.350, 70.95N.900, 70.95N.902, 70.98.010, 70.98.020, 70.98.030,

FORTIETH DAY, FEBRUARY 21, 2020

2020 REGULAR SESSION

70.98.050,	70.98.080,	70.98.085,	70.98.090,	70.98.095,	70.132.050,	70.132.900,	70.138.010,	70.138.020,
70.98.098,	70.98.100,	70.98.110,	70.98.120,	70.98.122,	70.138.030,	70.138.040,	70.138.050,	70.138.060,
70.98.125,	70.98.130,	70.98.140,	70.98.150,	70.98.160,	70.138.070,	70.138.900,	70.138.901,	70.140.010,
70.98.170,	70.98.180,	70.98.190,	70.98.200,	70.98.220,	70.140.020,	70.140.030,	70.140.040,	70.140.050,
70.98.910,	70.98.920,	70.99.010,	70.99.020,	70.99.030,	70.140.060,	70.140.070,	70.140.080,	70.142.010,
70.99.040,	70.99.050,	70.99.060,	70.99.900,	70.99.910,	70.142.020,	70.142.030,	70.142.040,	70.142.050,
70.102.010,	70.102.020,	70.103.010,	70.103.020,		70.146.010,	70.146.020,	70.146.030,	70.146.040,
70.103.030,	70.103.040,	70.103.050,	70.103.060,		70.146.050,	70.146.060,	70.146.070,	70.146.075,
70.103.070,	70.103.080,	70.103.090,	70.105.005,		70.146.090,	70.146.100,	70.146.110,	70.146.120,
70.105.007,	70.105.010,	70.105.020,	70.105.025,		70.148.005,	70.148.010,	70.148.020,	70.148.025,
70.105.030,	70.105.035,	70.105.040,	70.105.050,		70.148.030,	70.148.035,	70.148.040,	70.148.050,
70.105.070,	70.105.080,	70.105.085,	70.105.090,		70.148.060,	70.148.070,	70.148.080,	70.148.090,
70.105.095,	70.105.097,	70.105.100,	70.105.105,		70.148.110,	70.148.900,	70.149.010,	70.149.020,
70.105.109,	70.105.110,	70.105.111,	70.105.112,		70.149.030,	70.149.040,	70.149.050,	70.149.060,
70.105.116,	70.105.120,	70.105.130,	70.105.135,		70.149.070,	70.149.080,	70.149.090,	70.149.100,
70.105.140,	70.105.145,	70.105.150,	70.105.160,		70.149.120,	70.149.800,	70.149.801,	70.149.900,
70.105.165,	70.105.170,	70.105.180,	70.105.200,		70.150.010,	70.150.020,	70.150.030,	70.150.040,
70.105.210,	70.105.215,	70.105.217,	70.105.220,		70.150.050,	70.150.060,	70.150.070,	70.150.080,
70.105.221,	70.105.225,	70.105.230,	70.105.235,		70.150.900,	70.164.010,	70.164.020,	70.164.030,
70.105.240,	70.105.245,	70.105.250,	70.105.255,		70.164.040,	70.164.050,	70.164.060,	70.164.070,
70.105.260,	70.105.270,	70.105.280,	70.105.300,		70.220.010,	70.220.020,	70.220.030,	70.220.040,
70.105.310,	70.105.900,	70.105D.010,	70.105D.020,		70.220.050,	70.235.005,	70.235.010,	70.235.020,
70.105D.030,	70.105D.040,	70.105D.050,	70.105D.055,		70.235.030,	70.235.040,	70.235.050,	70.235.060,
70.105D.060,	70.105D.080,	70.105D.090,	70.105D.100,		70.235.070,	70.235.080,	70.235.900,	70.240.010,
70.105D.110,	70.105D.120,	70.105D.130,	70.105D.140,		70.240.020,	70.240.025,	70.240.030,	70.240.035,
70.105D.150,	70.105D.160,	70.105D.180,	70.105D.190,		70.240.040,	70.240.050,	70.240.060,	70.260.010,
70.105D.200,	70.105D.210,	70.105D.900,	70.105D.905,		70.260.020,	70.260.030,	70.270.010,	70.270.020,
70.105D.910,	70.105D.915,	70.105D.920,	70.106.010,		70.270.030,	70.270.040,	70.270.050,	70.270.060,
70.106.020,	70.106.030,	70.106.040,	70.106.050,		70.275.010,	70.275.020,	70.275.030,	70.275.040,
70.106.060,	70.106.070,	70.106.080,	70.106.090,		70.275.050,	70.275.060,	70.275.070,	70.275.080,
70.106.100,	70.106.110,	70.106.120,	70.106.140,		70.275.090,	70.275.100,	70.275.110,	70.275.130,
70.106.150,	70.106.905,	70.106.910,	70.107.010,		70.275.140,	70.275.150,	70.275.160,	70.275.170,
70.107.020,	70.107.030,	70.107.040,	70.107.050,		70.275.900,	70.275.901,	70.280.010,	70.280.020,
70.107.060,	70.107.070,	70.107.080,	70.107.900,		70.280.030,	70.280.040,	70.280.050,	70.280.060,
70.107.910,	70.116.010,	70.116.020,	70.116.030,		70.285.010,	70.285.020,	70.285.030,	70.285.040,
70.116.040,	70.116.050,	70.116.060,	70.116.070,		70.285.050,	70.285.060,	70.285.070,	70.285.080,
70.116.080,	70.116.090,	70.116.100,	70.116.110,		70.285.090,	70.285.100,	70.295.010,	70.295.020,
70.116.120,	70.116.134,	70.116.140,	70.118.010,		70.300.005,	70.300.010,	70.300.020,	70.300.030,
70.118.020,	70.118.030,	70.118.040,	70.118.050,		70.300.040,	70.300.050,	70.300.060,	70.310.010,
70.118.060,	70.118.070,	70.118.080,	70.118.090,		70.310.020,	70.310.030,	70.310.040,	70.310.050,
70.118.110,	70.118.120,	70.118.130,	70.118A.010,		70.315.010,	70.315.020,	70.315.030,	70.315.040,
70.118A.020,	70.118A.030,	70.118A.040,	70.118A.050,		70.315.050,	70.315.060,	70.315.900,	70.315.901,
70.118A.060,	70.118A.070,	70.118A.080,	70.118A.090,		70.315.902,	70.325.010,	70.325.020,	70.325.030,
70.118A.100,	70.118B.005,	70.118B.010,	70.118B.020,		70.325.040,	70.325.050,	70.340.010,	70.340.020,
70.118B.030,	70.118B.040,	70.118B.050,	70.118B.060,		70.340.030,	70.340.040,	70.340.050,	70.340.060,
70.118B.070,	70.119.010,	70.119.020,	70.119.030,		70.340.070,	70.340.080,	70.340.090,	70.340.100,
70.119.040,	70.119.050,	70.119.060,	70.119.070,		70.340.110,	70.340.120,	70.340.130,	70.340.900,
70.119.081,	70.119.090,	70.119.100,	70.119.110,		70.355.010,	70.360.010,	70.360.020,	70.360.030,
70.119.120,	70.119.130,	70.119.140,	70.119.150,		70.360.040,	70.360.050,	70.360.060,	70.360.070,
70.119.160,	70.119.170,	70.119.180,	70.119.900,		70.360.080,	70.360.090,	70.360.100,	70.360.110,
70.119A.020,	70.119A.025,	70.119A.030,	70.119A.040,		70.360.900,	70.365.010,	70.365.020,	70.365.030,
70.119A.050,	70.119A.060,	70.119A.070,	70.119A.080,		70.365.040,	70.365.050,	70.365.060,	70.365.070,
70.119A.100,	70.119A.110,	70.119A.115,	70.119A.120,		70.365.080,	70.365.900,	70.370.010,	70.370.020,
70.119A.130,	70.119A.140,	70.119A.150,	70.119A.170,		70.370.030,	70.370.040,	70.375.010,	70.375.020,
70.119A.180,	70.119A.190,	70.119A.200,	70.119A.210,		70.375.030,	70.375.040,	70.375.050,	70.375.060,
70.119A.900,	70.120.010,	70.120.020,	70.120.070,		70.375.070,	70.375.080,	70.375.090,	70.375.100,
70.120.080,	70.120.100,	70.120.120,	70.120.130,		70.375.110,	70.375.120,	70.375.130,	70.380.010,
70.120.150,	70.120.160,	70.120.170,	70.120.190,		70.380.020,	70.380.030,	70.380.900,	90.76.005,
70.120.210,	70.120.230,	70.120.902,	70.120A.010,		90.76.020,	90.76.040,	90.76.050,	90.76.060,
70.120A.020,	70.120A.030,	70.120A.050,	70.121.010,		90.76.080,	90.76.090,	90.76.100,	90.76.110,
70.121.020,	70.121.030,	70.121.040,	70.121.050,		90.76.901,	and 90.76.902;	repealing RCW 70.105E.010,	
70.121.060,	70.121.070,	70.121.080,	70.121.090,		70.105E.020,	70.105E.030,	70.105E.040,	70.105E.050,
70.121.100,	70.121.110,	70.121.120,	70.121.130,		70.105E.060,	70.105E.080,	70.105E.100,	70.105E.900,
70.121.140,	70.121.150,	70.121.900,	70.121.905,		and 70.105E.901;	providing effective dates; and providing an	expiration date.	
70.132.010,	70.132.020,	70.132.030,	70.132.040,					

Referred to Committee on Environment, Energy & Technology.

HB 2251 by Representatives Thai and Cody

AN ACT Relating to the expiration date for notification of dispensing an interchangeable biological product; amending RCW 69.41.193; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SHB 2295 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Griffey, Irwin and Wylie)

AN ACT Relating to enforcement of small claims court judgments; and amending RCW 12.40.105.

Referred to Committee on Law & Justice.

SHB 2356 by House Committee on Consumer Protection & Business (originally sponsored by Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie and Volz)

AN ACT Relating to reducing barriers to professional licensure for individuals with previous criminal convictions; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Labor & Commerce.

HB 2477 by Representatives Vick, Hoff, Volz and Kraft

AN ACT Relating to review standards for professional licensing regulation; and adding a new chapter to Title 18 RCW.

Referred to Committee on Labor & Commerce.

HB 2524 by Representatives Chandler, Blake and Dent

AN ACT Relating to expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing; and amending RCW 15.83.010 and 15.83.030.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2669 by Representatives Sullivan, MacEwen, Lovick and Tharinger

AN ACT Relating to creating Seattle NHL hockey special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2682 by Representatives Senn, Kilduff, Leavitt and Pollet

AN ACT Relating to out-of-home services; amending RCW 74.13.350; reenacting and amending RCW 13.04.030; adding a new chapter to Title 71A RCW; recodifying RCW 74.13.350; and repealing RCW 13.34.270.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2747 by Representatives Ramel, Lekanoff, Riccelli and Ormsby

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

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2749 by Representatives Orwall, Gregerson, Entenman and Sullivan

AN ACT Relating to authorizing an extension of time for certain cities to decline to partner with the department of revenue for the issuance or renewal of general business licenses; and amending RCW 35.90.020.

Referred to Committee on Ways & Means.

HB 2757 by Representatives Corry, Appleton, Rude, Frame, Dent, Riccelli, Davis and Lekanoff

AN ACT Relating to official state designations; amending RCW 1.20.090 and 1.20.042; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 2773 by House Committee on Consumer Protection & Business (originally sponsored by Kirby and Vick)

AN ACT Relating to transportation; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SHB 2794 by House Committee on Human Services & Early Learning (originally sponsored by Frame, Davis, Peterson, Lekanoff, Pollet and Santos)

AN ACT Relating to juvenile record sealing; amending RCW 13.50.260; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 2833 by Representative Hoff

AN ACT Relating to the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing; and amending RCW 18.43.035 and 18.43.200.

Referred to Committee on Labor & Commerce.

SHB 2836 by House Committee on Transportation (originally sponsored by Lovick, Boehnke, Valdez, Gregerson, Ortiz-Self, Riccelli, Shewmake, Kloba, Mead, Doglio, Entenman, Tarleton, Hudgins, Ryu, Pettigrew, Thai, Morgan, Santos, Lekanoff, Slatter, Orwall, Davis, Sells, Goodman, Appleton, J. Johnson and Chopp)

AN ACT Relating to establishing an unpiloted aircraft system state coordinator; amending RCW 47.68.020; adding a new section to chapter 47.68 RCW; and providing an effective date.

Referred to Committee on Transportation.

FORTIETH DAY, FEBRUARY 21, 2020

2020 REGULAR SESSION

HB 2837 by Representatives Boehnke and Hudgins

AN ACT Relating to expanding powers granted to state historical societies; and amending RCW 27.34.070.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 2867 by Representative Blake

AN ACT Relating to the calculation of interest associated with annual tax reporting periods without making any changes to the interest rate; amending RCW 82.32.050 and 82.32.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8666

By Senators Schoesler and Liias

WHEREAS, Washington FFA has approximately twelve thousand student members represented by all nine FFA districts around the entire state; and

WHEREAS, Washington FFA members contribute 4.4 billion dollars nationally generated through their Supervised Agricultural Experience programs, which promote hands-on learning as an extension of the classroom; and

WHEREAS, Washington agriculture contributes 10.6 billion dollars in revenue a year from 39,500 farms and ranches according to the Washington Farm Bureau and is twelve percent of Washington's total economy; and

WHEREAS, Washington FFA allows students to develop personally and professionally through a variety of opportunities that appeal to all different learning types utilizing a three-circle model encompassing classroom instruction, Supervised Agricultural Experiences, and FFA; and

WHEREAS, Each FFA chapter plans events throughout the year which will better their members and the community around them through a program of activities which is submitted to Washington FFA at the beginning of each school year; and

WHEREAS, Washington FFA hosts "Emerge" which is an in-state leadership conference reaching approximately two hundred eighty members statewide; and

WHEREAS, Washington FFA is home to Julie Smiley who was the first-ever female national officer in 1976 hailing from the Mount Vernon FFA chapter; and

WHEREAS, The Sumner FFA chapter is in the top six for most national winners with fifteen first-place finishers; and

WHEREAS, On average three thousand members and guests attend the Washington FFA state convention each spring; and

WHEREAS, Individual members and teams of members are recognized for their hard work and success in thirty-two different career and leadership development events each year at the convention; and

WHEREAS, Washington FFA began in 1930 and is celebrating its ninetieth year in 2020; and

WHEREAS, The ninetieth Washington FFA Convention and Expo will be held May 14th-16th;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington FFA's ninetieth year of existence as it is a historical marker in history.

Senators Schoesler, Liias, Short, Warnick, Honeyford, Wagoner and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

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

MOTION

Senator Zeiger moved adoption of the following resolution:

SENATE RESOLUTION
8686

By Senators Zeiger, Wellman, Hunt, Nguyen, Randall, Das, Kuderer, Liias, Hawkins, Muzzall, Wagoner, Warnick, Rivers, and Saldaña

WHEREAS, The Washington State Senate recognize February 21, 2020, as Civic Education Day; and

WHEREAS, Civic Education Day fortifies collaboration between educators, legislators, and students statewide; and

WHEREAS, Civic education is provided statewide in schools by instructors through curriculum that includes government, history, law, and democracy; and

WHEREAS, Robust educational programs promote civility and encourage pivotal participation in our legislative processes and democratic institutions; and

WHEREAS, Organizations including TVW, the Secretary of State, the Legislative Youth Advisory Council, the Washington World Fellows, 4-H Know Your Government, the Department of Children, Youth, and Families, We The People, the League of Women Voters, YMCA Youth & Government, the Office of the Superintendent of Public Instruction's History Day, the State Treasurer, iCivics, the Model United Nations, Boys State, Girls State, the Youth Ambassadors, the Association of Washington Student Leaders, the Junior State of America, and AmeriCorps are keen on making civic education a priority for Washington State and its citizens; and

WHEREAS, The Senate exhibit dedication to civic education through the Washington State Legislative Internship Program; and

WHEREAS, The 2020 Legislative Internship Program includes students from seventeen of Washington's public and private institutions, representing colleges and universities across the State of Washington; and

WHEREAS, Participants in the Legislative Internship Program and other highlighted institutions leave their programs as stronger students and civically engaged citizens; and

WHEREAS, The Senate demonstrate responsibility to civic education through the Senate Page Program and Page School; and

WHEREAS, Hundreds of students from across Washington State have the opportunity each year to observe the legislative process and other branches of state government in action as pages; and

WHEREAS, Legislative support of educational opportunities for youth and the general public is essential to civility in the state; and

WHEREAS, The Senate celebrate Civic Education Day and honor the contributions of teachers, principals, community members, parents, state employees, interns, pages, and volunteers who help form an educated citizenry;

NOW, THEREFORE, BE IT RESOLVED, That on February 21, 2020, the Washington State Senate reaffirm the importance of civic education and recognize the dedication of civic educators across the state to serve and inform all Washingtonians; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor, thank, and celebrate the civic educators and civic education organizations of our state.

Senators Zeiger and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

MOTION

At 10:20 a.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, February 24, 2020.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 24, 2020

The Senate was called to order at 12:05 p.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2020

SB 6248 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6248 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 20, 2020

EHB 1187 Prime Sponsor, Representative Dent: Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 21, 2020

SHB 1251 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning security breaches of election systems or election data including by foreign entities. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

February 20, 2020

SHB 1293 Prime Sponsor, Committee on Appropriations: Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 21, 2020

ESHB 1520 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning calendar election dates on ballot envelopes. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Rules for second reading.

February 21, 2020

E2SHB 1521 Prime Sponsor, Committee on Appropriations: Providing for accountability and transparency in government contracting. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Ways & Means.

February 20, 2020

ESHB 1622 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Concerning drought preparedness and response. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Short.

Referred to Committee on Ways & Means.

February 21, 2020

HB 2230 Prime Sponsor, Representative Gregerson: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Referred to Committee on Ways & Means.

February 21, 2020

HB 2380 Prime Sponsor, Representative Tharinger: Changing the home care agency vendor rate and repealing electronic timekeeping. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 21, 2020

SHB 2456 Prime Sponsor, Committee on Appropriations: Concerning working connections child care eligibility. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

February 20, 2020

SHB 2525 Prime Sponsor, Committee on Human Services & Early Learning: Establishing the family connections program. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 20, 2020

E2SHB 2528 Prime Sponsor, Committee on Appropriations: Recognizing the contributions of the state's forest products sector as part of the state's global climate response. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 21, 2020

ESHB 2551 Prime Sponsor, Committee on State Government & Tribal Relations: Permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 20, 2020

ESHB 2571 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning increased deterrence and meaningful enforcement of fish and wildlife violations. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 21, 2020

EHB 2584 Prime Sponsor, Representative Caldier: Establishing rates for behavioral health services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 21, 2020

SHB 2589 Prime Sponsor, Committee on Education: Requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 21, 2020

SHB 2728 Prime Sponsor, Committee on Appropriations: Implementing a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair;

FORTY THIRD DAY, FEBRUARY 24, 2020

2020 REGULAR SESSION

Randall, Vice Chair; O'Ban, Ranking Member; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

February 21, 2020

SHB 2787 Prime Sponsor, Committee on Human Services & Early Learning: Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

February 20, 2020

SHB 2873 Prime Sponsor, Committee on Human Services & Early Learning: Concerning families in conflict. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2020

SHB 2905 Prime Sponsor, Committee on Appropriations: Increasing outreach and engagement with access to baby and child dentistry programs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

Agriculture, Department of - "*Pesticide Management Division 2019 Annual Report*", pursuant to 15.58.420 RCW;

Children, Youth, and Families, Department of - "*Child Fatality Report, July - September 2019*", pursuant to 74.13.640

RCW; "*Quarterly DCYF Social Services Specialists Report, July - September 2019*", in accordance with Engrossed Substitute House Bill No. 1109;

Health Care Authority - "*Home Health Services to Medical Assistance Clients*", in accordance with Engrossed Substitute House Bill No. 1109; "*Military and Military-Affiliated Licensure Streamlining*", pursuant to 73.04.150 RCW;

Transportation, Department of - "*Violations of Environmental Permits and Regulations for State Highway Projects*", pursuant to 47.85.040 RCW; "*Local Governments Determination on Permits*", pursuant to 47.01.485 RCW; "*Fund Transfers Report, October - December 2019*", in accordance with Engrossed Substitute House Bill No. 1160; "*Fund Transfers Report (TPA and CWA Accounts), October - December 2019*", in accordance with Engrossed Substitute House Bill No. 1160; "*Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 2*", in accordance with Engrossed Substitute House Bill No. 1160; "*Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, October - December 2019*", in accordance with Engrossed Substitute House Bill No. 1160.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6692 by Senator Keiser

AN ACT Relating to granting additional and progressive tax authority for counties with populations exceeding two million and cities therein to impose an excise tax on businesses that addresses the affordable housing crisis and reduces homelessness through evidence-based practices that will save lives and improve public safety, while also ensuring certainty and predictability for businesses; adding a new section to chapter 43.31 RCW; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 1390 by Representatives Leavitt, Volz, Dolan, Fitzgibbon, Caldier, Wylie, Pellicciotti, MacEwen, Griffey, Callan, Kilduff, Appleton, Jinkins, Tharinger, Blake, Ramos, Eslick, Slatter, Valdez, Schmick, Shewmake, Doglio, Goodman, Pollet and Ortiz-Self

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

Referred to Committee on Ways & Means.

E2SHB 1860 by House Committee on Appropriations (originally sponsored by Pollet, Stanford, Riccelli, Robinson, Wylie, Gregerson, Lovick, Peterson, Ryu, Shewmake, Valdez, Jinkins, Goodman, Tarleton, Fitzgibbon, Leavitt, Doglio and Macri)

AN ACT Relating to taking action to address lead in drinking water in schools; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28A.195 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 2050 by House Committee on Transportation (originally sponsored by Chambers, Cody, Corry, Goehner, Springer, Schmick, Jenkin and Fey)
AN ACT Relating to creating Washington wine special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2085 by House Committee on Transportation (originally sponsored by Orcutt and Blake)
AN ACT Relating to creating Mount St. Helens special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

ESHB 2116 by House Committee on Education (originally sponsored by Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet and Santos)
AN ACT Relating to establishing a task force on improving institutional education programs and outcomes; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

EHB 2166 by Representatives Orcutt, Lovick, Chapman, Barkis, Blake and Kretz
AN ACT Relating to creating special license plates that support working forests; amending RCW 46.18.200, 46.17.220, and 46.68.420; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

EHB 2216 by Representatives Eslick, Dent, Corry and Jenkin
AN ACT Relating to sports pool boards; and amending RCW 9.46.0335.

Referred to Committee on Labor & Commerce.

ESHB 2220 by House Committee on Education (originally sponsored by Dolan, Callan, Ortiz-Self, Ryu, Appleton, Valdez, Frame, Davis, Ormsby, Irwin, Wylie, Doglio, Santos and Peterson)
AN ACT Relating to parental involvement through volunteering in schools after a criminal conviction; amending RCW 28A.320.155 and 28A.400.303; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning & K-12 Education.

ESHB 2342 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton)

AN ACT Relating to aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act; amending RCW 36.70A.130 and 90.58.080; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

EHB 2440 by Representatives Kilduff, Lovick, Chapman, Orwall, Rude, Leavitt, Santos, Pollet and Wylie
AN ACT Relating to a medical alert designation on driver's licenses; amending RCW 46.20.161; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2575 by House Committee on State Government & Tribal Relations (originally sponsored by Pellicciotti, Ryu, Tarleton, Orwall, Dolan, J. Johnson and Pollet)
AN ACT Relating to reforms to increase transparency and accountability of the Washington redistricting commission; amending RCW 44.05.020, 44.05.030, 44.05.070, 44.05.080, 44.05.100, 44.05.110, and 42.30.040; adding a new section to chapter 44.05 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 2588 by House Committee on Local Government (originally sponsored by Pollet, Leavitt, Valdez, Senn, Duerr, Ryu, Frame, Boehnke, Hudgins and Kraft)
AN ACT Relating to improving openness, accountability, and transparency of special purpose districts; amending RCW 36.96.010, 36.96.020, 36.96.030, 36.96.040, 36.96.050, 36.96.900, and 42.30.077; adding new sections to chapter 36.96 RCW; creating a new section; and repealing RCW 42.17A.010.

Referred to Committee on Local Government.

E2SHB 2662 by House Committee on Appropriations (originally sponsored by Maycumber, Cody, DeBolt, Tharinger, Chopp, Harris, Macri, Thai, Chambers, Caldier, Duerr, Hudgins, Chapman, Steele, Gildon, Eslick, Robinson, Irwin, Lekanoff, Senn, Doglio, Gregerson, Peterson, Goodman, Leavitt, Frame, Pollet, Riccelli, Volz, Davis and Kloba)
AN ACT Relating to reducing the total cost of insulin; amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding new sections to chapter 70.14 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

ESHB 2676 by House Committee on Transportation (originally sponsored by Kloba, Boehnke and Hudgins)
AN ACT Relating to establishing minimum requirements for the testing of autonomous vehicles; adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date.

Referred to Committee on Transportation.

FORTY THIRD DAY, FEBRUARY 24, 2020

2020 REGULAR SESSION

ESHB 2723 by House Committee on Transportation
(originally sponsored by Wylie)

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

ESHB 2775 by House Committee on Health Care & Wellness
(originally sponsored by Macri, Van Werven, Shewmake and Doglio)

AN ACT Relating to the practice of colon hydrotherapy; amending RCW 18.360.020, 18.360.030, 18.360.040, 18.360.050, 18.360.060, and 18.360.090; reenacting and amending RCW 18.360.010 and 18.130.040; adding a new section to chapter 18.36A RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 2879 by House Committee on Innovation, Technology
& Economic Development (originally sponsored by
Vick and Eslick)

AN ACT Relating to fostering economic growth in Washington by supporting in-state manufacturing; adding a new section to chapter 44.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Financial Institutions, Economic Development & Trade.

ESHB 2919 by House Committee on Finance (originally
sponsored by Chopp and Tharinger)

AN ACT Relating to adjusting the amount and use of county fees on the real estate excise tax; and amending RCW 82.45.180.

Referred to Committee on Housing Stability & Affordability.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Liias and without objection, the rules were suspended and the following measures listed on the "Bill Dispositions – 2/24/2020" sheet were referred to the Committee on Rules, X file:

Senate Bill No. 5016; Senate Bill No. 5059; Senate Bill No. 5182; Senate Bill No. 5249; Senate Bill No. 5275; Senate Bill No. 5315; Senate Bill No. 5486; Senate Bill No. 5636; Senate Bill No. 5830; Senate Bill No. 5939; Senate Bill No. 6033; Senate Bill No. 6039; Senate Bill No. 6071; Senate Bill No. 6077; Senate Bill No. 6079; Senate Bill No. 6114; Senate Bill No. 6121; Senate Bill No. 6148; Senate Bill No. 6157; Senate Bill No. 6163; Senate Bill No. 6179; Senate Bill No. 6203; Senate Bill No. 6204; Senate Bill No. 6214; Senate Bill No. 6219; Senate Bill No. 6220; Senate Bill No. 6224; Senate Bill No. 6230; Senate Bill No. 6237; Senate Bill No.

6242; Senate Bill No. 6255; Senate Bill No. 6264; Senate Bill No. 6270; Senate Bill No. 6271; Senate Bill No. 6289; Senate Bill No. 6294; Senate Bill No. 6307; Senate Bill No. 6311; Senate Bill No. 6323; Senate Bill No. 6334; Senate Bill No. 6340; Senate Bill No. 6349; Senate Bill No. 6351; Senate Bill No. 6361; Senate Bill No. 6362; Senate Bill No. 6364; Senate Bill No. 6405; Senate Bill No. 6407; Senate Bill No. 6411; Senate Bill No. 6414; Senate Bill No. 6422; Senate Bill No. 6425; Senate Bill No. 6444; Senate Bill No. 6449; Senate Bill No. 6466; Senate Bill No. 6470; Senate Bill No. 6475; Senate Bill No. 6479; Senate Bill No. 6485; Senate Bill No. 6489; Senate Bill No. 6494; Senate Bill No. 6511; Senate Bill No. 6513; Senate Bill No. 6552; Senate Bill No. 6560; Senate Bill No. 6563; Senate Bill No. 6566; Senate Bill No. 6577; Senate Bill No. 6584; Senate Bill No. 6599; Senate Bill No. 6607; Senate Bill No. 6610; Senate Bill No. 6630; Senate Bill No. 6646; Senate Bill No. 6651; Senate Bill No. 6656; Senate Bill No. 6668; Senate Joint Memorial 8001; Senate Joint Memorial 8002; Senate Joint Memorial 8006; Senate Joint Memorial 8018; Senate Bill No. 5077; Senate Bill No. 5078; Senate Bill No. 5137; Senate Bill No. 5184; Senate Bill No. 5224; Senate Bill No. 5263; Senate Bill No. 5279; Senate Bill No. 5304; Senate Bill No. 5308; Senate Bill No. 5485; Senate Bill No. 5489; Senate Bill No. 5496; Senate Bill No. 5523; Senate Bill No. 5525; Senate Bill No. 5635; Senate Bill No. 5694; Senate Bill No. 5731; Senate Bill No. 5739; Senate Bill No. 5746; Senate Bill No. 5787; Senate Bill No. 5873; Senate Bill No. 5936; Senate Bill No. 5986; Senate Concurrent Resolution 8405; Senate Bill No. 5033; Senate Bill No. 5219; Senate Bill No. 5494; Senate Bill No. 5590; Senate Bill No. 5592; Senate Bill No. 5643; Senate Bill No. 5676; Senate Bill No. 5920; Senate Bill No. 6126; Senate Bill No. 6134; Senate Bill No. 6173; Senate Bill No. 6207; Senate Bill No. 6209; Senate Bill No. 6216; Senate Bill No. 6228; Senate Bill No. 6247; Senate Bill No. 6284; Senate Bill No. 6295; Senate Bill No. 6312; Senate Bill No. 6314; Senate Bill No. 6329; Senate Bill No. 6336; Senate Bill No. 6346; Senate Bill No. 6355; Senate Bill No. 6356; Senate Bill No. 6365; Senate Bill No. 6385; Senate Bill No. 6386; Senate Bill No. 6400; Senate Bill No. 6402; Senate Bill No. 6406; Senate Bill No. 6418; Senate Bill No. 6450; Senate Bill No. 6464; Senate Bill No. 6487; Senate Bill No. 6504; Senate Bill No. 6505; Senate Bill No. 6514; Senate Bill No. 6523; Senate Bill No. 6536; Senate Bill No. 6545; Senate Bill No. 6553; Senate Bill No. 6557; Senate Bill No. 6578; Senate Bill No. 6635; Senate Bill No. 6083; Senate Bill No. 6094; Senate Bill No. 6251; Senate Bill No. 6481; Senate Joint Memorial 8016; Senate Joint Memorial 8019; Substitute Senate Bill No. 5096; Engrossed Substitute Senate Bill No. 5228; Substitute Senate Bill No. 5354; Substitute Senate Bill No. 5366; Engrossed Second Substitute Senate Bill No. 5483; Engrossed Substitute Senate Bill No. 5536; Substitute Senate Bill No. 5633; and Senate Bill No. 5816.

MOTION

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

MOTION

Senator Zeiger moved adoption of the following resolution:

SENATE RESOLUTION
8688

By Senators Zeiger, Wellman, and Becker

WHEREAS, For the past eighty-seven years, the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920's as a modest garden party, it has grown into the festival that we all know, love, and look forward to today; and

WHEREAS, Each year, twenty-three young women pass a rigorous selection process to represent both their schools and their communities across Pierce County; and

WHEREAS, Members of the Royal Court serve as role models for youth around our region. Their volunteerism, civic pride, and willingness to be ambassadors for Pierce County serve as shining examples for all youth in the community; and

WHEREAS, This year's Daffodil Court includes: Hailey Hansen from Orting High School, Cara Brauen from Puyallup High School, Laana Stafford from Lakes High School, Megan Gratzner from Rogers High School, Cassie Redding from Foss High School, Brooklyn Hose from Curtis High School, Shelby Collins from White River High School, Naiseth Munoz from Clover Park High School, Nicole Brandmire from Emerald Ridge High School, Genevieve Hamlin from Wilson High School, Mia McOsker from Graham Kapowsin High School, Tia Bjornson from Stadium High School, Nicole Capps from Sumner High School, Elena Breiner from Bonney Lake High School, Madison Davies from Spanaway Lake High School, Catlina Dillon from Chief Leschi High School, Emily Frey from Eatonville High School, Lindsey Clark from Franklin Pierce High School, Joy Mwangi from Fife High School, Idriana Jan Abinales from Washington High School, Jade Lansberry from Lincoln High School, Hana Hong from Mount Tahoma High School, and Nathalie Perez from Bethel High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its Royal Court for the past eighty-seven years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2020 Daffodil Festival Officers and to all the members of the 2020 Daffodil Festival Royalty.

Senators Zeiger and Wellman spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed members of the 2020 Daffodil Court who were seated in the gallery.

MOTION

Senator McCoy moved adoption of the following resolution:

SENATE RESOLUTION 8691

By Senator McCoy

WHEREAS, There are more than three hundred local education agencies and more than two thousand schools throughout the State of Washington, all of which are working to provide high quality educational opportunities for the students they serve; and

WHEREAS, Each school and community is different, and some have had to overcome great obstacles; and

WHEREAS, Schools should be recognized not only for student achievement, but also for demonstrating growth and closing opportunity gaps; and

WHEREAS, State law directs the State Board of Education, the Office of the Superintendent of Public Instruction, and the Educational Opportunity Gap and Oversight and Accountability Committee to collaborate on school recognition; and

WHEREAS, In 2018, the United States Department of Education approved Washington State's state plan under the federal Every Student Succeeds Act; and

WHEREAS, The shift to the Every Student Succeeds Act accountability system presented an opportunity for Washington State to make its school recognition system more equitable; and

WHEREAS, The Washington school recognition program commits to upholding a recognition framework that showcases schools succeeding in serving all students equitably; and

WHEREAS, Each year, schools are to be identified and recognized for their exemplary performance based on multiple outcomes and indicators that are fair, consistent, transparent, and easily understood by schools and communities; and

WHEREAS, The Washington school recognition program uses state and local data to identify schools that have made gains in targeted areas and are on a path toward overall improvements in achievement, growth, and closing opportunity gaps; and

WHEREAS, In Spring 2020, over three hundred fifty schools across the state will be recognized and celebrated for closing gaps, showing growth, and demonstrating achievement the previous school year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor state-recognized schools and the extraordinary commitment of Washington State's K-12 schools to our students' futures.

Senators McCoy and Wellman spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

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

PERSONAL PRIVILEGE

Senator Sheldon: "Madam President, I, it gives me pause to rise for a somber note after those wonderful resolutions but I want rise and recognize Trooper Tony Radulescu. And, Trooper Tony was killed yesterday, eight years ago in the line of duty. He was performing a routine traffic stop on Highway 16 in Gorst, just outside of Bremerton. Tony had served 16 years with the Washington State Patrol, so add on those eight that he has not served he would be at 24 years today. A wonderful guy, spent time with the community. If you think of somebody, when you see his picture of a trooper that you admire it was Tony. He was very involved as I said with the community and certainly a very liked guy and certainly didn't deserve to be murdered by a driver that he stopped to inspect his vehicle with a light out. So, it's too bad and we will remember Tony. Thank you Madam President."

REMARKS BY SENATOR LIAS

FORTY THIRD DAY, FEBRUARY 24, 2020

2020 REGULAR SESSION

Senator Liias: "Thank you Madam President and thank you to Senator Sheldon. I had the opportunity to meet Tony's family eight years ago and some of the people that worked with him. So, thank you for that reminder of what a special person he was and his service to the people of Washington."

MOTION

At 12:18 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Tuesday, February 25, 2020.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY FOURTH DAY**NOON SESSION**

Senate Chamber, Olympia
Tuesday, February 25, 2020

The Senate was called to order at 12:03 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2020

ESHB 1023 Prime Sponsor, Committee on Health Care & Wellness: Allowing certain adult family homes to increase capacity to eight beds. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Becker.

Referred to Committee on Rules for second reading.

February 24, 2020

ESHB 1551 Prime Sponsor, Committee on Health Care & Wellness: Modernizing the control of certain communicable diseases. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

February 24, 2020

ESHB 1608 Prime Sponsor, Committee on Health Care & Wellness: Protecting patient care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Becker.

Referred to Committee on Rules for second reading.

February 24, 2020

SHB 2017 Prime Sponsor, Committee on Appropriations: Concerning collective bargaining for administrative law judges. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Ways & Means.

February 24, 2020

HB 2259 Prime Sponsor, Representative Rude: Expanding background check requirements for certain educational institutions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 24, 2020

HB 2266 Prime Sponsor, Representative Doglio: Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 24, 2020

SHB 2378 Prime Sponsor, Committee on Health Care & Wellness: Concerning physician assistants. Reported by Committee on Health & Long Term Care

FORTY FOURTH DAY, FEBRUARY 25, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 24, 2020

ESHB 2411 Prime Sponsor, Committee on Health Care & Wellness: Preventing suicide. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 24, 2020

ESHB 2443 Prime Sponsor, Committee on Housing, Community Development & Veterans: Requiring the use of personal flotation devices on smaller vessels. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

February 24, 2020

SHB 2554 Prime Sponsor, Committee on Health Care & Wellness: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker; Muzzall and Rivers.

Referred to Committee on Ways & Means.

February 24, 2020

HB 2587 Prime Sponsor, Representative Ramel: Establishing a program for the designation of state scenic bikeways. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

February 24, 2020

SHB 2613 Prime Sponsor, Committee on Labor & Workplace Standards: Granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2020

HB 2617 Prime Sponsor, Representative Robinson: Concerning the lease or rental of surplus property of school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 24, 2020

ESHB 2638 Prime Sponsor, Committee on Commerce & Gaming: Authorizing sports wagering subject to the terms of tribal-state gaming compacts. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Schoesler.

Referred to Committee on Ways & Means.

February 24, 2020

HB 2691 Prime Sponsor, Representative Valdez: Concerning the scope of collective bargaining for language access providers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Ways & Means.

February 24, 2020

SHB 2711 Prime Sponsor, Committee on Education: Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Wagoner.

Referred to Committee on Ways & Means.

February 24, 2020

ESHB 2775 Prime Sponsor, Committee on Health Care & Wellness: Practicing colon hydrotherapy. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 24, 2020

EHB 2811 Prime Sponsor, Representative Johnson, J.: Establishing a statewide environmental sustainability education program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 24, 2020

SGA 9284 KENNETH J. PEDERSEN, appointed on March 21, 2019, for the term ending September 8, 2023, as Member of the Public Employment Relations Commission. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2020

SGA 9297 ISABEL A. COLE, appointed on June 18, 2019, for the term ending June 17, 2025, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JANE K. BROOM DAVIDSON, appointed February 10, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9391.

February 18, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARK R. BUSTO, reappointed February 18, 2020, for the term ending September 8, 2024, as Member of the Public Employment Relations Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9392.

February 18, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GERALD L. MARTIN, appointed February 18, 2020, for the term ending September 30, 2024, as Member of the Everett Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9393.

FORTY FOURTH DAY, FEBRUARY 25, 2020

2020 REGULAR SESSION

February 19, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFFREY J. HENSLER, appointed February 19, 2020, for the term ending September 30, 2025, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9394.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MOTION

Senator Hawkins moved adoption of the following resolution:

SENATE RESOLUTION
8685

By Senator Hawkins

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The Wenatchee Valley is preparing to celebrate the 101st annual Washington State Apple Blossom Festival to take place from April 23rd to May 3rd; and

WHEREAS, The Apple Blossom Festival, which began as a one day gathering of songs and speeches in Wenatchee's Memorial park, is the oldest major festival in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the noble spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women were selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as princesses and queen; and

WHEREAS, Kaia St. John has been selected to represent her community as a 2020 Apple Blossom Princess, in part for her many academic achievements and dedication to extracurricular activities, including being part of her High School's ASB for three consecutive years as Senate Member, Student Body Secretary, and Senior Class President; she was involved in the school newspaper, Horticulture and Honors Society, and she has one year of work experience as a tutor and mentor at a middle school after school program while also working on obtaining her High School Diploma and her Associates degree from Wenatchee

Valley College; all of which illustrate her kindness, optimism, and love for her community; and

WHEREAS, Kelly Norland has been selected to represent her community as a 2020 Apple Blossom Princess, in part for her strong leadership skills and dedication to be an exemplary role model to her community, she is the ASB President of her high school, has been a leader in the Random Acts of Kindness Club since middle school, is involved in Honor Society, is currently working on her fourth varsity letter in Community Service, founded an annual Duathlon to raise money for a local beneficiary, is involved in Young Life as a music leader and a volunteer at a month long camp, is a second year Running Start student involved in American Sign Language Club, and is an award winning poet at Wenatchee Valley College, all of which show her dedication to the community she loves; and

WHEREAS, Tess Sparks has been selected to represent her community as the 2020 Apple Blossom Queen, in part for her leadership, volunteer work, and drive to succeed in all that she does, including being the President of her high school's National Honor Society, and being captain of her soccer team her senior year, helping her team win the District Championship title for the first time in her high school's history; she volunteers in the Wenatchee Valley as a member of the Key Club, is a Link Crew Member Leader where she helps students transition from Junior High to High School, and in her free time she enjoys hiking and taking pictures of the beautiful Wenatchee Valley; and

WHEREAS, These three young women desire to share their proven talents and leadership to serve their community and honor the 101st Anniversary of the Apple Blossom Festival;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the accomplishments of the members of the Apple Blossom Royal Court and join the Wenatchee Valley and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival and honoring the positive impact it has had on the state of Washington for 101 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Tess Sparks, Princess Kaia St. John, Princess Kelly Norland, and the board of directors of the Washington State Apple Blossom Festival.

Senator Hawkins spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 2020 Apple Blossom Royal Court: Queen Tess Sparks, Princess Kelly Norland, and Princess Kaia St. John who were seated in the gallery.

MOTION

Senator Randall moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senators Randall, Takko, Stanford, Nguyen, Cleveland, Hunt, Wilson, C., Sheldon, Liias, and Short

WHEREAS, National protections were written into law thirty years ago, while the origin of advocacy for persons with disabilities began as early as 1936 when a grass roots organization of parents from all over Washington state formed; and

WHEREAS, Nearly a quarter of Washingtonians live with some type of disability and rely on such protections every day; and

WHEREAS, Advocates with disabilities, their families, and allies taught the nation that disability is a part of human existence and developed the rallying cry "nothing about us without us"; and

WHEREAS, The Americans with Disabilities Act was the first monumental piece of civil rights legislation for persons with disabilities; and

WHEREAS, This was the accomplishment of self-advocates, their families, and allies of all races, ethnicities, creeds, genders, abilities, and sexual orientations; and

WHEREAS, The ADA provided an encompassing definition of disability, which contends that disability is not a barrier to an individual's participation in society; and

WHEREAS, Washington state is still working to ensure that all persons with disabilities have equal opportunities and access to participate fully in our society; and

WHEREAS, The ADA has been an instrumental tool for advocates with disabilities and families to address such barriers; and

WHEREAS, We remain committed to working alongside advocates with disabilities and their families to address the barriers to equal opportunity and participation in society;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the thirtieth anniversary of the Americans with Disabilities Act, which was the result of persistent efforts of self-advocates, their families, and allies from the disability community, but that it is only the beginning of our work.

Senator Randall spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced self-advocates Ms. Ivanova Smith and Mr. Ryan Nesbitt, Ms. Kelly Nesbitt, mother of Mr. Nesbitt, and Ms. Melissa Lund, Kitsap County Parent Coalition Coordinator, who were seated in the gallery.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8692

By Senators Liias and Salomon

WHEREAS, David Orrin Earling has served the people of Edmonds since 1992, first as a member of the city council and later as mayor of Edmonds since 2011, and has been a strong leader and an asset to the city and our region during a period of significant growth and change; and

WHEREAS, He has dedicated himself to building community, restoring civility, and encouraging civic participation during his tenure as mayor; and

WHEREAS, David Earling has served the public and his community in various capacities since the very beginning of his career, as a beloved music professor at Shoreline Community College, as a member of the Edmonds City Council, the Edmonds Chamber of Commerce, Sound Transit, Senior Services of Snohomish County, and the Central Puget Sound Growth Management Hearings Board, among others; and

WHEREAS, David Earling successfully championed efforts to turn Edmonds into a destination for the arts, including launching the first-ever arts summit in 2013 and leading the city to be named Washington's first certified creative district; and

WHEREAS, He spearheaded growth for the city by overseeing a plan to redevelop the Edmonds stretch of Highway 99 to include more investment in affordable housing and a more pedestrian-friendly feel, promoting a healthy and vibrant feel to the area; and

WHEREAS, He played a key role in the revitalization of Edmonds' public spaces, notably with his efforts to purchase and launch Civic Park, which is now recognized as a first-class downtown facility; and

WHEREAS, David Earling has been widely appreciated and recognized for his spirit of cooperation with fellow leaders, his respectful interactions with colleagues, and his warm connections to many folks in the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize retired Edmonds Mayor David Earling, for his service to the people of Washington State, Snohomish County, and the City of Edmonds, and his long career dedicated to improving the lives of its residents; and

BE IT FURTHER RESOLVED, That in acknowledgment of their recent celebration of their fiftieth wedding anniversary, the Senate recognize Susan Earling for her dedication to the community and her loving presence in her husband's life as David undertook the responsibilities of public office throughout the years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to David Earling in celebration of his service to the City of Edmonds.

Senators Liias and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable David Earling, Mayor Emeritus of Edmonds, who was seated in the gallery.

MOTION

At 12:27 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 26, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

FORTY FIFTH DAY**MORNING SESSION**Senate Chamber, Olympia
Wednesday, February 26, 2020

The Senate was called to order at 10:05 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Julie Jeffers and Miss Abi Gedick, presented the Colors. Page Miss Julie Danielson led the Senate in the Pledge of Allegiance. The prayer was offered by Father Pete Henriot, SJ, Bellarmine Jesuit Community, Tacoma.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 25, 2020

SB 6168 Prime Sponsor, Senator Rolfes: Making 2019-2021 fiscal biennium supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 25, 2020

2EHB 1056 Prime Sponsor, Representative Mosbrucker: Creating a task force to identify the role of the workplace in helping curb domestic violence. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 25, 2020

E2SHB 1110 Prime Sponsor, Committee on Appropriations: Reducing the greenhouse gas emissions associated with transportation fuels. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Erickson, Ranking Member; Brown and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology and Rivers.

Referred to Committee on Transportation.

February 25, 2020

HB 1242 Prime Sponsor, Representative Blake: Concerning the authorization to impose special excise taxes on the sale of lodging. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Ranking Member.

Referred to Committee on Rules for second reading.

February 25, 2020

ESHB 1261 Prime Sponsor, Committee on Environment & Energy: Ensuring compliance with the federal clean water act by prohibiting certain discharges into waters of the state. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment Sheldon, Assistant Ranking Member, Energy & Technology.

MINORITY recommendation: Do not pass. Signed by Senators Erickson, Ranking Member; Brown and Short.

Referred to Committee on Rules for second reading.

February 25, 2020

2ESHB 1332 Prime Sponsor, Committee on Environment & Energy: Concerning updating and streamlining energy facility site evaluation council operations. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology and Short.

Referred to Committee on Rules for second reading.

February 25, 2020
HB 1841 Prime Sponsor, Representative Riccelli: Establishing minimum crew size on certain trains. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun and Schoesler.

Referred to Committee on Rules for second reading.

February 25, 2020
ESHB 2265 Prime Sponsor, Committee on Environment & Energy: Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Brown.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment and Short.

Referred to Committee on Rules for second reading.

February 25, 2020
SHB 2308 Prime Sponsor, Committee on Appropriations: Requiring employers to periodically report standard occupational classifications or job titles of workers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Ways & Means.

February 25, 2020
E2SHB 2311 Prime Sponsor, Committee on Appropriations: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Rivers and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment Sheldon, Assistant Ranking Member, Energy & Technology.

Referred to Committee on Ways & Means.

February 25, 2020
HB 2319 Prime Sponsor, Representative Fitzgibbon: Concerning the sale of liquor in kegs or containers containing four gallons or more of liquor. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 25, 2020
HB 2412 Prime Sponsor, Representative Stonier: Concerning domestic brewery and microbrewery retail licenses. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 25, 2020
HB 2474 Prime Sponsor, Representative Sells: Concerning sales commissions. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 25, 2020
E2SHB 2518 Prime Sponsor, Committee on Appropriations: Concerning the safe and efficient transmission and distribution of natural gas. Reported by Committee on Environment, Energy & Technology

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Rivers and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment Sheldon, Assistant Ranking Member, Energy & Technology.

Referred to Committee on Rules for second reading.

February 25, 2020

HB 2601 Prime Sponsor, Representative Tharinger: Concerning the authority of the parks and recreation commission to approve leases. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 25, 2020

ESHB 2645 Prime Sponsor, Committee on Environment & Energy: Concerning the photovoltaic module stewardship and takeback program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown and Short.

Referred to Committee on Ways & Means.

February 25, 2020

HB 2701 Prime Sponsor, Representative Ormsby: Concerning inspection and testing of fire and smoke control systems and dampers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 25, 2020

SHB 2758 Prime Sponsor, Committee on Labor & Workplace Standards: Recognizing posttraumatic stress disorders

of 911 emergency dispatch personnel. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 25, 2020

EHB 2819 Prime Sponsor, Representative Mosbrucker: Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy and Short.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes.

Referred to Committee on Rules for second reading.

February 25, 2020

HB 2826 Prime Sponsor, Representative Peterson: Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Ways & Means.

February 25, 2020

SHB 2868 Prime Sponsor, Committee on Finance: Allowing for extensions of the special valuation of historic property for certain properties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 25, 2020

E2SHB 2870 Prime Sponsor, Committee on Appropriations: (REVISED FOR ENGROSSED: Allowing the issuance and reissuance of marijuana retail licenses under the social equity program.) Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Schoesler.

Referred to Committee on Rules for second reading.

February 25, 2020

ESHB 2890 Prime Sponsor, Committee on Local Government: Concerning boarding homes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Short, Ranking Member; Honeyford and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Salomon, Vice Chair.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6693 by Senator Mullet

AN ACT Relating to restoring revenue from the real estate excise tax to the public works assistance account; and amending RCW 82.45.230.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

The President suspended Senate Rule 20 for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION 8689

By Senators Mullet and Wellman

WHEREAS, The students of the Tahoma High School enrolled in the We the People: The Citizen and Constitution program have

exhibited significant knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 11, 2020, the Tahoma High School team won the state We the People competition, the school's eleventh consecutive state championship and its twenty-fourth state championship in the last twenty-six years; and

WHEREAS, These students will represent their state this spring at the thirty-third annual We the People finals in Washington, D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, The Tahoma team is coached by Gretchen Wulfin, who was named Washington's Civic Educator of the Year in 2011 and was honored as one of Washington's Civic Educators of 2016, and who, having coached Tahoma's team for twelve years, has significantly deepened her students' knowledge of the U.S. Constitution and Bill of Rights, helping them build important twenty-first century workplace skills, such as time management, reaching consensus, public speaking, conflict management, and working cooperatively as a team; and

WHEREAS, Studies have shown that students who participate in the We the People program excel in their knowledge of civics and the history of the United States constitutional democratic republic, including scoring higher than their peers on tests of civic dispositions, with respect for civic duty, commitment to government service, community involvement, political attentiveness, respect for the rule of law, and the norms of political efficacy and political tolerance; and

WHEREAS, In 2019, the Tahoma team took ninth place at the We the People National Finals in Washington, D.C., marking the sixth time in the last eight years that the school has advanced to the top ten at the finals;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Riley Barlett, Dane Bowman-Weston, Katerina Bruhl, Matthew Bruneel, Neena Chana, Claire Cunningham, Grace Denison, Shelby Ellis, Djanaya Esiong, Issabella Huser, Sarah Kropelnicki, Preston Lievano, Jaden Mason, Aidan Mercado, Emma Nickel, Gage Nickel, Calvin O'Connell, Luke Oriolt, Daniela Perezchica-Trancoso, Claire Riordan, Elizabeth St. John, Jasmine Tran, and Janey Yee as "Warriors of the Constitution"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's We the People team, team advisor Gretchen Wulfin, and Tahoma High School Principal Terry Duty to convey the respect of this body for a phenomenal job and continued success in their future endeavors.

Senator Mullet spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the We the People team from Tahoma High School in Maple Valley led by instructor, Ms. Gretchen Wulfin, who were seated in the gallery.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Honeyford, Warnick, Schoesler, Wagoner, Zeiger, Wilson, L., Brown, Van De Wege, Muzzall, Holy, Becker, King, Short, O'Ban, Rivers, Hawkins, Conway, and Wellman

WHEREAS, Even before statehood, farmers played an important role in the Oregon Territory providing the food and fiber early residents relied upon; and

WHEREAS, Today the state's 37,500 farms together make up the second largest business sector, with more than ninety percent of these farms being family-owned; and

WHEREAS, Washington agriculture represents thirteen percent of the Washington economy, amounting to fifty-one billion dollars in revenue and 164,400 jobs; and

WHEREAS, The Washington Farm Bureau was formed in 1920, one year after the creation of the American Farm Bureau Federation, to ensure that rural citizens enjoyed the same benefits as those living in the cities, including rural electrification and telephone access; and

WHEREAS, The first county Farm Bureaus in Washington were established in Columbia, Kittitas, Skagit, Spokane, Yakima, and Walla Walla counties; and

WHEREAS, Today the Washington Farm Bureau has over 46,000 member families and consists of twenty-five county Farm Bureau organizations representing the interests of farmers at the local, state, and national level; and

WHEREAS, The Washington Farm Bureau is the largest all-encompassing agricultural organization in the state, and is commonly referred to as the "Voice of Washington Agriculture"; and

WHEREAS, 2020 is the Centennial Year for the Washington Farm Bureau;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Washington Farm Bureau's centennial year and the work it does on behalf of the state's farmers and ranchers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to John Stuhlmiller, Washington Farm Bureau Chief Executive Officer, and Mike LaPlant, President of Washington Farm Bureau.

Senators Honeyford, Warnick and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Washington Farm Bureau, including: Mr. Mike LaPlant, President; Mr. Brad Haberman, First Vice President; Ms. Anne Lawrence, Second Vice President; and Mr. John Stuhlmiller, Chief Executive Officer who were seated in the gallery.

MOTION

At 10:22 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:04 a.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 6248, by Senators Frockt and Honeyford

Concerning the capital budget.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6248 was substituted for Senate Bill No. 6248 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking floor amendment no. 1173 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2021, out of the several funds specified in this act.

PART 1

GENERAL GOVERNMENT

Sec. 1001. 2019 c 413 s 1009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Program (30000803)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,455,000 of the amount reappropriated in this section is provided solely for the Byrd Barr place, formerly known as Centerstone, building renovation project.

(2) \$220,000 of the amount reappropriated in this section is provided solely for El Centro de la Raza boiler fan and master plan for rehabilitation. This amount is not subject to the match requirements, pursuant to RCW 43.63A.125.

Reappropriation:

State Building Construction Account—State	\$1,675,000
Prior Biennia (Expenditures).....	(\$19,184,000)
.....	<u>\$17,990,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$20,859,000</u>
.....	<u>\$19,665,000</u>

Sec. 1002. 2019 c 413 s 1029 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,050,000 of the state taxable building construction account—state appropriation and ~~(\$45,950,000)~~ \$42,950,000 of the state building construction account—state appropriation are

provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with ~~((behavioral or))~~ chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) \$10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) \$10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) \$10,000,000 of the appropriation in this section is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than fifteen years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(e)(i) \$7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) ~~(((\$45,950,000))~~ \$42,950,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle)	\$6,000,000
Capitol Hill Housing Broadway (Seattle).....	\$6,000,000
Crosswalk Teen Shelter and Transitional Housing Project (Spokane)	\$1,000,000
Ethiopian Community Affordable Housing (Seattle)	\$3,000,000
FUSION Emergency Housing for Homeless Families (Federal Way).....	\$3,000,000
Highland Village (Airway Heights)	\$5,500,000
Home At Last (Tacoma).....	(((\$1,500,000))
	<u>\$2,500,000</u>
Interfaith Works Shelter (Olympia).....	\$3,000,000
((NorthHaven Affordable Senior Housing Campus (Seattle)	\$1,000,000))
Pateros Gardens (Pateros)	\$1,400,000
((Roslyn Housing Project (Roslyn)	\$2,000,000))
SCIDpda North Lot (Seattle).....	\$9,000,000
((Seattle Indian Health Board - Low Income Housing (Seattle)	\$1,000,000))
Tenny Creek Assisted Living (Vancouver)	\$1,750,000
THA Arlington Drive (Tacoma).....	\$800,000

(g) \$6,000,000 of the appropriation for Capitol Hill Housing Broadway (Seattle) in (f) of this subsection is provided solely for

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1530 Broadway, 1534 Broadway, and 909 East Pine street in Seattle to Capitol Hill Housing to provide services and housing for homeless youth or young adults for a minimum of fifty years. The transfer agreement between the state board for community and technical colleges and Capitol Hill Housing must specify a mutually agreed transfer date and require Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for all three properties. The contract between the department and Capitol Hill Housing must provide that Capitol Hill Housing will be responsible for maintaining and securing the property until it is developed. The contract must also specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state.

(h) \$57,050,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) \$5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

(iii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) \$5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-2021 fiscal biennium "first time home buyer" also includes:

(I) A single parent who has only owned a home with a former spouse while married;

(II) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(III) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(IV) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(b) By June 30, 2021, the department must report on its web site the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

(5) \$10,000,000 of the state building construction account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability, including, but not limited to, United States department of agriculture funded multifamily housing.

(a) Within the amount provided in this subsection (5), the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(b) The department must adhere to the following award terms and procedures for the rapid response program created with this appropriation:

(i) The department shall evaluate applications for funding based on some or all of the criteria in RCW 43.185.070(5).

(ii) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(iii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iv) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(v) Awards may be used for acquisition, or for acquisition and rehabilitation of, properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(vi) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need. If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (5), "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(vii) The award limit in (vi) of this subsection (5) may only be applied to the awards provided under this subsection (5). The amount awarded from this subsection (5) may not be calculated in award limitations for other housing trust fund awards.

Appropriation:

State Building Construction Account—State	(\$45,950,000)
	\$52,950,000
State Taxable Building Construction Account—State	
	\$129,050,000
Subtotal Appropriation	(\$175,000,000)
	\$182,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$480,000,000
TOTAL	\$655,000,000
	\$662,000,000

Sec. 1003. 2019 c 413 s 1030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State	(\$1,020,000)
	\$1,376,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,311,000
TOTAL	\$6,331,000
	\$6,687,000

Sec. 1004. 2019 c 413 s 1035 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy Transition 4 (40000042)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$6,107,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Priority must be given to: (i) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and (ii) projects that have a partner that is a tribe or nonprofit organization that serves community eligible entities. Utilities may partner with other public and private sector research organizations, businesses, tribes, and nonprofit organizations in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(d) \$4,400,000 of the state building construction account—state appropriation is provided solely for providing shore power electrification at terminal five for the northwest seaport alliance. In order to receive this grant, the northwest seaport alliance must demonstrate that they applied to the VW settlement for this project and were denied.

(6)(a) \$8,100,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies.

(d) \$1,000,000 of the state building construction account—state appropriation is provided solely for grants that enhance the viability of dairy digester bioenergy projects, energy efficiency, and resource recovery to demonstrate advanced nutrient recovery

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

systems that produce value added biofertilizers, reduce trucking of lagoon water, and improve soil health and air and water quality. Grants shall include at least one project east of the Cascades and one project west of the Cascades. State agencies must promote and demonstrate the use of such recovered biofertilizers through state procurement and contracts.

(7)(a) \$3,000,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that will provide matching private capital and will administer the loan fund. The department must select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington Maritime Innovation Center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,300,000 of the state taxable construction account—state appropriation is provided solely for scientific instruments to help accelerate research in grid-scale energy storage at the proposed grid-scale energy storage research, development, and testing facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments will support collaborations with the University of Washington and the Washington State University.

(10) \$593,000 of the state building construction account—state appropriation is provided solely to the port of Grays Harbor for an offshore ocean wave renewable energy demonstration project.

(11) \$1,500,000 of the state building construction account—state appropriation is provided solely to the ~~((Port of))~~ Skagit county public works department for the Guemes ferry dock shore power charging infrastructure.

Appropriation:

State Building Construction Account—State.....	\$21,300,000
State Taxable Building Construction Account—State	\$11,300,000
Subtotal Appropriation	\$32,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$192,600,000

Sec. 1005. 2019 c 413 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Health Capacity Grants (40000114)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The

department of commerce must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department of commerce may approve funding for the acquisition of a facility or land if the project results in increased capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a fifteen-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) \$47,000,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) \$4,000,000 is provided solely for at least two enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$4,000,000 is provided solely for at least two facilities with secure withdrawal management and stabilization treatment beds

that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 is provided solely for one or more crisis diversion or stabilization facilities to add sixteen beds in the Spokane region that will address both urban and rural needs, consistent with the settlement agreement in *A.B., by and through Trueblood, et al., v. DSHS, et al.* and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$5,000,000 is provided solely for at least four mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(f) \$8,000,000 is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on ninety-day or one hundred eighty-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the omnibus operating appropriations act for these purposes.

(g) \$4,000,000 is provided solely for competitive community behavioral health grants to address regional needs;

(h) \$8,000,000 is provided solely for at least four intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(i) \$2,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6) \$1,000,000 of the state taxable building construction account—state is provided solely for deposit into the revolving fund established in Second Substitute House Bill No. 1528 (recovery support services) for capital improvements. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) ~~(((\$49,543,000))~~ (a) \$47,935,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

CHAS Spokane Behavioral Health \$400,000
~~((Chelan SUD Design \$206,000
 Columbia Valley Community Health Remodel \$31,000))~~

Colville SUD Facility \$4,523,000
~~((Community Health of Snohomish County Edmonds \$1,000,000))~~

DESC Health Clinic \$6,000,000
 Detox/Inpatient SUD Building (Centralia) \$750,000
 Evergreen RC Addiction Treatment Facility for Mothers (Everett) \$2,000,000
 HealthPoint Behavioral Health Expansion (Auburn) \$1,030,000
 Issaquah Opportunity Center (Issaquah) \$3,000,000
 Jamestown S'Klallam Behavioral Health \$7,200,000
 Lynnwood Sea Mar Behavioral Health Expansion \$1,000,000
 Nexus Youth and Families \$535,000
 North Sound SUD Treatment Facility (Everett) .. \$1,500,000
 Oak Harbor Tri-County Behavioral Health \$1,000,000
 Peninsula Community Health Services Behavioral Health Expansion (Bremerton) \$1,700,000
 Providence Regional Medical Center \$4,700,000
~~((Sea Mar Community Health Centers Seattle BH (Seattle) \$371,000))~~
 Sedro-Woolley North Sound E&T \$6,600,000
 Spokane Crisis Stabilization \$2,000,000
 Virginia Mason Acute Stabilization \$2,200,000
 Yakima Neighborhood Health Services \$488,000
 Yakima Valley Farm Workers Clinic \$309,000
 YVFWC Children's Village \$1,000,000

(b) \$3,577,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

Chelan SUD Design \$206,000
 Community Health of Snohomish County Edmonds \$1,000,000
 The Parkside Place Project (Wenatchee) \$2,000,000
 Sea Mar Community Health Centers Seattle BH (Seattle) \$371,000

~~((8))((a) \$20,000,000 of the appropriation in this section is provided solely for a contract with MultiCare to provide a mixed-use psychiatric care facility in Auburn. The facility must include twelve to eighteen crisis stabilization beds, sixty commitment beds for short term stays, and sixty long term involuntary commitment beds for persons on a ninety day or one hundred eighty day civil commitment.~~

~~((b) The funding in this subsection is subject to the recipient maintaining and operating the beds for at least thirty years to serve (i) persons who are publicly funded and (ii) persons who are detained under the involuntary treatment act under chapter 71.05 RCW.~~

~~((9)))~~ \$408,000 is provided solely for the department for the purpose of providing technical assistance for the community behavioral health grants.

~~((10)))~~ (9) The department of commerce must notify all applicants that they may be required to have a construction review performed by the department of health.

~~((11)))~~ (10) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

((42)) (11) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects in unserved areas of the state.

((43)) (12) The department must provide a progress report by November 1, 2020. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—State(((\$117,951,000))

..... \$98,920,000

State Taxable Building Construction Account—State

..... \$1,000,000

Subtotal Appropriation \$99,920,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$360,000,000

TOTAL \$477,951,000

..... \$459,920,000

Sec. 1006. 2019 c 413 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?al?al "Home" in Lushootseed (Seattle)	\$947,000
4th Ave. Street Enhancement (White Center)	\$670,000
Abigail Stuart House (Olympia).....	\$250,000
Aging in PACE Washington (AiPACE) (Seattle)	\$1,500,000
Airport Utility Extension (Pullman).....	\$1,626,000
Aquatic and Recreation Center (King County)....	\$1,050,000
Arivva Community Center (Tacoma).....	\$1,000,000
Arlington B&G Club Parking Safety (Arlington)...	\$530,000
Asotin Masonic Lodge (Asotin).....	\$62,000
Auburn Arts & Culture Center (Auburn).....	\$500,000
Audubon Center (Sequim).....	\$1,000,000
B&GC of Olympic Peninsula (Port Angeles).....	\$500,000
B&GC of Thurston County (Lacey).....	\$98,000
Ballard Food Bank (Seattle).....	\$750,000
((Battle Ground YMCA (Battle Ground)	\$500,000))
Beacon Center Renovation (Tacoma).....	\$1,000,000
Bellevue HERO House (Bellevue).....	\$46,000
Benton Co. Museum Building Improvements (Prosser)	
.....	\$103,000
Big Brothers Big Sisters Learning Lab (Olympia) ...	\$56,000
Blue Mountain Action Council Comm. Services Center	
(Walla Walla).....	\$1,000,000
Bothell Downtown Revitalization (Bothell).....	\$1,500,000
Bowers Field Airport (Ellensburg).....	\$275,000
Boys & Girls Club of Thurston Co. Upgrades (Rochester)	
.....	\$31,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way)	
.....	\$319,000
Breeze Creek Culvert Replacement/East 4th St. Widening	
(La Center).....	\$1,500,000
Browns Park Project (Spokane Valley)	\$536,000
Buffalo Soldiers' Museum (Seattle).....	\$200,000
Camas Washougal Nature Play Area (Washougal)	\$103,000
Campus Towers (Longview).....	\$228,000
Carbonado Water Source Protection Acquisition	
(Carbonado).....	\$1,500,000
Carl Maxey Center (Spokane).....	\$350,000
Carlisle Lake Park Improvements (Onalaska).....	\$213,000
Carlisle Housing Facility Upgrades (Spokane)	\$400,000
Cathlamet Pioneer Center Restoration (Cathlamet)	\$165,000
Centerville Fire Dept. (Centerville).....	\$216,000
Centerville Grange (Centerville).....	\$90,000
Centralia Fox Theater (Centralia).....	\$1,000,000
Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen)	
.....	\$323,000
Cheney Reclaimed Water Project (Cheney).....	\$2,000,000
Chief Kitsap Education and Community Resource Center	
(Poulsbo).....	\$1,000,000
Chief Leschi Schools Facilities & Safety Project	
(Puyallup).....	\$250,000
Chief Leschi Schools Safety & Security (Puyallup)\$250,000	
Children's Center Design & Feasibility Study (Vancouver)	
.....	\$400,000
Clymer Museum Remodel Ph2 (Ellensburg).....	\$258,000
Colfax Pantry Building (Colfax)	\$247,000
Community Services of Moses Lake Food Bank Facility	
(Moses Lake).....	\$2,000,000
Conconully Community Services Complex (Conconully)	
.....	\$515,000
Cosmopolis Elem. Energy & Safety (Cosmopolis)	\$206,000

Coulee City Medical Clinic (Coulee City).....	\$150,000	Heritage Senior Housing (Chelan)	\$52,000
Curran House Museum (University Place)	\$43,000	High Dune Trail & Conservation Project (Ocean Shores)	
Dakota Homestead (Seattle)	\$155,000	.....	\$140,000
Dawson Park Improvements (Tacoma).....	\$258,000	Historic Downtown Chelan Revitalization (Chelan)	\$52,000
Dayton Pump Station (Edmonds)	\$515,000	Historic Olympic Stadium Preservation Project (Hoquiam)	
((Dock and Marine Terminal (Seattle).....	\$750,000))	.....	\$515,000
Downtown Park Gateway (Bellevue)	\$1,030,000	Historical Museum & Community Center Roof Replacement	
Dungeness River Audubon Center Expansion (Sequim)		(Washtucna)	\$24,000
.....	\$500,000	Historical Society Energy Upgrades (Anderson Island)	
East Blaine Infrastructure (Blaine)	\$500,000	.....	\$14,000
Ejido Community Farm (Whatcom)	\$250,000	Hoh Tribe Broadband (Grays Harbor).....	\$129,000
El Centro de la Raza Federal Way Office (Federal Way)		Horseshoe Lake ADA Upgrades (Woodland).....	\$82,000
.....	\$1,000,000	Housing Needs Study (Statewide).....	\$200,000
Enumclaw Aquatic Center (Enumclaw).....	\$258,000	Howard Bowen Event Complex (Sumas).....	\$1,712,000
Enumclaw Expo Center Roof (Enumclaw).....	\$250,000	Howe Farm Water Service (Port Orchard)	\$52,000
Everett TOD Study (Everett)	\$200,000	ICHS Bellevue Clinic Renovation Project (Bellevue)	
Everett YMCA (Everett).....	\$1,000,000	.....	\$1,600,000
Evergreen High School Health Center (Vancouver)	\$388,000	Illahee Preserve's Lost Continent Acquisition (Bremerton)	
Evergreen Speedway Capital Improvement (Monroe)		.....	\$335,000
.....	\$150,000	((Hwaco Boatyard Modernization (Hwaco)	\$458,000))
Excelsior Integrated Care Ctr. Sports Court (Spokane)		Imagine Children's Museum Expansion and Renovation	
.....	\$266,000	(Everett)	\$2,000,000
Excelsior Roof & Gym Repair (Spokane)	\$263,000	Index Water System Design (Index)	\$23,000
Excelsior Vocational Education Space (Spokane) ..	\$164,000	Infrastructure for Economic Development (Port Townsend)	
Expanding on Excellence Capital Campaign (White Salmon)		.....	\$675,000
.....	\$500,000	Innovative Health Care Learning Center Phase 1 (Yakima)	
Family Education and Support Services (Tumwater)	\$500,000	.....	\$500,000
Felts Field Gateway Improvement Phase 1 (Spokane)		Interactive Educ. Enh./Friends Issaquah Hatchery	
.....	\$100,000	(Issaquah)	\$113,000
Fennel Creek Trailhead (Bonney Lake).....	\$258,000	Intersection Improvements Juanita Dr. (Kirkland) ..	\$750,000
Filipino Hall Renovation (Wapato).....	\$63,000	Japanese American Exclusion Memorial (Bainbridge Island)	
Firecrest Pool (Firecrest)	\$1,000,000	.....	\$155,000
FISH Food Bank (Ellensburg)	\$772,000	Japanese Gulch Daylight Project (Mukilteo).....	\$400,000
Fishtrap Creek Habitat Improvement (Lynden).....	\$258,000	Keller House and Carriage House Paint Restoration	
Flood Plain Stabilization, Habitat Enhancement (Kent)		(Colville).....	\$45,000
.....	\$1,000,000	Key Kirkland Sidewalk Repairs (Kirkland).....	\$537,000
Food Lifeline (Seattle).....	\$1,004,000	Key Peninsula Elder Community (Gig Harbor) ..	\$1,000,000
Foothills Trail Extension (Wilkeson).....	\$500,000	Ki-Be School Parking Lot Improvements (Benton City)	
Fort Steilacoom Park Artificial Turf Infields		.....	\$268,000
(Lakewood).....	\$1,015,000	Kitsap Conservation Study (Kitsap).....	\$51,000
Fourth Plain Community Commons (Vancouver) ..	\$800,000	Kittitas Valley Event Center (Ellensburg).....	\$206,000
Garfield Co. Hospital HVAC (Pomeroy).....	\$250,000	Klickitat Co. Sheriff Office Training Bldg. (Goldendale)	
Gateway Center (Grays Harbor)	\$500,000	.....	\$335,000
Gene Coulon Memorial Beach Park Play Equipment		KNKX Radio Studio (Tacoma)	\$824,000
Upgrade (Renton)	\$618,000	Lacey Veterans Services Hub Facility Renovation (Lacey)	
George Community Hall Roof (George).....	\$201,000	.....	\$2,000,000
George Davis Creek Fish Passage Project (Sammamish)		Lake Chelan Community Center (Lake Chelan)	\$250,000
.....	\$515,000	Lake Chelan Water Supply (Wenatchee)	\$464,000
Gig Harbor Food Bank (Gig Harbor).....	\$180,000	Lake City Community Center Replacement (Seattle)	
Goldendale Airport (Goldendale)	\$550,000	.....	\$2,000,000
((Grand Connection Downtown Park Gateway (Bellevue)	\$1,000,000))	Lake Stevens Civic Center Phase II (Lake Stevens)	\$1,000,000
.....		Lake Sylvia State Park Pavilion (Montesano).....	\$250,000
Granger Historical Museum Construction (Granger)	\$150,000	Lake Wilderness Park Improvements (Maple Valley)	\$200,000
Granite Falls Police Dept. Renovation Project		Land Use & Infrastructure Subarea Plan (Mill Creek)	
(Granite Falls).....	\$412,000	.....	\$300,000
Grays Harbor and Willapa Bay Sedimentation (Grays Harbor)		Larson Gallery Renovation (Yakima)	\$875,000
.....	\$464,000	Leffler Park (Manson)	\$265,000
Grays Harbor YMCA (Grays Harbor)	\$293,000	Legacy in Motion (Puyallup).....	\$1,750,000
Greater Maple Valley Veterans Memorial (Maple Valley)		Legacy Site Utility Infrastructure (Maple Valley) ..	\$154,000
.....	\$102,000	Lewis Co. CHS Pediatric Clinic (Centralia).....	\$84,000
Green Bridges, Healthy Communities; Aurora Bridge I-5		Little Badger Mountain Trailhead (Richland)	\$464,000
(Seattle).....	\$1,500,000	Little Mountain Road Pipeline and Booster Station	
Greenwood Cemetery Restoration (Centralia).....	\$402,000	(Mount Vernon)	\$1,300,000
Greenwood Cemetery Safety Upgrades (Centralia) ..	\$91,000	Long Beach Police Department (Long Beach)	\$705,000
HealthPoint (Tukwila)	\$1,000,000	Lopez Island Swim Center (Lopez Island)	\$1,000,000
HealthPoint Dental Expansion (SeaTac).....	\$1,545,000	Lummi Hatchery Project (San Juan)	\$1,000,000

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Mabton City Park (Mabton).....	\$54,000	Pomeroy Booster Pumping Station (Pomeroy).....	\$96,000
Main Street Redevelopment Project - Phase 2 (University Place).....	\$985,000	Port of Everett (Everett)	\$300,000
Mariner Community Campus (Everett)	\$2,250,000	Port of Ilwaco Boatyard Modernization (Ilwaco)...	\$545,000
Mary's Place (Burien)	\$2,050,000	Port of Willapa Harbor Dredging Support Boat (Tokeland)	\$180,000
Marymount Museum/Spana-Park Senior Center (Spanaway)	\$1,000,000	Poulsbo Historical Society (Poulsbo)	\$400,000
McChord Airfield North Clear Zone (Lakewood) ..	\$500,000	Prairie View Schoolhouse Community Center (Waverly)	\$57,000
McCormick Woods Sewer Lift #2 Improvements (Port Orchard).....	\$800,000	Protect Sewer Plant from Erosion (Ocean Shores) ..	\$155,000
Melanie Dressel Park (Tacoma).....	\$500,000	Puyallup Culvert Replacement (Puyallup)	\$515,000
Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island)	\$500,000	Puyallup Street Frontage Improvement (Puyallup) ..	\$258,000
Missing & Murdered Indigenous Women Memorial (Toppenish).....	\$49,000	Puyallup VFW Kitchen Renovation (Puyallup)	\$52,000
Monroe B&G Club ADA Improvements (Monroe)	\$464,000	Quincy Hospital (Quincy)	\$300,000
Mountlake Terrace Main Street (Mountlake Terrace)	\$750,000	Quincy Square on 4th (Bremerton)	\$206,000
Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase (Glenwood).....	\$400,000	Recreation Park Renovation (Chehalis).....	\$258,000
Mt. Adams School District Athletic Fields (Harrah)	\$242,000	Redmond Pool (Redmond)	\$1,000,000
Mt. Peak Fire Lookout Tower (Enumclaw)	\$381,000	Renton Trail Connector (Renton).....	\$500,000
Mt. Spokane SP Ski Lift (Mead).....	\$750,000	Richmond Highland Recreation Center Repairs (Shoreline)	\$500,000
Mukilteo Promenade (Mukilteo).....	\$500,000	Rise Together White Center Project (King County)	\$1,000,000
Museum Storage Building (Steilacoom).....	\$72,000	Ritzville Business & Entrepreneurship Center (Ritzville)	\$350,000
Naches Fire/Rescue, Yakima Co. #3 (Naches)	\$200,000	Rosalia Sewer Improvements (Rosalia).....	\$500,000
Naselle HS Music/Vocational Wing (Naselle).....	\$258,000	Roslyn Downtown Assoc. (Roslyn)	\$480,000
Naselle Primary Care Clinic (Naselle).....	\$216,000	<u>Roslyn Housing Project (Roslyn).....</u>	<u>\$2,000,000</u>
Naselle SD Flooring (Naselle).....	\$237,000	Royal Park & Rec Ctr. (Royal City).....	\$250,000
NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock)	\$283,000	Sargent Oyster House Maritime Museum (Allyn) ..	\$218,000
NEW Health Programs, Colville Dental Clinic (Colville)	\$1,250,000	Schmid Ballfields Ph3 (Washougal).....	\$584,000
Newman Lake Flood Control Zone District (Newman Lake)	\$415,000	Scott Hill Park & Sports Complex (Woodland)	\$500,000
North Elliott Bay Public Dock; Marine Transit Terminal (Seattle).....	\$1,000,000	Sea Mar Community Health Centers Tumwater Dental (Olympia).....	\$170,000
<u>NorthHaven Affordable Senior Housing Campus (Seattle)</u>	<u>\$1,000,000</u>	Seaport Landing (Aberdeen)	\$349,000
Northshore Senior Center Rehabilitation Project (Bothell)	\$500,000	Seattle Aquarium (Seattle)	\$1,000,000
Northwest African American Museum (Seattle).....	\$500,000	Seattle Goodwill (Seattle)	\$2,000,000
Northwest Native Canoe Center (Seattle)	\$986,000	<u>Seattle Indian Health Board (Seattle)</u>	<u>\$1,000,000</u>
NW School of Wooden Boatbuilding (Port Hadlock)	\$464,000	Sewage Lagoon Decommissioning (Concrete).....	\$255,000
Oak Harbor Marina (Oak Harbor)	\$400,000	Shelton Civic Center Parking Lot (Shelton).....	\$283,000
Oakville SD Kitchen Renovation (Oakville)	\$517,000	Shoreline Maintenance Facility - Brightwater Site (Shoreline).....	\$500,000
Oddfellows Ellensburg Bldg. Restoration (Ellensburg)	\$267,000	Skabob House Cultural Center (Shelton)	\$350,000
Opening Doors - Permanent Supportive Housing Facility (Bremerton)	\$750,000	Skagit County Sheriff Radios (Skagit)	\$1,000,000
Orting City Hall and Police Station (Orting)	\$600,000	Skamania Courthouse Plaza (Stevenson)	\$150,000
Orting Ped Evac Crossing (Orting)	\$103,000	Snohomish Carnegie Project (Snohomish)	\$500,000
Othello Regional Water (Othello).....	\$425,000	Snohomish County Sheriff's Office South Precinct (Snohomish)	\$1,000,000
Outdoors for All (Seattle)	\$1,000,000	Snohomish Fire District #26 Communications Project (Gold Bar)	\$27,000
Pacific Co. Fairgrounds Roof (Menlo)	\$210,000	Snoqualmie Early Learning Center (Snoqualmie) ..	\$500,000
Packwood FEMA Floodplain Study (Packwood) ...	\$637,000	Snoqualmie Valley Youth Activities Center (North Bend)	\$412,000
Pasco Farmers Market & Park (Pasco)	\$154,000	South Fork Snoqualmie Levee Setback Project (North Bend)	\$250,000
Pendergast Regional Park Phase II (Bremerton).....	\$50,000	SOZO Sports Indoor Arena (Yakima).....	\$600,000
Peninsula Community Health Service Dental Mobile (Bremerton)	\$340,000	Spokane Sportsplex (Spokane).....	\$1,000,000
PenMet - Cushman Trail Enhancements (Gig Harbor)	\$52,000	Springbrook Park Expansion & Clover Creek Restoration (Lakewood)	\$773,000
PenMet Community Rec Center (Gig Harbor)	\$173,000	SR 503 Ped/Bike Ph1&2 (Woodland)	\$235,000
Pet Overpopulation Prevention Vet Clinic Building (West Richland).....	\$300,000	SR 530 "Oso" Slide Memorial (Arlington).....	\$300,000
Pine Garden Apartment Roof (Shelton).....	\$46,000	Stan and Joan Cross Park (Tacoma)	\$500,000
Pioneer Park Fountain (Walla Walla)	\$9,000	Starfire Sports STEM (Tukwila)	\$250,000
		((Step by Step (Puyallup)	\$500,000))
		Stevens Co. Disaster Response Communications (Colville)	\$500,000
		Sultan Water Treatment Plant Design (Sultan).....	\$246,000

Sumas History Themed Playground and Water Park (Sumas)	
.....	\$288,000
Sunnyside Airport Hangar Maintenance Facility (Sunnyside).....	(\$500,000)
	<u>\$750,000</u>
Sunnyside Yakima Valley-TEC Welding Program (Yakima)	
.....	\$26,000
Sunset Multi-Service & Career Development Center (Renton).....	\$1,000,000
SW WA Dance Center (Chehalis)	\$62,000
SW WA Fairgrounds (Chehalis).....	\$103,000
SW Washington Regional Agriculture & Innovation Park (Tenino).....	\$1,500,000
Swede Hall Renovation (Rochester).....	\$196,000
((Tacoma Beacon Center Renovation (Tacoma)	\$1,000,000))
Tacoma Community House (Tacoma).....	\$413,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso)	\$1,030,000
Tehaleh Slopes Bike Trail (Bonney Lake).....	\$309,000
((Telford Helipad (Creston).....	\$52,000))
Tenino City Hall Renovation (Tenino)	\$515,000
Terminal 1 Waterfront Development (Vancouver)	\$4,700,000
The AMP: Aids Memorial Pathway (Seattle)	\$600,000
The Morck Hotel (Aberdeen).....	\$500,000
Toledo Sewer & Water (Toledo)	\$469,000
Tonasket Senior Citizen Ctr. (Tonasket).....	\$33,000
Town Center to Burke Gilman Trail Connector (Lake Forest Park)	\$500,000
Tukwila Village Food Hall (Tukwila)	\$400,000
Twin Springs Park (Kenmore).....	\$155,000
Twisp Civic Building & EOC (Twisp)	\$1,288,000
United Way of Pierce County HVAC (Tacoma)	\$206,000
University Place Arts (University Place)	\$34,000
Vertical Evacuation (Ocean Shores)	\$500,000
Veterans Memorial Museum (Chehalis)	\$123,000
Veterans Supportive Housing (Yakima).....	\$2,500,000
VOA Lynnwood Center (Lynnwood).....	\$1,000,000
Volunteer Park Amphitheater (Seattle).....	\$500,000
West Kelso Affordable Housing & Community Facility Study (Kelso).....	\$258,000
WA Poison Control IT (Seattle)	\$151,000
Waitsburg Taggart Road Waterline (Waitsburg)	\$456,000
Wallula Dodd Water System Improvement (Walla Walla)	
.....	\$1,000,000
Wapato Creek Restoration (Fife)	\$258,000
Warren Ave. Playfield (Bremerton).....	\$206,000
Washington Park Boat Launch Storm Damage (Anacortes)	
.....	\$200,000
Wesley Homes (Des Moines)	\$2,000,000
Westport Dredge Material Use (Westport)	\$250,000
Whidbey Is. B&G Coupeville (Coupeville).....	\$849,000
Whidbey Is. B&G Oak Harbor (Oak Harbor).....	\$743,000
((White Center Community HUB (Seattle).....	\$500,000))
Wilkeson Water Protection (Wilkeson)	\$36,000
Willapa BH - Long Beach Safety Improvement Project (Long Beach)	\$225,000
William Shore Memorial Pool (Port Angeles).....	\$840,000
Wing Luke Museum Homestead Home (Seattle) ...	\$500,000
Wisdom Ridge Business Park (Ridgefield).....	\$2,000,000
Yakima Co. Veterans Dental Facility (Yakima).....	\$469,000
Yakima Valley Fair & Rodeo Multi-Use Facility (Grandview).....	\$200,000
Yelm Business Incubator Serving Thurston/Pierce Counties (Yelm)	\$200,000
Yelm Water Tower (Yelm).....	\$303,000

YMCA Childcare Center Tenant Improvements (Woodinville)	
.....	\$1,000,000

(8) \$400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) \$200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) \$200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) \$1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. \$1,000,000 of these funds are provided solely for the design phase of the project; \$150,000 of these funds are provided solely for land acquisition; and \$150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

(12) \$2,000,000 of the appropriation in this section for Roslyn Housing Project is provided solely for a grant to enable Forterra NW, or a wholly-owned subsidiary of Forterra NW, to begin work on a community development project in the city of Roslyn that includes housing, commercial, retail, or governmental uses. The work must include phased preacquisition due diligence, land acquisition or predevelopment engineering, design, testing, and permitting activities, including work done by both the appropriation recipient and third parties retained by the recipient.

Appropriation:

State Building Construction Account—State((\$162,793,000))	
.....	<u>\$162,283,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$162,793,000</u>
.....	<u>\$162,283,000</u>

Sec. 1007. 2019 c 413 s 1043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.))~~

(2) The funding in this section is provided solely for grants, loans, and administrative expenses related to implementation of the broadband program. Of the total funds:

(a) ~~(\$14,440,000)~~ \$10,775,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) ~~(\$7,110,000)~~ \$10,775,000 is provided solely for grants.

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

((4)) (3) By January 1, 2021, in the first report to the legislature required under section 6 of Second Substitute Senate Bill No. 5511 (broadband service), the governor's statewide broadband office must include a list of potential regional projects that will accelerate broadband access by providing connections to local jurisdictions, with recommendations for how to fund such larger scale projects. This list must be developed within existing resources.

Appropriation:

Statewide Broadband Account—State.....\$21,550,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$80,000,000
 TOTAL.....\$101,550,000

NEW SECTION. Sec. 1008. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021 Local and Community Projects (40000130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?a?al Chief Seattle Club (Seattle).....\$200,000
 Academy Smokestack Preservation (Vancouver)...\$103,000
 African Refugee & Immigrant Housing (Tukwila)..\$200,000
 AG Tour Train Ride (Reardan).....\$125,000
 ASUW Shell House (WWI Hanger/Canoe House) (Seattle).....\$100,000
 Ballinger Park - Hall Creek Restoration
 (Mountlake Terrace).....\$200,000
 Brewing Malting & Distilling System (Tumwater) \$112,000
 Cathlamet Pioneer Center Restoration (Cathlamet)..\$55,000
 Centro Cultural Mexicano (Redmond)\$80,000
 City of Fircrest Meter Replacement (Fircrest)\$200,000

Columbia Dance Down Payment for Building
 Purchase (Vancouver)\$100,000
 Columbia Heritage Museum Repairs (Ilwaco)\$150,000
 Community Hub Public Safety Initiative (Walla Walla).....\$200,000
 Community Pedestrian Safety (SeaTac).....\$100,000
 Conconully Fire & Rescue (Riverside)\$179,000
 Creative Districts (Statewide).....\$200,000
 EL 79.2 Distribution System Design (Othello)\$175,000
 El Centro de la Raza (Seattle)\$500,000
 Emergency Lockdown Shelter for Outdoor
 Preschool (Various).....\$24,000
 Emergency Shelter Project (Skykomish).....\$20,000
 Emergency Structural Repairs 1902 Van Marter
 Building (Lind).....\$25,000
 Everett Recovery Cafe Renovation Project (Everett)\$200,000
 Filipino Community Center (Seattle)\$1,000,000
 George Schmid Ball Field #3 and Lighting
 Phase 3 (Washougal).....\$200,000
 Harlequin State Theater (Olympia)\$88,000
 Home At Last (Tacoma).....\$200,000
 If You Could Save Just One (Spokane).....\$100,000
 Index Water Line Replacement and Repair (Index)\$105,000
 Institute for Community Leadership (Kent)\$46,000
 Islands' Oil Spill Association (Friday Harbor)\$232,000
 Issaquah School District Early Learning Center (Issaquah).....\$155,000
 King County Emergency Training Facility (Fall City).....\$1,000,000
 Kingston Coffee Oasis (Kingston)\$150,000
 Kitsap Filipino American Community Center (Bremerton).....\$93,000
 Lacey Food Bank (Lacey)\$193,000
 Lake Washington Loop Trail Bicycle Safety
 Improvements (Kenmore)\$200,000
 Magnuson Park Center for Excellence Building 2
 (Seattle).....\$78,000
 Morrow Manor (Poulsbo).....\$250,000
 Mount Zion Housing (Seattle).....\$250,000
 Mukilteo Solar Panels (Mukilteo)\$40,000
 New Arcadia (Auburn).....\$100,000
 New Beginnings House (Puyallup)\$150,000
 Non-motorized Bridge at Bothell Landing (Bothell)\$155,000
 Port of Quincy Intermodal Terminal Infrastructure
 (Quincy)\$100,000
 Port Susan Trail (Stanwood)\$200,000
 Puyallup Food Bank Facility Expansion (Puyallup)\$217,000
 Puyallup VFW Orting Civil War Medal of Honor
 Monument (Orting)\$7,000
 Ramstead Regional Park (Everson).....\$200,000
 Redondo Fishing Pier (Des Moines)\$275,000
 Replacement Hospice House (Richland).....\$200,000
 Restroom Renovation (Ilwaco).....\$35,000
 Ridgefield Library Building Project (Ridgefield)...\$500,000
 Safety Driven Replacement (Lake Stevens)\$125,000
 Salvation Army Community Resource Center (Yakima).....\$200,000
 School and Transit Connector Sidewalk (Kirkland)\$120,000
 School District & Comm. Emergency Preparedness Center
 (Carbonado).....\$200,000
 Shelton-Mason County YMCA (Shelton)\$200,000
 Shore Aquatic Center Expansion (Port Angeles) ...\$200,000
 Sign Reinstallation at Maplewood Elementary (Puyallup).....\$5,000
 Sky Valley Emergency Generators (Sultan).....\$75,000

Sno Valley Kiosk (North Bend).....	\$20,000
Snohomish Boys and Girls Club (Snohomish)	\$125,000
Snoqualmie Valley Shelter Service Resource (Snoqualmie)	\$200,000
South Yakima Conservation District Groundwater Mgmt. (Yakima)	\$45,000
Spokane Sportsplex (Spokane)	\$200,000
Spokane Valley Museum (Spokane Valley)	\$70,000
Stevens Elementary Solar Panels (Seattle)	\$120,000
Sullivan Park Waterline Installation (Spokane Valley)	\$130,000
Trail Lighting - Cross Kirkland Corridor (Kirkland)	\$200,000
Transitions TLC Transitional Housing Renovations (Spokane).....	\$100,000
Triumph Treatment Child Care & Behavioral Health Exp. (Yakima)	\$180,000
Vashon Food Bank Site Relocation (Vashon).....	\$36,000
Vashon Youth and Family Services (Vashon)	\$86,000
Washington State Horse Park and Covered Arena (Ellensburg)	\$375,000
Wenatchee Valley Museum and Cultural Center (Wenatchee).....	\$200,000
Yakima County Care Campus Conversion Project (Yakima)	\$275,000

(8) It is the intent of the legislature that future applications for state funding for the ASUW Shell House be made through competitive grant programs.

(9) The Creative Districts program funded in this section shall be administered by the Washington state arts commission. The commission is authorized to use up to three percent of the funds to administer the program.

Appropriation:

State Building Construction Account—State.....	\$13,254,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,254,000

NEW SECTION. Sec. 1009. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute (40000136)

Appropriation:

State Building Construction Account—State.....	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000

NEW SECTION. Sec. 1010. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Enhanced Shelter Capacity Grants (92000939)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to eligible organizations under RCW 43.185.060 to rapidly shelter individuals experiencing homelessness through the construction of enhanced homeless shelter facilities and the conversion of existing homeless shelters to enhanced shelters. The department must allocate funding to eligible organizations based on the proportional share of chronically homeless individuals, based on the most recent homeless census, in the county primarily served by the eligible organization.

(2) Of the amount appropriated in this section, for the proportional share of funding allocated to a county with a population over one million five hundred thousand, an amount proportional to the share of chronically homeless individuals in the largest city in the county must be provided to eligible organizations primarily serving homeless individuals in the

largest city in the county to construct enhanced homeless shelter facilities or convert existing homeless shelters to enhanced shelters.

(3) For purposes of this section, "enhanced shelters" means shelters that offer extended service hours and provide common areas necessary to the intended population.

Appropriation:

State Building Construction Account—State	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$15,000,000

Sec. 1011. 2019 c 413 s 1051 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	(\$200,000)
.....	<u>\$171,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$250,000</u>
.....	<u>\$221,000</u>

Sec. 1012. 2019 c 413 s 1059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	(\$19,377,000)
.....	<u>\$18,165,000</u>
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$19,677,000</u>
.....	<u>\$18,465,000</u>

Sec. 1013. 2019 c 413 s 1065 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Landlord Mitigation Account (92000722)

The appropriation in this section is subject to the following conditions and limitations:

~~((1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.~~

~~((2) \$1,000,000))~~ \$1,500,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—State	(\$1,000,000)
.....	<u>\$1,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$1,000,000</u>
.....	<u>\$1,500,000</u>

Sec. 1014. 2019 c 413 s 1033 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Community Economic Revitalization Board
(40000040)

Appropriation:

Public Facility Construction Loan Revolving

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Account—State.....	(\$8,600,000))
.....	\$18,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,400,000
TOTAL	\$43,000,000
.....	\$53,000,000

Sec. 1015. 2019 c 413 s 1073 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for an environmental impact statement that includes the following alternatives, at a minimum:

- (a) Managed lake;
- (b) Hybrid lake; and
- (c) Estuary.

(2) A draft environmental impact statement with at least the three options in subsection (1) of this section must be submitted to legislative fiscal committees by June 30, 2021. It is the intent of the legislature that a final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to legislative fiscal committees by June 30, 2022.

(3) The ~~((reappropriation is))~~ appropriations are subject to the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State.....\$3,369,000

Appropriation:

State Building Construction Account—State.....\$2,165,000

General Fund—Private/Local.....\$284,000

Subtotal Appropriation.....\$2,449,000

Prior Biennia (Expenditures).....\$881,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$4,250,000

.....\$6,699,000

Sec. 1016. 2019 c 413 s 1078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

~~((Enterprise Services Account—State.....\$207,000))~~

State Building Construction Account—State.....\$3,246,000

State Vehicle Parking Account—State.....\$79,000

Subtotal Reappropriation.....~~(((\$3,532,000))~~

.....\$3,325,000

Prior Biennia (Expenditures).....~~(((\$368,000))~~

.....\$261,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$3,900,000

.....\$3,586,000

Sec. 1017. 2019 c 413 s 1090 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Newhouse Replacement (92000020)

The reappropriation in this section is subject to the following conditions and limitations: The final predesign for the Irv Newhouse building replacement must be submitted to the office of financial management and legislative fiscal committees by September 30, 2020, and the department must consult with the leadership of the senate or their designee(s).

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for schematic design and construction of the Irv Newhouse building replacement for the senate, located on the west block of opportunity site six. The schematic design must assume:

(a) Necessary program space required to support senate offices and support functions;

(b) An evaluation of an additional floor to be included for legislative support services;

(c) A building with a façade similar to the American neoclassical style of existing legislative buildings on capitol campus;

(d) Member offices of similar size as member offices in the John A. Cherberg building;

(e) Design and construction of a high performance building that meets net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(f) Building construction that must be procured using a performance-based method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(g) Temporary office space on Capitol Campus, modular space is an option, to be used during the construction of the building;

(h) At least bi-monthly consultation with the leadership of the senate, or their designee(s), and Irv Newhouse tenants;

(i) A draft schematic draft design for the Irv Newhouse building replacement must be submitted to the office of financial management and legislative fiscal committees by January 31, 2021; and

(j) The final schematic design for the Irv Newhouse building replacement must be submitted to the office of financial management and legislative fiscal committees by June 30, 2021.

(2) It is the intent of the legislature that construction documents for the Irv Newhouse building replacement must be submitted to the office of financial management and legislative fiscal committees by November 1, 2021.

Reappropriation:

State Building Construction Account—State.....\$256,000

Appropriation:

State Building Construction Account—State.....\$3,370,000

Prior Biennia (Expenditures).....\$194,000

Future Biennia (Projected Costs).....~~(((\$0))~~

.....\$30,330,000

TOTAL.....\$450,000

.....\$34,150,000

Sec. 1018. 2019 c 413 s 1092 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Insurance Commissioner Office Building Predesign (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner and the department of children, youth, and families.

(1) In determining the program space required, the predesign must consider:

(a) The necessary program space required to support the office of the insurance commissioner and the department of children, youth, and families, to include detail on current space usage in Thurston county by facility compared to proposed space usage; and

(b) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

(i) Site 1, the general administration building;

(ii) Site 12, the professional arts building; and

(iii) ~~((Site 7, the old IBM building; and~~

~~(+)))~~ Site 6B, the visitor center;

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The predesign study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

Appropriation:

Insurance Commissioners Regulatory Account—State

..... \$300,000

Prior Biennia (Expenditures)

..... \$0

Future Biennia (Projected Costs)

..... \$0

TOTAL

..... \$300,000

NEW SECTION. Sec. 1019. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Chamber Skylights in the Legislative Building (92000010)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for schematic design for the restoration of the legislative skylight openings that are located above the house of representatives and senate chambers, to include work on the bronze ceiling laylight, skylight attic, roof and skylight system, and chamber acoustics. The schematic design must be submitted to the office of financial management and legislative fiscal committees by January 1, 2021.

Appropriation:

State Building Construction Account—State.....

..... \$500,000

Prior Biennia (Expenditures)

..... \$73,000

Future Biennia (Projected Costs)

..... \$0

TOTAL

..... \$573,000

Sec. 1020. 2019 c 413 s 1093 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center and to complete a predesign. If the department has not signed a purchase and sale agreement by June 30, 2021, the amounts provided in this section shall lapse. The department must work to secure federal funding to cover a portion of the costs for design and construction.

Appropriation:

State Building Construction Account—State.....

..... ~~(\$6,600,000))~~

..... \$7,055,000

Prior Biennia (Expenditures)

..... \$0

Future Biennia (Projected Costs)..... ~~(\$83,900,000))~~

..... \$0

TOTAL.....

..... ~~\$90,500,000~~

..... \$7,055,000

PART 2

HUMAN SERVICES

Sec. 2001. 2019 c 413 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (40000003)

Appropriation:

State Building Construction Account—State ~~(\$470,000))~~

..... \$938,000

Prior Biennia (Expenditures)

..... \$0

Future Biennia (Projected Costs)

..... \$0

TOTAL

..... \$938,000

Sec. 2002. 2019 c 413 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State

..... ~~(\$342,000))~~

..... \$366,000

Medical Aid Account—State

..... ~~(\$342,000))~~

..... \$366,000

Subtotal Reappropriation.....

..... ~~(\$684,000))~~

..... \$732,000

Appropriation:

Accident Account—State

..... \$1,450,000

Medical Aid Account—State

..... \$1,450,000

Subtotal Appropriation.....

..... \$2,900,000

Prior Biennia (Expenditures)

..... ~~(\$350,000))~~

..... \$302,000

Future Biennia (Projected Costs).....

..... \$0

TOTAL.....

..... \$3,934,000

Sec. 2003. 2019 c 413 s 2010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide (30001859)

Reappropriation:

State Building Construction Account—State ~~(\$600,000))~~

..... \$612,000

Prior Biennia (Expenditures)

..... ~~(\$855,000))~~

..... \$843,000

Future Biennia (Projected Costs).....

..... \$0

TOTAL.....

..... \$1,455,000

NEW SECTION. Sec. 2004. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

Appropriation:

State Building Construction Account—State

..... \$2,100,000

Prior Biennia (Expenditures)

..... \$0

Future Biennia (Projected Costs).....

..... \$0

TOTAL.....

..... \$2,100,000

NEW SECTION. Sec. 2005. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School - Nursing Facilities: Replacement (30002755)

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign the intermediate care facility of the Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. As a result, \$2,000,000 of the appropriation is provided solely to relocate the adult training program to a different location on the fircrest rehabilitation center campus to facilitate construction of a one hundred bed nursing facility. The department of social and health services must review all alternatives for the permanent relocation of the adult training program, including repurposing the existing nursing facility buildings once residents have been relocated to the new nursing facility, and report their findings and recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2020.

Appropriation:

State Building Construction Account—State.....	\$2,000,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$2,300,000

NEW SECTION. Sec. 2006. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island - Main Dock: Float and Dolphin Replacement (30003234)

Appropriation:

State Building Construction Account—State.....	\$3,085,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$3,085,000

Sec. 2007. 2019 c 413 s 2030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 2012, chapter 298, Laws of 2018.

(2) The department shall work with the city of Shoreline on the future siting of a nursing facility.

(3) The department may enter into a lease with the city of Shoreline for open space and other uses to generate revenue for the benefit of the persons served by the Dan Thompson memorial trust account consistent with the provisions of RCW 71A.20.170.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$143,000
Prior Biennia (Expenditures)	\$57,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$200,000

Sec. 2008. 2019 c 413 s 2037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$1,665,000
State Building Construction Account—State.....	(\$11,015,000)
.....	\$11,620,000
Subtotal Appropriation	(\$12,680,000)
.....	\$13,285,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$159,345,000
TOTAL.....	\$172,025,000
.....	\$172,630,000

Sec. 2009. 2019 c 413 s 2038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2019-21 (40000382)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$955,000
State Building Construction Account—State	(\$965,000)
.....	\$1,800,000
Subtotal Appropriation.....	(\$1,920,000)
.....	\$2,755,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL.....	\$25,920,000
.....	\$26,755,000

Sec. 2010. 2019 c 413 s 2039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DSHS & DCYF Fire Alarms (91000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects installing fire alarms at the following locations: (a) Fircrest School; (b) Lakeland Village; (c) Western State Hospital; (d) Rainier School; and (e) Echo Glen. The Echo Glen project may include duress alarms. ~~((The projects listed in this section must be designed under one contract, and installed under one contract.))~~ The department must consult with the department of children, youth, and families to prioritize the projects.

(2) When the ~~((bid is))~~ bids are received, the department must report to the appropriate legislative committees the overall ~~((bid))~~ bids for the projects.

(3) The department must report to the appropriate legislative committees any best practices on the process by December 31, 2019.

Appropriation:

State Building Construction Account—State	\$11,819,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$11,819,000

Sec. 2011. 2019 c 413 s 2041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Elevators (91000068)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	(\$2,700,000)
.....	\$2,000,000
State Building Construction Account—State	\$700,000
Subtotal Appropriation.....	\$2,700,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$2,700,000

Sec. 2012. 2019 c 413 s 2072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

The appropriations in this section are subject to the following conditions and limitations:

A total of \$200,000 of the model toxics control act account—state is provided solely for soil mitigation associated with removal of an underground storage tank and must be held in unallotted status until the following conditions are met:

(1) The department must pursue a grant for this project from the pollution liability insurance agency.

(2) If this project is deemed unqualified for the use of funds through the pollution liability insurance agency, the appropriation from the model toxics control act account—state shall be allotted to the department to complete this project.

Reappropriation:

State Building Construction Account—State.....~~(\$570,000)~~
.....\$755,000

Appropriation:

State Building Construction Account—State.....\$2,025,000

Model Toxics Control Capital Account—State.....\$200,000

Subtotal Appropriation.....\$2,225,000

Prior Biennia (Expenditures).....~~(\$2,743,000)~~

.....\$2,558,000

Future Biennia (Projected Costs).....\$11,445,000

TOTAL.....\$16,783,000

.....\$16,983,000

Sec. 2013. 2019 c 413 s 2075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Reappropriation:

State Building Construction Account—State.....\$625,000

Prior Biennia (Expenditures).....~~(\$125,000)~~

.....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$750,000

.....\$625,000

NEW SECTION. Sec. 2014. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH - Life Safety Grant (40000013)

Appropriation:

General Fund—Federal.....\$325,000

State Building Construction Account—State.....\$175,000

Subtotal Appropriation.....\$500,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$500,000

NEW SECTION. Sec. 2015. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Green Hill School: Baker Living Unit Renovation & Remodel (40000529)

Appropriation:

State Building Construction Account—State.....\$150,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$8,363,000

TOTAL.....\$8,513,000

NEW SECTION. Sec. 2016. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Naselle Youth Camp - Eagle Lodge: Medical, Dental & Social Services (30002758)

Appropriation:

State Building Construction Account—State.....\$200,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$6,519,000

TOTAL.....\$6,719,000

Sec. 2017. 2019 c 413 s 2080 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State.....~~(\$800,000)~~

.....\$1,800,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....~~(\$0)~~

.....\$31,162,000

TOTAL.....\$800,000

.....\$32,962,000

NEW SECTION. Sec. 2018. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Naselle Youth Camp - Moolock Lodge: Remodel & Renovation (40000430)

Appropriation:

State Building Construction Account—State.....\$150,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$7,469,000

TOTAL.....\$7,619,000

NEW SECTION. Sec. 2019. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Echo Glen Cottage 4 Remodel & Renovation (40000526)

Appropriation:

State Building Construction Account—State.....\$150,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$8,187,000

TOTAL.....\$8,337,000

Sec. 2020. 2019 c 413 s 2084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Implementation of JRA Capacity (91000062)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for ~~((a predesign for Echo Glen, a predesign for Green Hill, and))~~ a comprehensive strategic capital master plan. ~~((If Engrossed Second Substitute House Bill No. 1646 is not enacted by June 30, 2019, the appropriation in this section shall lapse.))~~

Appropriation:

State Building Construction Account—State.....~~(\$750,000)~~

.....\$600,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$750,000

.....\$600,000

NEW SECTION. Sec. 2021. A new section is added to 2019 c 413 (uncodified) to read as follows:

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Perimeter Wall Renovation (30000117)

Appropriation:

State Building Construction Account—State.....\$1,000,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs)\$10,135,000

TOTAL.....\$11,135,000

Sec. 2022. 2019 c 413 s 2091 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Bldg E Roof Replacement (30000810)

Reappropriation:

State Building Construction Account—State.....\$1,674,000

Prior Biennia (Expenditures)((~~\$1,022,000~~))

.....\$586,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$2,696,000

.....\$2,260,000

Sec. 2023. 2019 c 413 s 2093 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)

Reappropriation:

State Building Construction Account—State.....\$1,500,000

Prior Biennia (Expenditures)((~~\$1,085,000~~))

.....\$9,997,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$11,585,000

.....\$11,497,000

Sec. 2024. 2019 c 413 s 2094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Prison Capacity Expansion (30001105)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State.....\$400,000

Prior Biennia (Expenditures)((~~\$4,400,000~~))

.....\$1,957,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$4,800,000

.....\$2,357,000

Sec. 2025. 2019 c 413 s 2096 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC ADA Compliance Retrofit (30001118)

Reappropriation:

State Building Construction Account—State.....\$750,000

Prior Biennia (Expenditures)((~~\$250,000~~))

.....\$171,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$1,000,000

.....\$921,000

Sec. 2026. 2019 c 413 s 2098 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CRCC Security Electronics Network Renovation (30001124)

Reappropriation:

State Building Construction Account—State.....\$5,900,000

Prior Biennia (Expenditures)((~~\$100,000~~))

.....\$36,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$6,000,000

.....\$5,936,000

NEW SECTION. Sec. 2027. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Clinic Roof Replacement (40000180)

Appropriation:

State Building Construction Account—State.....\$1,000,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$8,439,000

TOTAL.....\$9,439,000

NEW SECTION. Sec. 2028. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriation in this section is subject to the following conditions and limitations: The predesign must compare the benefits of addressing each system as part of a single project with the benefits of addressing each system as a separate project in design and construction phases.

Appropriation:

State Building Construction Account—State.....\$400,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$19,731,000

TOTAL.....\$20,131,000

PART 3**NATURAL RESOURCES**

Sec. 3001. 2019 c 413 s 3008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:

Model Toxics Control Capital Account—State((~~\$3,813,000~~))

.....\$3,531,000

Prior Biennia (Expenditures)((~~\$71,296,000~~))

.....\$71,578,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$75,109,000

Sec. 3002. 2019 c 413 s 3009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State.((~~\$324,000~~))

.....\$318,000

Prior Biennia (Expenditures)((~~\$43,710,000~~))

.....\$38,716,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$39,034,000

Sec. 3003. 2019 c 413 s 3011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Appropriation:

Model Toxics Control Capital Account—State((~~\$19,152,000~~))

.....\$18,603,000

Prior Biennia (Expenditures)((~~\$43,712,000~~))

.....\$44,261,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$62,864,000

Sec. 3004. 2019 c 413 s 3016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State(~~(\$3,526,000))~~)

.....\$2,284,000

Prior Biennia (Expenditures)(~~(\$46,474,000))~~)

.....\$47,716,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$50,000,000

Sec. 3005. 2019 c 413 s 3022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000337)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State(~~(\$1,940,000))~~)

.....\$1,843,000

Prior Biennia (Expenditures)(~~(\$23,415,000))~~)

.....\$23,212,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$25,055,000

Sec. 3006. 2019 c 413 s 3023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State(~~(\$169,000))~~)

.....\$168,000

Prior Biennia (Expenditures)(~~(\$7,431,000))~~)

.....\$7,432,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$7,600,000

Sec. 3007. 2019 c 413 s 3026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State(~~(\$10,710,000))~~)

.....\$10,489,000

Prior Biennia (Expenditures)(~~(\$51,827,000))~~)

.....\$52,048,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$62,537,000

Sec. 3008. 2019 c 413 s 3028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000427)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State.....\$1,171,000

Appropriation:

Model Toxics Control Capital Account—State(~~(\$3,436,000))~~)

.....\$2,647,000

Prior Biennia (Expenditures).....(~~(\$17,893,000))~~)

.....\$18,682,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$22,500,000

Sec. 3009. 2019 c 413 s 3030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State(~~(\$8,908,000))~~)

.....\$8,650,000

Prior Biennia (Expenditures).....(~~(\$992,000))~~)

.....\$1,250,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$9,900,000

Sec. 3010. 2019 c 413 s 3031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State \$16,967,000

Appropriation:

Model Toxics Control Capital Account—State(~~(\$15,786,000))~~)

.....\$12,927,000

Prior Biennia (Expenditures).....(~~(\$19,994,000))~~)

.....\$22,853,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$52,747,000

Sec. 3011. 2019 c 413 s 3032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Leaking Tank Model Remedies (30000490)

Appropriation:

Model Toxics Control Capital Account—State. (~~(\$672,000))~~)

.....\$519,000

Prior Biennia (Expenditures).....(~~(\$1,328,000))~~)

.....\$1,481,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$2,000,000

Sec. 3012. 2019 c 413 s 3034 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Stormwater Financial Assistance Program (30000535)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Stormwater Account—State

.....(~~(\$27,816,000))~~)

.....\$26,950,000

Prior Biennia (Expenditures).....(~~(\$3,384,000))~~)

.....\$4,250,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$31,200,000

Sec. 3013. 2019 c 413 s 3036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State(~~(\$19,149,000))~~)

.....\$19,369,000

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Prior Biennia (Expenditures)((~~\$16,411,000~~))
\$16,191,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$35,560,000

Sec. 3014. 2019 c 413 s 3038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State((~~\$7,917,000~~))
\$7,885,000
 Prior Biennia (Expenditures)((~~\$6,464,000~~))
\$6,496,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$14,381,000

Sec. 3015. 2019 c 413 s 3052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Appropriation:

Model Toxics Control Capital Account—State((~~\$5,877,000~~))
\$5,872,000
 Prior Biennia (Expenditures)((~~\$0~~))
\$5,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$5,877,000

Sec. 3016. 2019 c 413 s 3056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development Account—State.....((~~\$12,203,000~~))
\$12,250,000
 Columbia River Basin Water Supply Revenue Recovery Account—State.....\$2,000,000
 State Building Construction Account—State.....\$19,541,000
 Subtotal Reappropriation((~~\$33,744,000~~))
\$33,791,000
 Prior Biennia (Expenditures)((~~\$56,000~~))
\$9,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$33,800,000

Sec. 3017. 2019 c 413 s 3062 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State((~~\$2,099,000~~))
\$1,310,000
 Prior Biennia (Expenditures)((~~\$83,000~~))
\$872,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$2,182,000

Sec. 3018. 2019 c 413 s 3064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$25,000,000

Appropriation:

Model Toxics Control Stormwater Account—State((~~\$11,400,000~~))
\$11,334,000
 Prior Biennia (Expenditures)((~~\$0~~))
\$66,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$36,400,000

Sec. 3019. 2019 c 413 s 3081 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Stormwater Financial Assistance Program (40000144)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations in this section are provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

(2) \$29,750,000 of the appropriation is provided solely for grants directed to areas of Puget Sound that will benefit southern resident killer whales.

Appropriation:

Model Toxics Control Stormwater Account—State((~~\$44,000,000~~))
\$47,400,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$160,000,000
 TOTAL\$204,000,000
\$207,400,000

NEW SECTION. Sec. 3020. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2020 Eastern Washington Clean Sites Initiative (40000286)

Appropriation:

Model Toxics Control Capital Account—State... \$1,000,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$1,000,000

NEW SECTION. Sec. 3021. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2020 Remedial Action Grants (40000288)

Appropriation:

Model Toxics Control Capital Account—State. \$23,700,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$23,700,000

Sec. 3022. 2019 c 413 s 3096 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account—State\$47,000
 Prior Biennia (Expenditures)((~~\$2,802,000~~))
\$2,398,000
 Future Biennia (Projected Costs)\$0

TOTAL.....\$2,849,000
\$2,445,000

Sec. 3023. 2019 c 413 s 3097 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

Appropriation:

Model Toxics Control Capital Account—State ..(~~(\$304,000)~~)
\$179,000
 Prior Biennia (Expenditures)(~~(\$8,966,000)~~)
\$9,091,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$9,270,000

Sec. 3024. 2019 c 413 s 3069 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3010, chapter 298, Laws of 2018, except funds directed to the Northwest seaport alliance for a clean truck fund, in subsection (6), may also be used for Northwest seaport alliance to provide shore power electrification to vessels in Tacoma.

Reappropriation:

Air Pollution Control Account—State\$26,483,000
 Prior Biennia (Expenditures)\$1,917,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$28,400,000

NEW SECTION. Sec. 3025. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Heating Oil Capital Financing Assistance Program (30000704)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of Substitute House Bill No. 2424 or Substitute Senate Bill No. 6256 (heating oil insurance program). If neither of these bills is enacted by June 30, 2020, the amount provided in this section shall lapse.

Appropriation:

PLIA Underground Storage Tank Revolving Account—State\$4,000,000
\$0
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$24,000,000
 TOTAL\$28,000,000

Sec. 3026. 2019 c 413 s 3115 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Reappropriation:

State Building Construction Account—State.....\$1,091,000
 Prior Biennia (Expenditures)(~~(\$2,295,000)~~)
\$1,582,000
 Future Biennia (Projected Costs)\$1,963,000
 TOTAL\$5,349,000
\$4,636,000

Sec. 3027. 2019 c 413 s 3119 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Reappropriation:

State Building Construction Account—State \$111,000
 Prior Biennia (Expenditures) (~~(\$458,000)~~)
 \$349,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$569,000
 \$460,000

Sec. 3028. 2019 c 413 s 3120 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Reappropriation:

State Building Construction Account—State (~~(\$25,000)~~)
 \$79,000

Appropriation:

State Building Construction Account—State \$4,961,000
 Prior Biennia (Expenditures) (~~(\$397,000)~~)
 \$343,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,383,000

Sec. 3029. 2019 c 413 s 3123 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Goldendale Observatory - Expansion (30000709)

Reappropriation:

State Building Construction Account—State (~~(\$551,000)~~)
 \$583,000
 Prior Biennia (Expenditures) (~~(\$4,793,000)~~)
 \$4,761,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,344,000

Sec. 3030. 2019 c 413 s 3129 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Replace Failing Sewer Lines (30000860)

Reappropriation:

State Building Construction Account—State . (~~(\$1,493,000)~~)
 \$1,668,000
 Prior Biennia (Expenditures) (~~(\$1,061,000)~~)
 \$886,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,554,000

Sec. 3031. 2019 c 413 s 3131 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State \$959,000
 Prior Biennia (Expenditures) (~~(\$141,000)~~)
 \$121,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,100,000
 \$1,080,000

Sec. 3032. 2019 c 413 s 3132 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Birch Bay - Replace Failing Bridge (30000876)

Reappropriation:

State Building Construction Account—State \$100,000
 Prior Biennia (Expenditures) (~~(\$237,000)~~)

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

.....	<u>\$148,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$337,000</u>
.....	<u>\$248,000</u>

Sec. 3033. 2019 c 413 s 3135 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:	
State Building Construction Account—State.....	\$1,921,000
Prior Biennia (Expenditures)	<u>(((\$587,000))</u>
.....	<u>\$520,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,508,000</u>
.....	<u>\$2,441,000</u>

Sec. 3034. 2019 c 413 s 3137 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:	
State Building Construction Account—State.....	\$186,000
Prior Biennia (Expenditures)	<u>(((\$1,086,000))</u>
.....	<u>\$1,050,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,272,000</u>
.....	<u>\$1,236,000</u>

Sec. 3035. 2019 c 413 s 3141 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Health and Safety (30000977)

Reappropriation:	
State Building Construction Account—State.....	<u>(((\$402,000))</u>
.....	<u>\$537,000</u>
Prior Biennia (Expenditures)	<u>(((\$647,000))</u>
.....	<u>\$512,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,049,000</u>

Sec. 3036. 2019 c 413 s 3143 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works—Program (30000979)

Reappropriation:	
State Building Construction Account—State.....	\$646,000
Prior Biennia (Expenditures)	<u>(((\$845,000))</u>
.....	<u>\$620,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,491,000</u>
.....	<u>\$1,266,000</u>

Sec. 3037. 2019 c 413 s 3144 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Reappropriation:	
State Building Construction Account—State.....	<u>(((\$903,000))</u>
.....	<u>\$955,000</u>
Prior Biennia (Expenditures)	<u>(((\$112,000))</u>
.....	<u>\$60,000</u>

Future Biennia (Projected Costs).....	\$0
TOTAL	<u>\$1,015,000</u>

Sec. 3038. 2019 c 413 s 3145 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Reappropriation:	
State Building Construction Account—State	<u>(((\$320,000))</u>
.....	<u>\$367,000</u>

<u>Appropriation:</u>	
<u>State Building Construction Account—State</u>	<u>\$289,000</u>
Prior Biennia (Expenditures)	<u>(((\$130,000))</u>
.....	<u>\$83,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$450,000</u>
.....	<u>\$739,000</u>

Sec. 3039. 2019 c 413 s 3149 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)

Reappropriation:	
State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	<u>(((\$185,000))</u>
.....	<u>\$177,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$250,000</u>
.....	<u>\$242,000</u>

Sec. 3040. 2019 c 413 s 3150 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)

Reappropriation:	
State Building Construction Account—State	\$462,000
Prior Biennia (Expenditures)	<u>(((\$288,000))</u>
.....	<u>\$267,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$750,000</u>
.....	<u>\$729,000</u>

Sec. 3041. 2019 c 413 s 3151 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)

Reappropriation:	
State Building Construction Account—State	<u>(((\$467,000))</u>
.....	<u>\$784,000</u>
Prior Biennia (Expenditures)	<u>(((\$533,000))</u>
.....	<u>\$216,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>

Sec. 3042. 2019 c 413 s 3152 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)

Reappropriation:	
State Building Construction Account—State	<u>(((\$267,000))</u>
.....	<u>\$313,000</u>
Prior Biennia (Expenditures)	<u>(((\$46,000))</u>
.....	<u>\$0</u>
Future Biennia (Projected Costs)	\$20,006,000
TOTAL	<u>\$20,319,000</u>

Sec. 3043. 2019 c 413 s 3153 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)
 Reappropriation:
 State Building Construction Account—State.....(((\$214,000))
\$339,000
 Prior Biennia (Expenditures)(((\$163,000))
\$38,000
 Future Biennia (Projected Costs)\$2,013,000
 TOTAL\$2,390,000

Sec. 3044. 2019 c 413 s 3156 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)
 Reappropriation:
 State Building Construction Account—State.....(((\$53,000))
\$194,000
 Appropriation:
 State Building Construction Account—State.....\$1,605,000
 Prior Biennia (Expenditures)(((\$247,000))
\$106,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$1,905,000

NEW SECTION. Sec. 3045. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse to Cascades Trail: Crab Creek Trestle Replacement (40000162)

Appropriation:
 State Building Construction Account—State.....\$250,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$250,000

Sec. 3046. 2019 c 413 s 3204 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Youth Athletic Facilities (40000007)

The appropriation in this section is subject to the following conditions and limitations: Revisions to the recreation and conservation funding board approved list of projects for the 2019-2021 biennium, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management and the appropriate fiscal committees of the legislature for review and comment, and must include an explanation of variances from the proposed projects. Any project revisions must be approved by the office of financial management before funds may be expended from this appropriation.

Appropriation:
 State Building Construction Account—State.....\$12,000,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$20,000,000
 TOTAL\$32,000,000

Sec. 3047. 2019 c 413 s 3223 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

2019-21 Match for Federal RCPP (40000006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United

States department of agriculture regional conservation partnership.

(2) The commission must, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State . ((\$4,000,000))
\$6,249,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$7,800,000
 TOTAL\$11,800,000
\$14,049,000

Sec. 3048. 2019 c 413 s 3232 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3052, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State\$800,000
 Prior Biennia (Expenditures)(((\$3,200,000))
\$3,199,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$4,000,000
\$3,999,000

NEW SECTION. Sec. 3049. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

CREP PIP Loan Program 2017-19 (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving Account—State\$350,000
 Prior Biennia (Expenditures)\$50,000
 Future Biennia (Projected Costs)\$0
 TOTAL\$400,000

Sec. 3050. 2019 c 413 s 3236 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

~~((The appropriations in this section are subject to the following conditions and limitations: \$3,900,000 of the appropriation is provided solely for repair of the Wiley Slough dike.))~~

Reappropriation:

General Fund—Federal\$10,000,000
 General Fund—Private/Local\$863,000
 Special Wildlife Account—Federal\$1,000,000
 Special Wildlife Account—Private/Local\$1,680,000
 State Wildlife Account—State\$400,000
 Subtotal Reappropriation\$13,943,000
 Appropriation:
 General Fund—Federal\$10,000,000
 General Fund—Private/Local\$1,000,000
 Special Wildlife Account—Federal\$1,000,000
 Special Wildlife Account—Private/Local\$1,000,000
 State Wildlife Account—State\$500,000
 Subtotal Appropriation\$13,500,000
 Prior Biennia (Expenditures)\$72,421,000
 Future Biennia (Projected Costs)\$58,500,000
 TOTAL\$158,364,000

Sec. 3051. 2019 c 413 s 3242 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Soos Creek Hatchery Renovation (30000661)

The appropriation in this section is subject to the following conditions and limitations: \$1,800,000 of the new appropriation is provided solely for the installation of a water filtration system.

Reappropriation:

State Building Construction Account—State.....\$5,555,000

Appropriation:

State Building Construction Account—State..(((\$1,710,000))

.....\$3,510,000

Prior Biennia (Expenditures)\$6,144,000

Future Biennia (Projected Costs)(((\$3,031,000))

.....\$1,136,000

TOTAL.....\$16,440,000

.....\$16,345,000

Sec. 3052. 2019 c 413 s 3247 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Springs Production Shift (30000723)

Reappropriation:

State Building Construction Account—State..(((\$1,400,000))

.....\$1,546,000

Prior Biennia (Expenditures)(((\$2,670,000))

.....\$2,524,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$4,070,000

Sec. 3053. 2019 c 413 s 3252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snow Creek Reconstruct Facility (30000826)

The appropriation in this section is subject to the following conditions and limitations: In constructing the project, the department must consider the firelight toilet technology.

Reappropriation:

State Building Construction Account—State.....\$25,000

Appropriation:

State Building Construction Account—State.....\$143,000

Prior Biennia (Expenditures)(((\$75,000))

.....\$68,000

Future Biennia (Projected Costs)\$4,794,000

TOTAL.....\$5,037,000

.....\$5,030,000

Sec. 3054. 2019 c 413 s 3253 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State..(((\$2,423,000))

.....\$2,577,000

Appropriation:

State Building Construction Account—State.....\$3,086,000

Prior Biennia (Expenditures)(((\$2,000))

.....\$198,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$5,511,000

.....\$5,861,000

Sec. 3055. 2019 c 413 s 3254 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State.....\$600,000

Prior Biennia (Expenditures)(((\$200,000))

.....\$177,000

Future Biennia (Projected Costs)\$0

TOTAL.....\$800,000

.....\$777,000

Sec. 3056. 2019 c 413 s 3255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State\$300,000

Appropriation:

State Building Construction Account—State\$4,830,000

Prior Biennia (Expenditures)(((\$315,000))

.....\$276,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$5,445,000

.....\$5,406,000

NEW SECTION. Sec. 3057. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wiley Slough Dike Raising (40000004)

Appropriation:

State Building Construction Account—State\$972,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$4,183,000

TOTAL.....\$5,155,000

Sec. 3058. 2019 c 413 s 3274 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program (FREP) (30000279)

Reappropriation:

State Building Construction Account—State(((\$400,000))

.....\$520,000

Prior Biennia (Expenditures)(((\$3,100,000))

.....\$2,980,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$3,500,000

Sec. 3059. 2019 c 413 s 3275 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Teaway Working Forest (30000289)

Reappropriation:

State Building Construction Account—State(((\$600,000))

.....\$675,000

Prior Biennia (Expenditures)(((\$881,000))

.....\$663,000

Future Biennia (Projected Costs).....\$0

TOTAL.....\$1,481,000

.....\$1,338,000

Sec. 3060. 2019 c 413 s 3294 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (FREP) (40000052)

Appropriation:

State Building Construction Account—State .(((\$2,500,000))

.....\$3,500,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$20,000,000

TOTAL.....\$22,500,000

.....\$23,500,000

NEW SECTION. Sec. 3061. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Appropriation:

State Building Construction Account—State\$3,245,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs)\$1,694,000
 TOTAL\$4,939,000

NEW SECTION. Sec. 3062. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergent Environmental Mitigation Projects (40000058)

Appropriation:

Forest Development Account—State.....\$92,000
 Resource Management Cost Account—State\$93,000
 Model Toxics Control Capital Account—State\$135,000
 Subtotal Appropriation\$320,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$320,000

NEW SECTION. Sec. 3063. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Whitmarsh (March Point) Landfill Site Cleanup (40000069)

Appropriation:

Model Toxics Control Capital Account—State ...\$3,063,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$3,063,000

NEW SECTION. Sec. 3064. The following acts or parts of acts are each repealed:

- (1) 2019 c 413 s 3099 (uncodified); and
- (2) 2019 c 413 s 3296 (uncodified).

**PART 4
 TRANSPORTATION**

NEW SECTION. Sec. 4001. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Telford Helipad (40000001)

Appropriation:

State Building Construction Account—State.....\$75,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL\$75,000

**PART 5
 EDUCATION**

Sec. 5001. 2019 c 413 s 5012 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Construction Assistance Program - Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State...\$879,021,000
 Common School Construction Account—State
(((\$160,032,000))
\$211,883,000
 Common School Construction Account—Federal
(((\$3,000,000))
\$3,840,000
 Subtotal Appropriation(((\$1,042,053,000))
\$1,094,744,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$4,870,192,000
 TOTAL\$5,912,245,000
\$5,964,936,000

NEW SECTION. Sec. 5002. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Seismic Safety Retrofit Program (92000148)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$13,200,000 of the appropriation is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through twelfth grade.

(a) The superintendent of public instruction must appoint an advisory committee, which must include at least one representative from the department of natural resources, whose members have experience in seismic engineering and construction to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (a) of this subsection, the superintendent of public instruction and the advisory committee must also prioritize projects that: (i) Are located in areas of high seismic risk; (ii) have ten or more years of remaining useful life; and (iii) meet the criteria to participate in the school construction assistance program except in cases where low property values prevent a school district from generating sufficient local revenue.

(c) The superintendent of public instruction must submit a list of school seismic safety retrofit projects, as prioritized by the advisory committee, to the legislature by January 15, 2021. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$4,000,000; (iii) estimated total project costs; and (iv) local funding resources. The appropriated funds in this subsection may be awarded only after the legislature approves the list.

(2) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant may not exceed total project costs minus available local resources.

(3) \$1,800,000 of the appropriation is provided solely for grants to school districts to perform rapid visual screening assessments of school buildings constructed prior to January 1, 1997, and used for the instruction of students in kindergarten through twelfth grade. The office of the superintendent of public instruction must enter the collected assessment data into its information and condition of schools data system.

(4) During the 2019-2021 fiscal biennium, if upon review of applications the superintendent of public instruction determines there are not adequate suitable projects under subsection (3) of this section, the superintendent of public instruction may use any remaining funds from subsection (3) of this section for seismic safety retrofit grants in subsection (1) of this section.

(5) The superintendent of public instruction must, by December 31, 2020, submit recommendations to the appropriate committees of the legislature, in the form of draft legislation, that specifies the eligibility criteria for awards.

Appropriation:

State Building Construction Account—State \$15,000,000
 Prior Biennia (Expenditures)\$0

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Future Biennia (Projected Costs) \$120,000,000
 TOTAL \$135,000,000

Sec. 5003. 2019 c 413 s 5028 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Small District Modernization Grants (92000139)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that small school districts with total enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the school construction assistance program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

(2) \$200,000 of the appropriation is provided solely for the office of the superintendent of public instruction to administer the grant program and provide technical assistance to small school districts seeking grants funded in this section.

(3) (~~(\$1,000,000))~~ \$957,000 of the appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants in subsection (4) of this section. The superintendent may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district.

(4) The remaining portion of the appropriation is provided solely for modernization grants for small school districts with significant building system deficiencies and limited financial capacity with the following conditions:

(a) The superintendent of public instruction must appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (4)(a) of this section, the office and the advisory committee must also prioritize projects that: (i) Improve student health, safety, and academic performance for the largest number of students; (ii) provide the most available school district resources, including in-kind resources; and (iii) make use of mass-timber products, including cross-laminated timber, or aggregates and concretes materials.

(c) The superintendent must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2020. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding resources. The appropriated funds in this subsection may be awarded ~~((only after the legislature approves the list))~~ to projects approved by the legislature, as identified in LEAP capital document No. 2020-51, developed February 12, 2020.

(5) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant must not exceed total project costs minus available local resources.

Appropriation:

State Building Construction Account—State(~~(\$20,000,000))~~
 \$23,340,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$20,000,000
 \$23,340,000

Sec. 5004. 2019 c 413 s 5030 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Distressed Schools (92000142)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,400,000 of the appropriation in this section is provided solely for classroom additions and other modernizations at Leschi elementary school in Seattle public schools.

(2) \$10,500,000 of the appropriation in this section is provided solely for classroom additions at Madison middle school in Seattle public schools.

(3) \$3,100,000 of the appropriation in this section is provided solely for heating and ventilation upgrades at North Beach elementary school in Seattle public schools.

(4) \$700,000 of the appropriation in this section is provided solely for a two-classroom preschool addition at John Muir Elementary School in Seattle.

(5) \$300,000 of the appropriation in this section is provided solely for conversion of two classrooms to a new health clinic at Lowell Elementary School in Seattle.

(6) \$328,000 of the appropriation in this section is provided solely for an agricultural resource center in Tacoma.

(7) \$200,000 of the appropriation in this section is provided solely for a schoolyard park in Tacoma.

(8) \$309,000 of the appropriation in this section is provided solely for a school-based health center in Port Orchard.

(9) The remaining portion of the appropriation is provided solely for competitive grants for modular classrooms made with mass timber products, including cross-laminated timber, for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space. The grants are subject to the following conditions and limitations:

(a) School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms;

(b) The office of the superintendent of public instruction must prioritize projects based on the following criteria in the following order:

(i) School districts with high ratios of portable classrooms to permanent classrooms;

(ii) School districts with low acreage of land available for new construction;

(iii) Projects that achieve lowest cost per classroom with highest percentage of mass timber products in the overall construction of the project; and

(iv) Projects that demonstrate multistory application of mass timber products.

Appropriation:

State Building Construction Account—State(~~(\$23,000,000))~~
 \$24,837,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL.....\$23,000,000
\$24,837,000

Sec. 5005. 2019 c 413 s 5035 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON ((STATE)) CENTER FOR
 ((CHILDHOOD DEAFNESS AND HEARING LOSS))
 DEAF AND HARD OF HEARING YOUTH**

Minor Works: Preservation 2019-21 (30000045)

Appropriation:

State Building Construction Account—State.....\$500,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$4,000,000
 TOTAL.....\$4,500,000

NEW SECTION. Sec. 5006. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Magnuson Health Sciences Phase II - Renovation/Replacement (40000049)

Appropriation:

State Building Construction Account—State.....\$1,000,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$59,000,000
 TOTAL.....\$60,000,000

NEW SECTION. Sec. 5007. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Vancouver - Life Sciences Building (30000840)

Appropriation:

State Building Construction Account—State.....\$4,000,000
 Prior Biennia (Expenditures)\$500,000
 Future Biennia (Projected Costs)\$52,600,000
 TOTAL.....\$57,100,000

Sec. 5008. 2019 c 413 s 5072 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation: 2019-21 (40000041)

Appropriation:

State Building Construction Account—State.....\$3,283,000
 Central Washington University Capital Projects
 Account—State.....(((\$7,000,000))
\$3,717,000
 Subtotal Appropriation\$7,000,000

Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$28,000,000
 TOTAL.....\$35,000,000

NEW SECTION. Sec. 5009. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Campus Security Enhancements (40000074)

Appropriation:

Central Washington University Capital Projects
 Account—State.....\$3,283,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)\$0
 TOTAL.....\$3,283,000

Sec. 5010. 2019 c 413 s 5079 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Historic Lord Mansion (91000029)

The ((reappropriation)) appropriations in this section ((is)) are subject to the following conditions and limitations: The ((reappropriation is)) appropriations are subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State.....\$100,000

Appropriation:

State Building Construction Account—State \$300,000
 Prior Biennia (Expenditures).....(((\$404,000))
\$337,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$504,000
\$737,000

Sec. 5011. 2019 c 413 s 5093 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000237)

Reappropriation:

State Building Construction Account—State \$643,000
 Prior Biennia (Expenditures).....(((\$9,054,000))
\$8,411,000
 Future Biennia (Projected Costs).....\$0
 TOTAL.....\$9,697,000
\$9,054,000

Sec. 5012. 2019 c 413 s 5098 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000086)

Appropriation:

State Building Construction Account—State . (((\$1,545,000))
\$2,608,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$9,543,000
 TOTAL.....\$11,088,000
\$12,151,000

Sec. 5013. 2019 c 413 s 5101 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000026)

Appropriation:

State Building Construction Account—State(((\$800,000))
\$1,559,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs).....\$3,200,000
 TOTAL.....\$4,000,000
\$4,759,000

Sec. 5014. 2019 c 413 s 5060 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Engineering Building (30000556)

Reappropriation:

Eastern Washington University Capital Projects
 Account—State(((\$245,000))
\$345,000
 Prior Biennia (Expenditures).....(((\$100,000))
\$0
 Future Biennia (Projected Costs).....\$56,695,000
 TOTAL.....\$57,040,000

Sec. 5015. 2019 c 413 s 5122 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State Building Construction Account—State \$2,902,000
 Appropriation:
 State Building Construction Account—State(((\$36,642,000))
\$0

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Prior Biennia (Expenditures)	\$690,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$40,234,000</u>
	<u>\$3,592,000</u>

NEW SECTION. Sec. 5016. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Reappropriation:	
State Building Construction Account—State.....	\$2,616,000
Appropriation:	
State Building Construction Account—State.....	\$20,000,000
Prior Biennia (Expenditures)	\$211,000
Future Biennia (Projected Costs)	\$17,140,000
TOTAL	<u>\$39,967,000</u>

NEW SECTION. Sec. 5017. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett: Baker Hall Replacement (40000190)

Appropriation:	
State Building Construction Account—State.....	\$2,954,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$29,600,000
TOTAL	<u>\$32,554,000</u>

NEW SECTION. Sec. 5018. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

Yakima Sun Dome Reflectors (92000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or as much thereof as may be necessary, is provided solely to evaluate the replacement of the reflectors on the Yakima Sun Dome.

Appropriation:	
State Building Construction Account—State	\$97,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$97,000</u>

PART 6

2017-2019 BIENNIUM PROVISIONS

Sec. 6001. 2019 c 413 s 6003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen).....	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis).....	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickleton).....	\$500,000
Anderson Island Historical Society (Anderson Island).....	\$26,000
Appleway Trail Amenities (Spokane Valley).....	\$556,000
ARC Community Center Renovation (Bremerton) ..	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center Design and Preconstruction (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair).....	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell).....	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver).....	\$500,000
Brier ADA Ramp Updates Phase (Brier).....	\$115,000
Camp Schechter New Infrastructure and Dining Hall (Tumwater).....	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock).....	\$10,000
Centennial Connect Project (Marysville)	\$642,000
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville).....	\$134,000
Centralia Fox Theatre Restoration (Centralia).....	\$299,000
Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt).....	\$250,000
Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend).....	\$3,400,000
City of Brewster Manganese Abatement (Brewster).....	\$752,000
Cityview Conversion to Residential Treatment (Moses Lake).....	\$250,000
Clark County Historical Museum (Vancouver).....	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg).....	\$258,000

Coastal Harvest Roof Replacement (Hoquiam).....	\$206,000	(George)	\$700,000
Cocoon House (Everett).....	\$1,000,000	Inland Northwest Rail Museum (Reardan).....	\$170,000
College Place Well Consolidation and Replacement (College Place)	\$900,000	Innovative Health Care Learning Center (Yakima)\$1,000,000	
Columbia River Trail (Washougal).....	\$1,000,000	Interbay PDAC (Seattle)	\$900,000
Confluence Park Improvements (P2&3) (Issaquah)\$206,000		Intrepid Spirit Center (Tacoma)	\$1,000,000
Country Doctor Community Health Centers (Seattle)\$280,000		Islandwood Comm Dining Hall and Kitchen (Bainbridge Island).....	\$200,000
Covington Town Center Civic Plaza Development (Covington).....	\$820,000	Kenmore Public Boathouse (Kenmore).....	\$250,000
Cross Park (Puyallup)	\$1,500,000	Key Peninsula Civic Center Generator (Vaughn).....	\$60,000
Daffodil Heritage Float Barn (Puyallup).....	\$103,000	Key Peninsula Elder Community (Lakebay)	\$515,000
Darrington Rodeo Grounds (Darrington).....	\$250,000	Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair).....	\$12,000
Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000	Kitsap Reg. Library Foundation, Silverdale Library (Silverdale).....	\$250,000
Disaster Response Communications Project (Colville)	\$1,000,000	Kona Kai Coffee Training Center (Tukwila).....	\$407,000
District 5 Public Safety Center (Sultan).....	\$1,500,000	La Conner New Regional Library (La Conner).....	\$500,000
Downtown Pocket Park at Rockwell (Port Orchard)\$309,000		Lacey Boys and Girls Club (Lacey)	\$30,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000	Lake Chelan Community Hospital & Clinic Replacement (Chelan).....	\$300,000
East Grays Harbor Fiber Project (Elma)	\$463,000	Lake City Comm Center, Renovate Magnuson Comm Center (Seattle).....	\$2,000,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000	Lake Stevens Civic Center (Lake Stevens)	\$3,100,000
Eastside Community Center (Tacoma).....	\$2,550,000	Lake Stevens Food Bank (Lake Stevens)	\$300,000
Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000	Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000
Emmanuel Life Center Kitchen (Spokane)	\$155,000	Lake Tye All-Weather Fields (Monroe)	\$800,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000	Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000
Evergreen Pool Resurfacing (White Center).....	\$247,000	Lambert House Purchase (Seattle)	\$500,000
Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000	Larson Playfield Lighting Renovation (Moses Lake)\$146,000	
Family Medicine Remodel (Goldendale).....	\$195,000	Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000
Federal Way Camera Replacement (Federal Way).\$250,000		LIGO STEM Exploration Center (Richland).....	\$411,000
Federal Way Senior Center (Federal Way).....	\$175,000	Longbranch Marina (Longbranch)	\$248,000
Flood Protection Wall & Storage Building (Sultan)\$286,000		Longview Police Department Range and Training (Castle Rock).....	\$271,000
Food Lifeline Food Bank.....	\$1,250,000	Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park).....	\$1,200,000
Forestry Museum Building (Tenino)	\$16,000	Maury Island Open Space Remediation (Maury Island)	\$2,000,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000	McChord Airfield North Clear Zone (Lakewood)\$2,000,000	
Francis Anderson Center Roofing Project (Edmonds)	\$391,000	Mill Creek Flood Control Project (Kent).....	\$2,000,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000	Millionair Club Charity Kitchen (Seattle).....	\$167,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way).....	\$500,000	Moorlands Park Improvements (Kenmore)	\$250,000
Gig Harbor Sports Complex (Gig Harbor).....	\$206,000	Morrow Manor (Poulsbo).....	\$773,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000	Mount Baker Properties Cleanup Site (Seattle)...	\$1,100,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley).....	\$258,000	Mount Rainier Early Warning System (Pierce County)	\$1,751,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000	Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000
Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver).....	\$1,177,000	Multicultural Community Center (Seattle).....	\$1,300,000
Harrington School District #204, Pool Renovation (Harrington).....	\$97,000	NE Snohomish County Community Services Campus (Granite Falls)	\$375,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000	NeighborCare Health (Vashon)	\$3,000,000
Holly Ridge Center Building (Bremerton).....	\$475,000	New Fire Station at Lake Lawrence (Yelm).....	\$252,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000	North Cove Erosion Control (South Bend)	\$650,000
HopeWorks TOD Center (Everett)	\$2,760,000	Northshore Athletic Fields (Woodinville).....	\$400,000
Hoquiam Library (Hoquiam)	\$250,000	Northwest Improvement Company Building (Roslyn)	\$1,000,000
HUB Sports Center (Liberty Lake).....	\$516,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg).....	\$17,000
Industrial Park No. 5 Road Improvements (George)\$412,000		Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Industrial Park No. 5 Water System Improvements		Othello Regional Water Project (Othello)	\$1,000,000
		Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
		Pepin Creek Realignment (Lynden)	\$3,035,000

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

Performing Arts & Events Center (Federal Way) \$1,000,000	Wastewater Collection & Water Distribution Replacemnt (Carbonado)..... \$1,500,000
Pioneer Village ADA Accessible Pathways (Ferndale)..... \$154,000	Water Treatment for Kidney Dialysis..... \$499,000
Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)..... \$77,000	Wayne Golf Course Region Park (Bothell)..... \$1,000,000
Port Orchard Marina Breakwater Refurbishment (Port Orchard)..... \$1,019,000	Wesley Homes Bradley Park (Puyallup)..... \$1,380,000
Poulsbo Outdoor Salmon Observation Area (Poulsbo)..... \$475,000	Westport Marina (Westport)..... \$2,500,000
((Puyallup Meeker Mansion Public Plaza (Puyallup)) \$500,000)	Weyerhaeuser Land Preservation (Federal Way)..... \$1,250,000
Quincy Square on 4th (Bremerton)..... \$250,000	Whidbey Island Youth Project (Oak Harbor and Coupeville)..... \$300,000
R.A. Long Park (Longview)..... \$296,000	White Pass Country Historical Museum (Packwood) \$283,000
Redondo Beach Rocky Reef (Des Moines)..... \$500,000	Whitehouse Additional Capital Campaign (Pasco) \$1,500,000
Ridgefield Outdoor Recreation Complex (Ridgefield)..... \$750,000	Willows Road Regional Trail Connection (Kirkland)..... \$1,442,000
Rochester Boys & Girls Club upgrades (Rochester)..... \$26,000	Winlock HS Track (Winlock)..... \$103,000
Save the Old Tower (Pasco)..... \$300,000	Winlock Industrial Infrastructure Development (Winlock)..... \$1,500,000
Schilling Road Fire Station (Lyle)..... \$448,000	Wishram School CTE Facility (Wishram)..... \$150,000
Scott Hill Park (Woodland)..... \$750,000	Yakima Valley SunDome Repairs (Yakima)..... \$206,000
Seattle Aquarium (Seattle)..... \$400,000	Yelm City Park Playground Modernization (Yelm) \$247,000
Seattle Indian Health Board (Seattle)..... \$200,000	Youth Eastside Services (Bellevue)..... \$26,000
Seattle Opera (Seattle)..... \$465,000	YWCA Family Justice Center (Spokane)..... \$103,000
Shelton Basin 3 Sewer Rehabilitation Project (Shelton)..... \$1,500,000	(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan.
Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)..... \$525,000	(9) \$1,250,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.
Skagit County Veterans Community Park (Sedro-Woolley)..... \$500,000	(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.
Skagit Valley YMCA (Mt. Vernon)..... \$400,000	(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.
Snohomish JROTC Program (Snohomish)..... \$189,000	(c) The Interbay advisory committee consists of seven persons appointed as follows:
South Gorge Trail (Spokane)..... \$250,000	(i) One person appointed by the speaker of the house of representatives;
South Snohomish County Community Resource Center (Lynnwood)..... \$2,210,000	(ii) One person appointed by the president of the senate; and
South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)..... \$30,000	(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.
Southwest WA Agricultural Business Park (Tenino) \$618,000	(d) The Interbay public development advisory committee must:
Southwest Washington Fair Grange Building Re-Roof (Chehalis)..... \$54,000	(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated
Spanaway Lake Management Plan (Spanaway)..... \$26,000	
Squalicum Waterway Maintenance Dredging (Bellingham)..... \$750,000	
Steilacoom Historical Museum Storage Building (Steilacoom)..... \$31,000	
Sunnyside Community Hospital (Sunnyside)..... \$2,000,000	
Sunset Career Center (Renton)..... \$412,000	
Sunset Neighborhood Park (Renton)..... \$3,050,000	
Tacoma's Historic Theater District (Tacoma)..... \$1,000,000	
Tam O'Shanter Athletic Arena (Kelso)..... \$1,000,000	
Toledo Beautification (Toledo)..... \$52,000	
Trout Lake School/Community Soccer & Track Facility (Trout Lake)..... \$77,000	
Tumwater Boys and Girls Club (Olympia)..... \$36,000	
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)..... \$27,000	
Twisp Civic Building (Twisp)..... \$750,000	
University YMCA (Seattle)..... \$600,000	
Veterans Memorial Museum (Chehalis)..... \$354,000	
Washington Agricultural Education Center (Lynden)..... \$1,800,000	
Washington Care Services (Seattle)..... \$400,000	
Washington State Horse Park Covered Arena (Cle Elum)..... \$2,000,000	
Waste Treatment and Sewer Collection System (Toppenish)..... \$1,405,000	

from the land described in subsection (1) of this section, including identifying:

- (A) Current uses;
 - (B) Future needs of the units currently at this location;
 - (C) Potential suitable publicly owned sites in Washington for relocation of current units; and
 - (D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;
- (ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:
- (A) Suitable and unsuitable future uses for the land;
 - (B) Environmental issues and associated costs;
 - (C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;
 - (D) Transportation corridors in the immediate area and any potential right-of-way needs; and
 - (E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;
- (iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:
- (A) Any potential private partners or investors;
 - (B) Necessary real estate transactions;
 - (C) Federal funding opportunities; and
 - (D) State and local funding sources, including any tax-related programs; and
- (iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs.
- (e) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.
- (f) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.
- (g) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
- (11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account—State((\$130,941,000))	
.....	<u>\$130,441,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	<u>\$130,941,000</u>
.....	<u>\$130,441,000</u>

Sec. 6002. 2019 c 413 s 6005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$83,500,000 of the state taxable building construction account—state appropriation, \$19,631,000 of the state building construction account—state appropriation, and \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
- (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
- (iii) The improvements will result in reduction of operating or utilities costs, or both; and
- (iv) Other criteria that the department considers necessary to achieve the purpose of this program.

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation and \$1,500,000 of the state taxable building construction account—state appropriation are provided solely for the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1530 Broadway, 1534 Broadway, and 909 East Pine street to ~~((one or more nonprofits or public development authorities selected by the department, if the selected entities agree to use the properties))~~ Capitol Hill Housing to provide services and housing for homeless youth or young adults for a minimum of ~~((twenty-five))~~ fifty years. The transfer agreement between the state board for community and technical colleges and ~~((the selected entities))~~ Capitol Hill Housing must specify a mutually agreed transfer date and require ~~((the selected entities))~~ Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for all three properties. The contract between the department and Capitol Hill Housing must provide that Capitol Hill Housing will be responsible for maintaining and securing the property until it is developed. The contract must also specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state.

(f) \$25,506,000 is provided solely for the following list of housing projects:

(i) Spokane Housing Predesign.....	\$500,000
(ii) El Centro de la Raza	\$737,000
(iii) Highland Village Preservation.....	\$1,500,000
(iv) King County Modular Housing Project.....	\$1,500,000
(v) Nisqually Tribal Housing	\$1,250,000
(vi) Othello Homesight Community Center.....	\$3,000,000
(vii) Parkview Apartments Affordable Housing	\$100,000
(viii) Supported Housing and Employment (Longview)	\$129,000

(ix) \$2,000,000 is provided solely for homeownership assistance for low-income households displaced from their manufactured/mobile homes due the closure or conversion of a mobile home park or manufactured housing community in south King County. \$1,500,000 of this amount in this subsection is provided solely for low-income residents displaced from the Firs Mobile Home Park located in SeaTac.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than ~~(((\$125,000))~~ \$135,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide

technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

(xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	\$19,631,000
State Taxable Building Construction Account—State	\$83,500,000
Washington Housing Trust Account—State	\$8,658,000
Subtotal Appropriation.....	\$111,789,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$400,000,000
TOTAL.....	\$511,789,000

Sec. 6003. 2019 c 413 s 1024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory

committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State((\$91,142,000))	
.....	\$90,642,000
Prior Biennia (Expenditures)	\$39,799,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,941,000
.....	\$130,441,000

PART 7

MISCELLANEOUS PROVISIONS

Sec. 7001. 2019 c 413 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ((~~forty-eight million six hundred eighteen thousand two hundred eighteen dollars for the 2019-2021 biennium, three hundred six million nine hundred two thousand nine hundred ninety-six dollars for the 2021-2023 biennium, and four hundred thirty-three million two hundred fifty-nine thousand five hundred seventy-three dollars for the 2023-2025 biennium~~)) forty-three million three hundred fourteen thousand six hundred forty-two dollars for the 2019-2021 biennium, three hundred million four hundred twenty-two thousand three hundred forty-three dollars for the 2021-2023 biennium, and four hundred seventeen million four hundred fifty-five thousand six hundred sixty dollars for the 2023-2025 biennium.

Sec. 7002. 2019 c 413 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$103,143,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves

pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(6) Department of social and health services: Enter into a financing contract for up to \$118,000,000 plus costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to design and construct a nursing facility on the Fircrest Residential Habilitation Center campus on the existing adult training program site. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(7) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

~~((7))~~ (8) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

~~((8))~~ (9) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. Debt service for this facility may not be paid from additional student fees.

~~((9))~~ (10) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing

FORTY FIFTH DAY, FEBRUARY 26, 2020

expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

(h) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(11) Eastern Washington University: Enter into a financing contract for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for roof replacement projects.

Sec. 7003. RCW 43.19.501 and 2018 c 2 s 7027 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county. ~~((For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.))~~

During the ~~((2017-2019))~~ 2019-2021 fiscal biennium, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities.

NEW SECTION. Sec. 7004. A new section is added to 2019 c 413 (uncodified) to read as follows:

The department of natural resources, in coordination with the department of social and health services, may enter into long-term, revenue generating opportunities for underutilized portions of the Fircrest Residential Habilitation Center bounded by 15th Ave NE and NE 150th Street to benefit the charitable, educational, penal, and reformatory trust. Long-term, revenue generating opportunities may include, but are not limited to, land leases, land sales, and land swaps. It is the intent of the legislature that any revenue obtained from these opportunities be utilized by the department of social and health services for community services benefiting those with developmental disabilities. The department of social and health services and the department of natural resources must amend their lease if necessary to conform with this section.

NEW SECTION. Sec. 7005. A new section is added to 2019 c 413 (uncodified) to read as follows:

In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

Sec. 7006. 2019 c 413 s 7021 (uncodified) is amended to read as follows:

(1) The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the real property known as the Tacoma Rhodes complex. The property consists of the Broadway building, Market building, and parking garage.

(2) The department may negotiate a sale with the city of Tacoma for less than fair market value, but the purchase price must cover appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities necessary to keep the department whole.

(3) If the department and the city of Tacoma are unable to negotiate agreed upon terms and execute a purchase and sale

agreement by December 31, 2019, the department may sell the property to any purchaser for no less than fair market value.

(4) The terms and conditions of the sale must meet the business needs of the state tenants.

(5) Any sale proceeds remaining after the department has satisfied all of the obligations, including appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities, must be deposited into the Thurston county capital facilities account. It is the intent of the legislature to use the sale proceeds for projects on the Capitol Campus.

NEW SECTION. Sec. 7007. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7008. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "to;" strike the remainder of the title and insert "the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501; amending 2019 c 413 ss 1009, 1029, 1030, 1035, 1041, 1042, 1043, 1051, 1059, 1065, 1033, 1073, 1078, 1090, 1092, 1093, 2001, 2002, 2010, 2030, 2037, 2038, 2039, 2041, 2072, 2075, 2080, 2084, 2091, 2093, 2094, 2096, 2098, 3008, 3009, 3011, 3016, 3022, 3023, 3026, 3028, 3030, 3031, 3032, 3034, 3036, 3038, 3052, 3056, 3062, 3064, 3081, 3096, 3097, 3069, 3115, 3119, 3120, 3123, 3129, 3131, 3132, 3135, 3137, 3141, 3143, 3144, 3145, 3149, 3150, 3151, 3152, 3153, 3156, 3204, 3223, 3232, 3236, 3242, 3247, 3252, 3253, 3254, 3255, 3274, 3275, 3294, 5012, 5028, 5030, 5035, 5072, 5079, 5093, 5098, 5101, 5060, 5122, 6003, 6005, 1024, 7001, 7002, and 7021 (uncodified); adding new sections to 2019 c 413 (uncodified); creating a new section; making appropriations; repealing 2019 c 413 ss 3099 and 3296 (uncodified); and declaring an emergency."

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 1176 by Senator Warnick on page 13, line 16 to Substitute Senate Bill No. 6248 was withdrawn.

MOTION

Senator Frockt moved that the following floor amendment no. 1174 by Senator Frockt be adopted:

On page 20, line 9, after "(AiPACE)" insert "(Preconstruction activities)"

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

Senator Frockt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1174 by Senator Frockt on page 20, line 9 to striking floor amendment no. 1173.

The motion by Senator Frockt carried and floor amendment no. 1174 was adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 1175 by Senator Becker be adopted:

On page 31, after line 27, insert the following:

"Bethel High School Pierce College Annex Campus (Graham) . . \$300,000"

On page 34, line 2, strike "\$13,254,000" and insert "\$13,554,000"

On page 34, line 5, strike "\$13,254,000" and insert "\$13,554,000"

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

Senators Becker and Frockt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1175 by Senator Becker on page 31, after line 27 to striking floor amendment no. 1173.

The motion by Senator Becker carried and floor amendment no. 1175 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1173 by Senator Frockt as amended to Substitute Senate Bill No. 6248.

The motion by Senator Frockt carried and striking floor amendment no. 1173 as amended was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6248.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Short moved that Substitute Senate Bill No. 6628, restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections, be removed from the Second Reading Calendar and the measure be referred to the Committee on Rules.

Senators Short and Liias spoke in favor of the motion by Senator Short to refer the bill.

The President declared the question before the Senate to be the motion by Senator Short that the bill be removed from the Second Reading Calendar and it be referred to the Committee on Rules.

The motion by Senator Short carried and Substitute Senate Bill No. 6288 was referred to the Committee on Rules by voice vote.

SECOND READING

ENGROSSED HOUSE BILL NO. 1687, by Representatives Stanford, Doglio, Macri, Hansen, Orwall, Appleton, Jinkins, Ormsby, Valdez and Davis

Limiting defenses based on victim identity.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed House Bill No. 1687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1687.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1687 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Fortunato, Padden and Rivers

ENGROSSED HOUSE BILL NO. 1687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1750, by Representatives Mosbrucker and Lovick

Filling vacancies in county sheriff offices.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 1750 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

FORTY FIFTH DAY, FEBRUARY 26, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the final passage of House Bill No. 1750.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1750 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 1750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:30 a.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Thursday, February 27, 2020.

Senator Becker announced a meeting of the Republican Caucus immediately upon adjournment.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon adjournment.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, February 27, 2020

The Senate was called to order at 10:05 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Rogers High School Junior Reserve Officers' Training Corps (Jr. ROTC) Color Guard of Rogers High School, Puyallup, consisting of Cadet Gonzalez, Cadet Bunko, Cadet Goodman and Cadet Shock, presented the Colors. Page Miss. Lucy Siebert led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Carol McKinley, Olympia Unitarian Universalist Congregation.

MOTION

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

MOTION

Senator Liias moved that, pursuant to Rule 46, all senate committees be granted special leave to meet during the day's pro forma floor session.

Senator Padden objected to the motion by Senator Liias.
Senator Padden spoke on his objection to the motion.

President Habib: "Thank you Senator Padden, just to be clear. Are you objecting for the purpose for calling for a vote on the question or are you registering your displeasure? How you would like us to proceed?"

Senator Padden: "I am registering my displeasure, there is no need for a vote. Thank you, Mr. President."

President Habib: "Thank you, Senator Padden and I know that from speaking with the Majority Floor Leader that this was not an easy decision to schedule floor time but in light of the extraordinary list of requests for very important resolutions that he granted floor time for this is how he has chosen to proceed in an extraordinary set of circumstances, so I appreciate, Senator Padden, your willingness to allow us to proceed."

The President declared the question before the senate to be the motion by Senator Liias that the committees of the senate be granted special leave to meet during the day's session and the motion carried by voice vote.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2020
SHB 1009 Prime Sponsor, Committee on State Government & Tribal Relations: Addressing the state auditor's

duties and procedures. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 25, 2020
HB 1079 Prime Sponsor, Representative Pollet: Adding a faculty member to the board of regents at the research universities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member and Brown.

Referred to Committee on Rules for second reading.

February 29, 2020
HB 1201 Prime Sponsor, Representative Kilduff: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Ways & Means.

February 29, 2020
2SHB 1645 Prime Sponsor, Committee on Human Services & Early Learning: Certifying parental improvement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler; Warnick and Wilson, L.

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

Referred to Committee on Ways & Means.

February 25, 2020

HB 1702 Prime Sponsor, Representative Van Werven: Informing students of low-cost course materials for community and technical college courses. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

February 25, 2020

HB 1755 Prime Sponsor, Representative Leavitt: Allowing regional universities to offer doctorate level degrees in education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Rules for second reading.

February 25, 2020

E3SHB 1775 Prime Sponsor, Committee on Appropriations: Protecting commercially sexually exploited children. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Cleveland; O'Ban; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh, Ranking Member.

Referred to Committee on Ways & Means.

February 26, 2020

E2SHB 1783 Prime Sponsor, Committee on Appropriations: Creating the Washington state office of equity. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

MINORITY recommendation: Do not pass. Signed by Senator Zeiger, Ranking Member.

Referred to Committee on Ways & Means.

February 26, 2020

2SHB 1888 Prime Sponsor, Committee on Appropriations: Protecting employee information from public disclosure. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Ways & Means.

February 26, 2020

EHB 2008 Prime Sponsor, Representative Hudgins: Concerning alternate methods of ballot security. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 26, 2020

EHB 2228 Prime Sponsor, Representative Springer: Permitting early deployment of state fire service resources. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2229 Prime Sponsor, Representative Sullivan: Clarifying the scope of taxation on land development or management services. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2020

HB 2252 Prime Sponsor, Representative Thai: Concerning student health plans. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Froct; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

February 26, 2020

2SHB 2277 Prime Sponsor, Committee on Appropriations: Concerning youth solitary confinement.

Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 26, 2020

SHB 2326 Prime Sponsor, Committee on Health Care & Wellness: Reporting end-of-life care policies. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member and Becker.

Referred to Committee on Rules for second reading.

February 25, 2020

ESHB 2327 Prime Sponsor, Committee on College & Workforce Development: Addressing sexual misconduct at postsecondary educational institutions. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Stanford, Vice Chair and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy, Ranking Member and Brown.

Referred to Committee on Ways & Means.

February 25, 2020

SHB 2374 Prime Sponsor, Committee on Consumer Protection & Business: Preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Schoesler; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 26, 2020

SHB 2384 Prime Sponsor, Committee on Finance: Concerning the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 25, 2020

SHB 2388 Prime Sponsor, Committee on Human Services & Early Learning: Standardizing definitions of homelessness to improve access to services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 25, 2020

SHB 2394 Prime Sponsor, Committee on Public Safety: Concerning community custody. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2020

HB 2402 Prime Sponsor, Representative Hudgins: Streamlining legislative operations by repealing and amending selected statutory committees. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa; Hawkins and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Assistant Ranking Member Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 25, 2020

SHB 2417 Prime Sponsor, Committee on Public Safety: Concerning individuals serving community custody terms. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2020

SHB 2419 Prime Sponsor, Committee on Health Care & Wellness: Studying barriers to the use of the Washington death with dignity act. Reported by Committee on Health & Long Term Care

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker and Muzzall.

Referred to Committee on Ways & Means.

February 25, 2020

SHB 2441 Prime Sponsor, Committee on Appropriations: Improving access to temporary assistance for needy families. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2512 Prime Sponsor, Representative Orwall: Concerning interest and penalty relief for qualified mobile home and manufactured home owners. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 26, 2020

SHB 2527 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning the rights of Washingtonians during the United States census. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

February 29, 2020

HB 2542 Prime Sponsor, Representative Paul: Concerning tuition waivers for children of eligible veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2545 Prime Sponsor, Representative Davis: Making jail records available to managed health care systems. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2020

ESHB 2565 Prime Sponsor, Committee on Environment & Energy: Concerning the labeling of disposable wipes products. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment Sheldon, Assistant Ranking Member, Energy & Technology.

Referred to Committee on Rules for second reading.

February 25, 2020

ESHB 2576 Prime Sponsor, Committee on Public Safety: Concerning private detention facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger.

Referred to Committee on Rules for second reading.

February 25, 2020

HB 2579 Prime Sponsor, Representative Dye: Establishing a wild horse holding and training program at Coyote Ridge corrections center. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 25, 2020

SHB 2614 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning paid family and medical leave. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Braun and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2020

SHB 2634 Prime Sponsor, Committee on Finance: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2677 Prime Sponsor, Representative Chopp: Sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 26, 2020

ESHB 2713 Prime Sponsor, Committee on State Government & Tribal Relations: Encouraging compost procurement and use. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member, Environment and Short.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2739 Prime Sponsor, Representative Kloba: Adjusting certain requirements of the shared leave program. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 25, 2020

SHB 2794 Prime Sponsor, Committee on Human Services & Early Learning: Concerning juvenile record sealing. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 2402 which had been designated to the Committee on Ways & Means and was referred to the Committee on Rules.

MOTION

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

MOTION

Senator Kuderer moved adoption of the following resolution:

SENATE RESOLUTION

8697

By Senators Kuderer and Dhingra

WHEREAS, Women in Cloud celebrates female entrepreneurs in the tech industry as a source of inspiration and support that connects and empowers women throughout Washington and beyond; and

WHEREAS, Washington is home to many thriving tech companies; and

WHEREAS, Women in Cloud cultivates partnerships with innovative companies, leaders, and governments to advance the success of women in tech; and

WHEREAS, Women in Cloud strives to change industry narratives by creating economic access for women in the cloud economy; and

WHEREAS, The underrepresentation of women in tech leadership not only harms technological development, societal, and economic growth, but is also unacceptable in the 21st century; and

WHEREAS, Only ten percent of leadership positions in the tech industry are held by women and more than half of United States tech start-ups lack female representation on their boards; and

WHEREAS, Fifty-six percent of women in tech fields leave their positions midcareer, double the turnover rate for men; and

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

WHEREAS, Female mentorship in tech fosters valuable skills in communication, leadership, adaptation, and networking; and

WHEREAS, Inclusivity and representation empower young women and girls to pursue careers in tech; and

WHEREAS, Women in Cloud connects female entrepreneurs with leaders in business, tech, and politics to further opportunities for growth and mentorship; and

WHEREAS, Women in Cloud is partnering with global leaders and women entrepreneurs with an aim to create one billion dollars in economic access in the public and private sector by 2030; and

WHEREAS, Women in Cloud will expand their accelerator programs in 2020 to reach eight additional countries including India and Canada; and

WHEREAS, The 2021 Women in Cloud Summit will be an international event dedicated to uplifting women in tech across North America, India, Africa, and Europe;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the achievements of the Women in Cloud Initiative to foster opportunities for emerging women entrepreneurs and leaders in the tech field around the world.

Senator Kuderer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

MOTION

Senator Fortunato moved adoption of the following resolution:

SENATE RESOLUTION
8676

By Senators Fortunato and Padden

WHEREAS, Washington State is home to a vibrant Liberian community who contribute to the cultural, economic, and civic enrichment of the state; and

WHEREAS, The United States Congress recently recognized the invaluable relationship between these two great nations to reaffirm our ties and support for democratic principles in Liberia; and

WHEREAS, The country of Liberia has maintained strong historical, political, and economic ties to the United States for the past two hundred years with nearly 80,000 people of Liberian descent calling America home; and

WHEREAS, The Liberian people, although having faced significant adversity throughout their history, have sought to maintain the highest ideals of a free and democratic society; and

WHEREAS, Liberia celebrated its first peaceful transition of power since 1944 in the 2017 election; and

WHEREAS, The Liberian people have worked tirelessly to build and safeguard their liberty, rich history, and institutions; and

WHEREAS, The Liberian Association of Washington State was founded to help enhance the socioeconomic and educational well-being of its members, promote coexistence and cultural heritage among Liberians, and address the needs of Liberians facing challenges at home; and

WHEREAS, The United States and its citizens have supported investments in democratic institutions, education, health care, and the general welfare of the Liberian people;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the importance of continuing

a strong relationship with the Liberian people, and between our governments; and

BE IT FURTHER RESOLVED, That the Washington State Senate commend the individuals and groups working on behalf of the Liberian community to improve their lives, and the lives of their countrymen, through a strong civil society and the rule of law.

Senator Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced dignitaries from Liberia and representatives of the Liberian Association of Washington (LAWS), including: The Honorable Gabriel Nmah, Deputy Director of the Liberian National Fire Service; Mr. Joseph F. Jarbah, President (LAWS); Mr. Bill Pah, Vice President; and Mr. Preston Tarr, Secretary, who were seated in the gallery.

MOTION

Senator Zeiger moved adoption of the following resolution:

SENATE RESOLUTION
8693

By Senators Zeiger and Das

WHEREAS, Ronald J. Shurer II was born on December 7, 1978, in Fairbanks, Alaska; and

WHEREAS, Staff Sergeant Shurer spent most of his childhood in Tacoma, Washington while his father was stationed at McChord Air Force Base; and

WHEREAS, Staff Sergeant Shurer graduated from Rogers High School in Puyallup, Washington in 1997 and Washington State University in 2001, where he received a bachelor's degree in business administration; and

WHEREAS, Staff Sergeant Shurer enlisted in the United States Army from Spokane, Washington in September 2002; and

WHEREAS, Staff Sergeant Shurer trained as an army medic and subsequently qualified to train as a Special Forces medic; and

WHEREAS, Staff Sergeant Shurer was deployed with Combined Joint Special Operations Task Force in Afghanistan from November 2007 to May 2008 in Operation Enduring Freedom; and

WHEREAS, Staff Sergeant Shurer participated in a joint U.S.-Afghan raid on April 6, 2008, designed to kill or capture Gulbuddin Hekmatyar, the leader of the Hezb-e Islami Gulbuddin in the Shok Valley of Nuristan Province in Afghanistan; and

WHEREAS, Staff Sergeant Shurer's team came under enemy machine gun, sniper, and rocket-propelled grenade fire while moving through the valley. The team suffered casualties and became pinned down on a mountainside; and

WHEREAS, Staff Sergeant Shurer ran through enemy fire to rescue wounded soldiers and returned fire, killing several insurgents; and

WHEREAS, Staff Sergeant Shurer treated a soldier who lost a leg, another who had RPG shrapnel in his neck, and helped evacuate the wounded to a medevac helicopter, at times using his body as a shield against debris; and

WHEREAS, Staff Sergeant Shurer was initially awarded the Silver Star for his role in the operation. In 2016, the Pentagon

conducted a review of all valor medals awarded since the 9/11 terror attacks and this resulted in Shurer's award being upgraded; and

WHEREAS, Staff Sergeant Shurer received the Medal of Honor from President Donald Trump on October 1, 2018, in a ceremony at the White House;

NOW, THEREFORE, BE IT RESOLVED, That in celebration of his bravery and dedication to his fellow soldiers, the Washington State Senate express its gratitude to Staff Sergeant Ronald J. Shurer II for his many services to our nation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Shurer family, in recognition and appreciation of Shurer's commitment to the United States Army.

Senator Zeiger spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

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

MOTION

Senator Randall moved adoption of the following resolution:

SENATE RESOLUTION 8698

By Senators Randall, Lovelett, Fortunato, and Das

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, Motorcyclists make up just about three percent of all registered vehicles but account for about fifteen percent of all traffic fatalities as of 2017; and

WHEREAS, The United States Department of Transportation's National Highway Traffic Safety Administration launched a Get Up to 20 Speed on Motorcycles campaign to help motorists learn how to drive safely around motorcycles in order to keep all roadway users safe; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse and American Legion Riders, band together to support kids, veterans, and other vulnerable communities all around the state; and

WHEREAS, The month of May is recognized nationally and throughout the state as Motorcycle Safety Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the month of May as Motorcycle Safety Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the

AAA Washington office, the ABATE of Washington office, Bikers Against Child Abuse, the representative of the Washington Road Riders Association, the headquarters of the Washington State Patrol, and the Washington State Department of Transportation.

Senator Randall spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members and representatives of A Brotherhood Against Totalitarian Enactments (ABATE), Washington including Ms. Louise Bentley, State Legislative Officer, ABATE Washington, who were seated in the gallery.

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION 8687

By Senators Warnick, Brown, Holy, Wilson, L., Zeiger, Muzzall, Honeyford, Saldaña, Liias, Schoesler, King, Sheldon, Van De Wege, Wagoner, Das, Becker, Hasegawa, and Fortunato

WHEREAS, Agriculture is a major part of Washington State economy generating over thirty billion dollars and creating over 164,000 jobs; and

WHEREAS, The United States and Washington are net exporters of food; and Washington State exports 6.7 billion dollars in agricultural products every year; and

WHEREAS, Farmers and ranchers produce the safest, most nutritious and abundant food supply ever known; and

WHEREAS, Washington's climate, soil, and water allow us to produce more food per acre than most anywhere else in the world; and

WHEREAS, Farmers and ranchers produce great yields despite having no control over weather and limited control over crop yields; and

WHEREAS, Farmers and ranchers are price takers – not price setters; and

WHEREAS, Farmers and ranchers put in many hours, sunup to sundown, making sure their crops and livestock are tended responsibly, taking time away from family and friends, foregoing vacations; and

WHEREAS, Such sacrifice can take a personal toll on each producer, yet they continue to steward the earth and seek new and sustainable ways to operate and preserve Washington's natural resources to feed consumers; and

WHEREAS, Ninety-five percent of Washington farms are family owned and operated; and

WHEREAS, Washington's farm families grow over three hundred different crops in both eastern and western Washington making our agriculture more diverse and more complex than almost any other state; and

WHEREAS, Washington produces and exports high quality Timothy and Alfalfa hay, and livestock including cattle, horses, and swine; and

WHEREAS, Washington is known worldwide for its production of potatoes, apples, hops, and blueberries; and

FORTY SIXTH DAY, FEBRUARY 27, 2020

WHEREAS, Washington is also known for its innovative aquaculture and sustainable timber industry; and

WHEREAS, Our population directly involved in food production has dropped from ninety percent in the 1800's to just two percent today; and

WHEREAS, It is critical our population understand how our country's food supply is produced;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize our agricultural producers for the hard work they have done and the many sacrifices they have made for our communities, our country, and the world.

BE IT FURTHER RESOLVED, Washington State Senate feels the need to honor and appreciate our agriculture producers for their efforts to educate the public and improve the future for our agriculture producers of Washington State now and forever.

Senators Warnick and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8695

By Senators Pedersen, Takko, Mullet, Frockt, Hunt, Das, Keiser, Salomon, Stanford, Van De Wege, Cleveland, Hasegawa, Brown, Walsh, Schoesler, Liias, and Fortunato

WHEREAS, In January of 1919, the Republic of Poland and the United States established diplomatic relations with the hope of the betterment of political, economic, religious, and human rights for both countries; and

WHEREAS, The first Polish ambassador to the United States, Prince Kazimierz Lubomirski, presented his credentials to President Woodrow Wilson on May 15, 1920; and

WHEREAS, Over the decades, the strength of Polish-American relations varied, enduring the Cold War; and

WHEREAS, Upon the fall of communism, Poland regained full sovereignty and joined the North Atlantic Treaty Organization (NATO) and the European Union (EU); and

WHEREAS, Poland's decision to align itself with the western democracy further strengthened the Polish-American diplomatic relations, opening a new platform for economic and cultural growth; and

WHEREAS, As the tenth largest European economy, Poland is a sizeable and important commercial partner of the United States in Central Europe; and

WHEREAS, The Polish-American economic and cultural connection lies within strong student exchange programs and growing business and trade relations; and

WHEREAS, There are an estimated nine million Poles living in the United States, with Washington State having its own large Polish population of one hundred twenty-seven thousand; and

WHEREAS, Polish Home Association (Polish Cultural Center) in Seattle was established in 1918 to provide immigrants with programs and services to help Poles adapt to their new lives in America; and

WHEREAS, The Polish Cultural Center has focused on education, cultural, and economic support services for more than

2020 REGULAR SESSION

one hundred years, fostering a strong Polish-American community; and

WHEREAS, The Polish community in the year 2000 established the Seattle Polish Foundation, an organization devoted to fostering interest in Polish heritage and spreading awareness of the accomplishments of Polish-Americans; and

WHEREAS, In the State of Washington, in 2003, the University of Washington Polish Studies Endowment Committee was founded with the goal of cultivating, enhancing, and promoting the understanding of the Polish language, culture, and arts;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington commemorate one hundred years of diplomatic relations between Poland and the United States; and

BE IT FURTHER RESOLVED, That the members of the strong Polish-American community in the State of Washington be recognized for the work they have done to preserve their culture and heritage and to contribute to the local society.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced dignitaries from Poland and representatives of the Polish-American community in Washington including The Honorable Jaroslaw Lasinski, Consul General, Consulate General of Poland in Los Angeles; Ms. Teresa Indelak Davis, Honorary Consul of Poland in Seattle; and the Polish Home Association Board members and the Seattle Polish Foundation Board members who were seated in the gallery.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8700

By Senator Liias

WHEREAS, Claire Beach began her career promoting media literacy in the 1980s in Boston, running a city-wide youth program called "The Demystification of Television," which broke down the audience and message of commercials; and

WHEREAS, This led Claire to a career in documentary filmmaking where she worked on films about peace issues with other women, their work then being immortalized in the Harvard Library; and

WHEREAS, Inspired by the birth of her son Jesse in 1987, she honed her focus on media literacy, producing and hosting a live public affairs show on violence in children's television which won a Commonwealth of Massachusetts outstanding Public Affairs Program Award; and

WHEREAS, Claire began her teaching career in the Seattle and Edmonds communities in 1995, and is a valuable and beloved member of the Edmonds community, having inspired and impacted the lives of hundreds of students over her many years of service; and

WHEREAS, As a teacher, artist, and activist who has consistently worked to lift up the voices and experiences of young people, Claire has imparted to her students a way of thinking that

encourages critical analysis, courageous conversations about difficult topics, and art as a form of social change; and

WHEREAS, Claire has a sincere passion for and deep knowledge of the field of media literacy and scholarship, and understands the importance of teaching students how to evaluate films, TV, print news, and other media for accuracy, messaging, and value; and

WHEREAS, Claire's love for media literacy and her students led to her becoming a member, and later the president, of Action for Media Education, where she worked on several media literacy-based projects and grants through the Washington State Department of Health; and

WHEREAS, This passion led Claire to engage with her representatives in the Legislature on the issue, and as a result of her tireless efforts to expand access to media literacy curricula for students in her district and across the state, Washington has been recognized as a leader among all fifty states in the realm of media literacy education, developing a national model for helping students develop the skills to navigate an increasingly digitized world and become engaged, informed, and empowered 21st century citizens; and

WHEREAS, In 2017, Claire began a new fight against ovarian cancer, but has refused to let her work in the classroom stop, continuing to serve as a substitute saying "chemo heals my cancer, teaching heals my soul"; and

WHEREAS, Claire views her work with young people as a part of her healing and has drawn strength from continuing to teach even after her diagnoses and treatments;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the incredible contributions that Claire Beach has made to our state as a result of her tireless advocacy and efforts to improve media literacy in Washington, resulting in our state creating one of the most comprehensive media literacy programs in the country; and

BE IT FURTHER RESOLVED, That we express our profound admiration for Claire's strength in the face of her illness and that we send her strength and fortitude as she continues her work teaching the next generation about the importance of media literacy and digital citizenship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Claire Beach and her son Jesse Douglas-Tesch.

Senators Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Claire Beach who was seated in the gallery.

REMARKS BY THE PRESIDENT

President Habib: "Thank you to the secretary for reading these resolutions in their entirety. It is not often that we have this many resolutions in one day, in one time, and read in full. So, thank you very much for that."

MOTION

At 11:30 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:45 a.m. by President Habib.

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION 8701

By Senators Hasegawa, Saldaña, Conway, and Wagoner

WHEREAS, The United States Government tested 67 atmospheric nuclear weapons in the Marshall Islands from 1946-1958 during the time that the United States was the administering authority for the Trust Territory of the Pacific Islands; and

WHEREAS, Much of the plutonium that served as the energy source for the nuclear weapons detonated in the Marshall Islands was processed at Hanford, thus creating a link between the Marshallese people and the people of Washington state; and

WHEREAS, The "Bravo" test on Bikini Atoll on March 1, 1954, was the equivalent of 1,000 Hiroshima-sized bombs, and the Marshallese people experienced the equivalent of 1.6 Hiroshima-sized bombs every day for the twelve years of the testing program; and

WHEREAS, The Marshallese people and their islands became a living laboratory for nuclear weapons designers to better understand the impacts of radioactive weaponry on human beings and their environment, including the top secret biomedical program, Project 4.1; and

WHEREAS, Project 4.1 established an internment camp on Kwajalein Atoll for the people exposed to radioactive fallout from the Bravo test, and established numerous biomedical studies, such as the purposeful resettlement of Marshallese people on radioactive islands to study human uptake of radiation from the environment; and

WHEREAS, The Marshallese experience numerous challenges today connected to the United States nuclear legacy, such as communities that cannot return to their ancestral lands because of lingering contamination, those who were prematurely resettled on contaminated lands, and health care issues related to radiation exposure and diaspora, including cancer and other radiogenic illnesses; and

WHEREAS, There are no oncologists in the Marshall Islands today, nor is there a cancer care treatment facility, and thus the Government of the Republic of the Marshall Islands is hoping to build relationships with Washington state's world class cancer research and treatment facilities; and

WHEREAS, The termination of the Trust Territory of the Pacific Islands in 1986 resulted in the Compact of Free Association between the United States and the Republic of the Marshall Islands, the Federated States of Micronesia, and later Palau, collectively known as the "COFA" nations; and

WHEREAS, As a result of the unique and historical relationship between the citizens of the former United States trust territory, residents under the COFA treaty currently serve in every branch of the United States armed forces, and have the right to enter, live, and work in the United States without a visa; and

WHEREAS, COFA community members reside in numerous counties across Washington state and are advocating for equity in terms of eligibility for federal assistance programs for other legal migrants, such as Medicaid and food stamps; and

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

WHEREAS, The Marshallese people are consummate survivors whose culture continues to thrive, including the ground zero communities of Bikini and Enewetak who remain some of the most gifted open ocean navigators, voyagers, and weavers in the world; and

WHEREAS, The upcoming March 1st anniversary of the Bravo detonation is a national holiday and day of mourning and remembrance for the Republic of the Marshall Islands;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pause to acknowledge the painful and damaging legacy of United States nuclear weapons testing in the Marshall Islands, and stand in support of our Marshallese community members across Washington State on the March 1st anniversary of the Bravo detonation.

Senator Hasegawa spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced dignitaries and representatives of U.S. partner states of the Compact of Free Association (COFA) nations including: The Honorable Joe Enlet, Consul General, Federated States of Micronesia; Ms. Babea Milne, Marshall Islands Elder; Dr. Holly Barker, Commissioner, Marshall Islands National Nuclear Commission; Ms. Anna Kahn, a victim of the nuclear testing done on the Marshall Islands; Mr. Jon Gould, COFA Alliance volunteer advisory member; and COFA Alliance National Network of Washington members who were seated in the gallery.

The President welcomed and introduced the Marshall Islands choral of the United Church of Christ in Everett who were present in the gallery.

With leave of the senate, business was suspended to allow the Marshall Islands chorale group to perform a song from the gallery.

PERSONAL PRIVILEGE

Senator Hasegawa: "I just wanted to note that the English translation for that song is on your desks, everybody's desks here. And, that was the community's way of saying thank you to us all. Thank you."

The senate rose and recognized the performance of the Marshall Island chorale group.

PERSONAL PRIVILEGE

Senator Short: "I rise to introduce the Senate to the Stampede Queen for 2020. Shelby White is currently a senior at Liberty High School. She is a life-long resident of Twisp, Washington. She is also in Running Start as a sophomore at Wenatchee Valley College. She is very athletic and very outdoor-oriented, and I can tell you that we're so proud of her in her journey thus far. In 2018 she was the Okanogan County Fair Queen and in 2019 she was Winthrop '49er Days Princess, but I can tell you the Stampede represents just a combination of rodeo industry and culture between the Colville Confederated Tribes and Omak and several of you have been. It's always the second week in August and we are just so proud to have Shelby join us today."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Shelby White, Miss Omak Stampede, 2020 who was seated in the gallery.

MOTION

At 11:58 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 1:06 p.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 6168, by Senators Rolfes and Braun

Making 2019-2021 fiscal biennium supplemental operating appropriations.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following floor amendment no. 1184 by Senator Schoesler be adopted:

On page 2, line 6, decrease the General Fund—State Appropriation (FY 2020) by \$25,000

On page 2, line 8, decrease the General Fund—State Appropriation (FY 2021) by \$100,000

Adjust the total appropriation accordingly.

On page 2, at the beginning of line 15, strike "(1)"

On page 2, beginning on line 21, strike all of subsection (2)

On page 2, line 31, decrease the General Fund—State Appropriation (FY 2020) by \$25,000

On page 2, line 33, decrease the General Fund—State Appropriation (FY 2021) by \$100,000

Adjust the total appropriation accordingly.

On page 3, beginning on line 14, strike all of subsection (3)

Senators Schoesler and Short spoke in favor of adoption of the amendment.

Senators Rolfes and Hasegawa spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 6 to Substitute Senate Bill No. 6168.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Absent: Senator Ericksen.

MOTION

Senator Rolfes moved that the following floor amendment no. 1179 by Senator Rolfes be adopted:

On page 8, line 28, increase the General Fund—State Appropriation (FY 2021) by \$100,000

Adjust the total appropriation accordingly.

On page 11, after line 34, insert the following:

"(18) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5984 (dissolution/doc. language). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse."

The President declared the question before the Senate to be the adoption of floor amendment no. 1179 by Senator Rolfes on page 8, line 28 to Substitute Senate Bill No. 6168.

The motion by Senator Rolfes carried and floor amendment no. 1179 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1201 by Senator Rivers be adopted:

On page 13, line 35, increase the General Fund—State Appropriation (FY 2021) by \$139,000

Adjust the total appropriation accordingly.

On page 16, after line 16, insert the following:

"(14) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for an assistant director position at the office."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1201 by Senator Rivers on page 13, line 35 to Substitute Senate Bill No. 6168.

The motion by Senator Rivers did not carry and floor amendment no. 1201 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1185 by Senator Schoesler be adopted:

On page 16, line 21, decrease the General Fund—State Appropriation (FY 2020) by \$397,000

On page 16, line 23, decrease the General Fund—State Appropriation (FY 2021) by \$353,000

Adjust the total appropriation accordingly.

On page 17, beginning on line 11, after "(4)" strike all material through "(5)" on line 21 and insert "~~(\$375,000 of the general fund state appropriation for fiscal year 2020 and \$375,000 of the general fund state appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.~~

~~(5))"~~

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

On page 298, line 14, increase the General Fund—State Appropriation (FY 2021) by \$750,000

Adjust the total appropriation accordingly.

On page 306, after line 5, insert the following:

"(35) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide a grant to the Muckelshoot tribe for a new fish hatchery."

Senators Schoesler and Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 16, line 21 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Takko moved that the following floor amendment no. 1181 by Senators Takko and Van De Wege be adopted:

On page 16, line 26, increase the Economic Development Strategic Reserve Account—State Appropriation by \$3,000,000.

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

Adjust the total appropriation accordingly.

On page 487, after line 27, insert the following:

"General Fund: For transfer to the economic development strategic reserve account, \$1,000,000 for fiscal year 2021 . . . \$1,000,000"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1181 by Senators Takko and Van De Wege on page 16, line 26 to Substitute Senate Bill No. 6168.

The motion by Senator Takko carried and floor amendment no. 1181 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1202 by Senator Ericksen be adopted:

On page 17, line 17, after "dams" insert "and the Hiram M. Chittenden locks"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1202 by Senator Ericksen on page 17, line 17 to Substitute Senate Bill No. 6168.

The motion by Senator Ericksen did not carry and floor amendment no. 1202 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1197 by Senator Braun be adopted:

On page 20, line 20, increase the General Fund-State Appropriation (FY 2021) by \$75,000.

Adjust the total appropriation accordingly.

On page 24, after line 2, insert the following:

"(16) \$75,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1197 by Senator Braun on page 20, line 20 to Substitute Senate Bill No. 6168.

The motion by Senator Braun carried and floor amendment no. 1197 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 1193 by Senator Fortunato be adopted:

On page 57, line 16, after "safety," insert "be located on a site that prohibits the use of alcohol and illegal drugs on its premises."

On page 59, line 22, after "grants," insert "In order to receive funds, grantees must certify that the use of alcohol and illegal drugs is prohibited at their service locations."

Senators Fortunato and Wagoner spoke in favor of adoption of the amendment.

Senators Kuderer and Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1193 by Senator Fortunato on page 57, line 16 to Substitute Senate Bill No. 6168.

The motion by Senator Fortunato did not carry and floor amendment no. 1193 was not adopted by a rising vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1183 by Senator Schoesler be adopted:

On page 72, after line 19, insert the following:

"(22) In order to facilitate the taxpayers' understanding of public employee bargaining and its fiscal impact on the state budget, collective bargaining negotiations under chapter 41.80 RCW conducted by the office using funds provided in this section must be open for public observation and follow the requirements for conducting open public meetings under chapter 42.30 RCW."

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

On page 507, after line 24, insert the following:

"Sec. 925. RCW 42.30.140 and 1990 c 98 s 1 are each amended to read as follows:

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Except for agreements negotiated under chapter 41.80 RCW during the 2019-2021 fiscal biennium, collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress."

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

Correct the technical portion of the title.

Senators Schoesler and Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 72, after line 19 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Honeyford moved that the following floor amendment no. 1203 by Senator Honeyford be adopted:

On page 75, line 14, increase the General Fund—State Appropriation (FY 2021) by \$166,000

Adjust the total appropriation accordingly.

On page 82, after line 12, insert the following:

"(17) \$166,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 1457 (aircraft fuel tax distributions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse."

Senators Honeyford, Keiser and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1203 by Senator Honeyford on page 75, line 14 to Substitute Senate Bill No. 6168.

The motion by Senator Honeyford carried and floor amendment no. 1203 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 1190 by Senator Fortunato be adopted:

On page 82, after line 12, insert the following:

"(17) Amounts provided in this section include sufficient funding for implementation of Senate Bill No. 6041 (motor vehicle sales tax)."

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

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1190 by Senator Fortunato on page 82, after line 12 to Substitute Senate Bill No. 6168.

The motion by Senator Fortunato did not carry and floor amendment no. 1190 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 1195 by Senators O'Ban and Rivers be adopted:

On page 82, after line 12, insert the following:

"(17)(a) By December 1, 2020, the department of revenue, using the November 2020 revenue forecast shall calculate the increase from the February 2020 revenue forecast in forecasted revenues to be deposited in the general fund, education legacy trust account, Washington opportunity pathways account, and workforce education investment account.

(b) By December 31, 2020, the department of revenue must notify the treasurer of the amount calculated in (a) of this subsection. The treasurer shall transfer the amount from the state general fund to the state property tax reduction account hereby created in the state treasury. Amounts in the account may be expended only for the purpose of reducing the state property tax rate imposed by RCW 84.52.065(2)(a)."

Senator O'Ban spoke in favor of adoption of the amendment.

Senator O'Ban demanded a roll call.

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

Senators Becker, Ericksen, Zeiger, Padden, Braun, Fortunato, Wilson, L. and Rivers spoke in favor of adoption of the amendment.

Senators Billig and Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators O'Ban and Rivers on page 82, after line 12 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators O'Ban and Rivers and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Rivers moved that the following floor amendment no. 1210 by Senators Braun, King, Rivers and Walsh be adopted:

On page 86, line 25, increase the appropriation by \$1,000,000.

On page 90, after line 4, insert the following:

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

"(14) \$1,000,000 of the general fund-state appropriation for fiscal year 2021 is provided solely for the liquor and cannabis board to hire additional enforcement officers for the enforcement and regulation of vapor products, including youth prevention efforts to reduce access of vapor products by persons under the age of eighteen."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1210 by Senators Braun, King, Rivers and Walsh on page 86, line 25 to Substitute Senate Bill No. 6168.

The motion by Senator Rivers did not carry and floor amendment no. 1210 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, floor amendment no. 1212 by Senator Honeyford on page 100, line 24 to Substitute Senate Bill No. 6168 was withdrawn.

MOTION

Senator Sheldon moved that the following floor amendment no. 1194 by Senator Sheldon be adopted:

On page 101, after line 24, insert the following:

"(14) Whenever a payment of two million dollars or more is made from the liability account under RCW 4.92.130 for a settlement or judgment for the tortious conduct of the state's officers, employees, or volunteers dating from tortious conduct in calendar year 2010 or later, the appropriate policy and fiscal committees of the legislature shall, within twelve months of the payment, conduct a joint hearing for the purposes of:

(a) Receiving a report from the attorney general, the office of risk management, and the agency on which behalf the payment was made. The report shall describe the factual events and legal context that resulted in the payment; and

(b) Considering potential modifications to state practices and policies to prevent or reduce future state liability for tortious conduct. The information presented at the hearing must be consistent with the protections afforded by the attorney-client privilege and the attorney work product doctrine."

Senators Sheldon, Padden, Walsh, Braun, Becker and Brown spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1194 by Senator Sheldon on page 101, after line 24 to Substitute Senate Bill No. 6168.

The motion by Senator Sheldon did not carry and floor amendment no. 1194 was not adopted by a rising vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1204 by Senator Wilson, L. be adopted:

On page 101, after line 24, insert the following:

"(14) The state building code council shall delay implementation of the Washington state energy code for residential structures, 2018 edition. The state building code council must review and amend the Washington state energy code for residential structures, 2018 edition, by January 1, 2021, for implementation by July 1, 2021. The review and amendments to

the Washington state energy code for residential structures, 2018 edition, must be for the purpose of reducing construction costs and providing the least burdensome alternatives for compliance. The state building code council may not increase, but may decrease, the energy efficiency requirements in the Washington state energy code for residential structures, 2018 edition."

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1204 by Senator Wilson, L. on page 101, after line 24 to Substitute Senate Bill No. 6168.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1204 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following floor amendment no. 1189 by Senators Kuderer, Stanford and Van De Wege be adopted:

On page 107, after line 14, insert the following:

"Sec. 150. 2019 c 415 s 141 (uncodified) is amended to read as follows:

FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD

General Fund—State Appropriation (FY 2020) \$50,000

Law Enforcement Officers' and Firefighters' Plan 2 Expense

NonAppropriated Fund—State Appropriation \$50,000

TOTAL APPROPRIATION \$100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$50,000 general fund-state appropriation in this section is for the law enforcement officers' and firefighters' retirement system plan 2 board to study the tax, legal, fiscal, policy, and administrative issues related to allowing tribal law enforcement officers to become members of the law enforcement officers' and firefighters' plan 2 retirement system. This funding is in addition to other expenditures in the nonappropriated law enforcement officers' and firefighters' retirement system plan 2 expense account. In preparing this study, the department of retirement systems, the attorney general's office, and the office of the state actuary shall provide the board with any information or assistance the board requests. The board shall also receive stakeholder input as part of its deliberation. The board shall submit a report of the results of this study to the legislature by January 1, 2020.

(2) \$50,000 of the law enforcement officers' and firefighters' plan 2 expense nonappropriated fund—state appropriation is provided solely for a study of the pension benefits provided to emergency medical technicians providing services in King county between October 1, 1978 and January 1, 2003. The board shall examine the legal and fiscal implications of extending membership in the plan for these periods, including King county employers that might be included, the benefits that would be paid to members on a prospective and retroactive basis, and the contribution requirements and plan liability that would be created for employers, employees, and the state."

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

Corrects the technical portion of the title.

Senators Van De Wege and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1189 by Senators Kuderer, Stanford and Van De Wege on page 107, after line 14 to Substitute Senate Bill No. 6168.

The motion by Senator Van De Wege carried and floor amendment no. 1189 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1198 by Senator Braun be adopted:

On page 119, line 19, decrease the General Fund—State Appropriation (FY 2020) by \$291,000

On page 119, line 21, decrease the General Fund—State Appropriation (FY 2021) by \$1,248,000

On page 119, line 23, decrease the General Fund—Federal Appropriation by \$355,000

Adjust the total appropriation accordingly.

On page 129, line 31, decrease the General Fund—State Appropriation (FY 2021) by \$927,000

On page 129, line 33, decrease the General Fund—State Appropriation (FY 2021) by \$1,942,000

On page 129, line 35, decrease the General Fund—Federal Appropriation by \$2,499,000

Adjust the total appropriation accordingly.

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1198 by Senator Braun on page 119, line 19 to Substitute Senate Bill No. 6168.

The motion by Senator Braun did not carry and floor amendment no. 1198 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 1196 by Senator O'Ban be adopted:

On page 129, line 31, increase the General Fund—State Appropriation (FY 2020) by \$5,323,000

On page 129, line 33, increase the General Fund—State Appropriation (FY 2021) by \$5,418,000

On page 129, line 35, increase the General Fund—Federal Appropriation by \$10,741,000

Adjust the total appropriation accordingly.

On page 140, beginning on line 20, strike all of subsection (36) and insert the following:

"(36) \$7,832,000 of the general fund—state appropriation for fiscal year 2020, \$27,072,000 of the general fund—state appropriation for fiscal year 2021, and \$34,904,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 6396 (skilled nursing/rebase). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse."

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1196 by Senator O'Ban on page 129, line 31 to Substitute Senate Bill No. 6168.

The motion by Senator O'Ban did not carry and floor amendment no. 1196 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 1178 by Senator Becker be adopted:

On page 129, line 33, increase the General Fund—State Appropriation (FY 2021) by \$1,364,000

On page 129, line 35, increase the General Fund—Federal Appropriation by \$1,633,000

Adjust the total appropriation accordingly.

On page 140, after line 37, insert the following:

"(37) \$1,364,000 of the general fund—state appropriation for fiscal year 2021 and \$1,633,000 of the general fund—federal appropriation are provided solely to increase contracted medicaid rates for assisted living specialized dementia care."

Senators Becker and Walsh spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1178 by Senator Becker on page 129, line 33 to Substitute Senate Bill No. 6168.

The motion by Senator Becker did not carry and floor amendment no. 1178 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 1199 by Senator Brown be adopted:

On page 152, line 31, decrease the General Fund—State Appropriation (FY 2020) by \$54,000

On page 152, line 33, decrease the General Fund—State Appropriation (FY 2021) by \$163,000

On page 152, line 35, decrease the General Fund—Federal Appropriation by \$349,000

Adjust the total appropriation accordingly.

On page 507, after line 24, insert the following:

"Sec. 925. RCW 43.20B.020 and 1991 c 3 s 295 are each amended to read as follows:

The department of social and health services and the department of health are authorized to charge fees for services provided unless otherwise prohibited by law. The fees may be sufficient to cover the full cost of the service provided if practical or may be charged on an ability-to-pay basis if practical. This section does not supersede other statutory authority enabling the assessment of fees by the departments. Whenever the department of social and health services is authorized by law to collect total or partial reimbursement for the cost of its providing care of or exercising custody over any person, the department shall collect the reimbursement to the extent practical. During the 2019-2021 fiscal biennium, the department of health must not raise existing fees for newborn screening when the fee increase is not related to a specific additional test. It is the intent of the legislature to control costs to parents of newborns and births covered by medicaid by limiting the fee increases during this period."

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

On page 1, at the beginning of line 3 of the title, strike "and 43.31.502" and insert "43.31.502, and 43.20B.020"

Senators Brown and Becker spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of floor amendment no. 1199 by Senator Brown on page 152, line 31 to Substitute Senate Bill No. 6168.

The motion by Senator Brown did not carry and floor amendment no. 1199 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1205 by Senator Rivers be adopted:

On page 165, line 28, after "transparency)" insert "with up to an additional year for initial reporting due within the 2019-2021 biennium"

Senators Rivers and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1205 by Senator Rivers on page 165, line 28 to Substitute Senate Bill No. 6168.

The motion by Senator Rivers carried and floor amendment no. 1205 was adopted by voice vote.

MOTION

Senator Mullet moved that the following floor amendment no. 1187 by Senator Mullet be adopted:

On page 177, after line 13, insert the following:

"(74) Within the amounts appropriated within this section, the authority shall implement Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Substitute Senate Bill No. 6534 without delay once the bill becomes effective. Upon approval from the centers for medicare and medicaid services (CMS) of the state plan amendment, the authority is directed to implement a fifteen percent increase to ground emergency medical transportation base rates. If the bill is not enacted by June 30, 2020, or if the state plan amendment is not approved by the centers for medicare and medicaid services, the amounts provided in this subsection shall lapse."

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1187 by Senator Mullet on page 177, after line 13 to Substitute Senate Bill No. 6168.

The motion by Senator Mullet carried and floor amendment no. 1187 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 1206 by Senator Holy be adopted:

On page 204, line 31, increase the General Fund—State Appropriation (FY 2021) by \$3,000,000

Adjust the total appropriation accordingly.

On page 207, after line 17, insert the following:

"(13) \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The

commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project."

Senator Holy spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 1206 by Senator Holy on page 204, line 31 to Substitute Senate Bill No. 6168 was withdrawn.

MOTION

Senator Ericksen moved that the following floor amendment no. 1207 by Senator Ericksen be adopted:

On page 208, line 8, increase the Medical Aid Account-State Appropriation by \$150,000.

Adjust the total appropriation accordingly.

On page 212, line 7, after "facilities." insert "In addition, \$150,000 of the medical aid account-state appropriation is provided solely to process apprenticeship program applications from workers in high hazard facilities that have been submitted to the department after the passage of Engrossed Substitute House Bill No. 1817 and to ensure that decisions completed applications occur within six months of their submission."

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

Senators Ericksen and King spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

Senator Ericksen demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 208, line 8 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Lovelett, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege and Wilson, C.

MOTION

Senator Rolfes moved that the following floor amendment no. 1180 by Senator Rolfes be adopted:

On page 218, line 12, increase the General Fund-State Appropriation (FY 2020) by \$5,000,000.

Adjust the total appropriation accordingly.

On page 238, line 1, strike "\$5,000,000" and insert "\$10,000,000"

On page 238, line 13, after "subsection.", strike "\$3,614,000" and insert "\$8,614,000"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1180 by Senator Rolfes on page 218, line 12 to Substitute Senate Bill No. 6168.

The motion by Senator Rolfes carried and floor amendment no. 1180 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1200 by Senator Braun be adopted:

On page 260, line 31, increase the General Fund—State Appropriation (FY 2020) by \$1,127,000

Adjust the total appropriation accordingly.

On page 265, after line 34, insert the following:

"(q) \$1,127,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for increased staffing to facilitate the transfer of individuals from the department of corrections."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1200 by Senator Braun on page 260, line 31 to Substitute Senate Bill No. 6168.

The motion by Senator Braun carried and floor amendment no. 1200 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1192 by Senator Padden be adopted:

On page 277, line 12, increase the General Fund—State Appropriation (FY 2021) by \$50,000

Adjust the total appropriation accordingly.

On page 280, after line 31, insert the following:

"(l) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the purpose of conducting a regulatory audit of rules and regulations pertaining to child care providers. The scope of the audit shall be all rules, standards, and regulations implemented or enforced by the department or its predecessor agency since July 6, 2015. The audit shall include the following:

(i) The regulations, rules, standards, quality-assurance protocols, and procedures that increase operating costs for child care centers, licensed family home providers, and family, friends, and neighbors providers, with analysis of how much operating costs were increased;

(ii) Workforce regulations that present barriers to entry into the child care workforce and the estimated number of workers lost to other fields and professions since July 6, 2015;

(iii) Professional development and certification regulations and requirements that present barriers to advancement in the child care workforce;

(iv) Analysis of the number of child care providers that have closed or discontinued service in Washington since July 6, 2015;

(v) Reporting on the number of child care slots lost or gained and the number of geographic child care deserts lost or gained since July 6, 2015; and

(vi) Assessment of the rules and regulations that are unnecessary, duplicative, or superfluous and recommendations for the elimination or revision of such rules and regulations."

Senators Padden and Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 277, line 12 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 1191 by Senator Rivers on page 381, line 37 to Substitute Senate Bill No. 6168 was withdrawn.

MOTION

Senator Schoesler moved that the following floor amendment no. 1182 by Senator Schoesler be adopted:

On page 290, line 34, increase the General Fund—State Appropriation (FY 2021) by \$22,472,000

On page 291, line 4, decrease the Parks Renewal and Stewardship Account—State Appropriation by \$22,472,000

On page 298, line 14, increase the General Fund—State Appropriation (FY 2021) by \$2,140,000

On page 298, line 27, decrease the State Wildlife Account—State Appropriation by \$2,140,000

On page 306, line 12, increase the General Fund—State Appropriation (FY 2021) by \$2,140,000

Adjust the total appropriation accordingly.

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

On page 507, after line 24, insert the following:

"Sec. 925. RCW 79A.80.020 and 2017 c 121 s 1 are each amended to read as follows:

(1) Except for the fiscal year ending June 30, 2021, and as otherwise provided in this chapter, a discover pass is required for any motor vehicle to:

- (a) Park at any recreation site or lands; or
- (b) Operate on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6)(a) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

(b) Married spouses under chapter 26.04 RCW may present an agency with combined vouchers demonstrating the collective performance of twenty-four hours of service on agency-sanctioned volunteer projects in a year to be redeemed for a single complimentary discover pass."

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

On page 1, at the beginning of line 3 of the title, strike "and 43.31.502" and insert "43.31.502, and 79A.80.020"

Senators Schoesler, Short, Becker, Fortunato, Ericksen and Brown spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 290, line 34 to Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall,

O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, floor amendment no. 1211 by Senator Zeiger on page 441, line 13 to Substitute Senate Bill No. 6168 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 1186 by Senator Rivers on page 495, line 3 to Substitute Senate Bill No. 6168 was withdrawn.

MOTION

Senator Muzzall moved that the following floor amendment no. 1208 by Senator Muzzall be adopted:

On page 507, after line 24, insert the following:

"Sec. 925. RCW 43.185C.050 and 2018 c 85 s 5 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide guidelines issued by December 1, 2018, and thereafter the department's five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness. The local government may amend the proposed local plan and shall adopt a plan by December 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; ~~((and))~~

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan; and

(j) For the 2019-2021 fiscal biennium, security and sanitation services related to homeless encampments and populations.

Sec. 926. RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter and during the 2019-2021 fiscal biennium to provide grants to local government for security or sanitation services related to homeless encampments and populations.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

Sec. 927. RCW 43.185C.090 and 2005 c 484 s 13 are each amended to read as follows:

The department shall allocate grant moneys from the *homeless housing account to finance in whole or in part programs and projects in approved local homeless housing plans to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, provide grants to local government for security or sanitation services related to homeless encampments and populations during the 2019-2021 fiscal biennium, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and independent housing. The department may issue criteria or guidelines to guide local governments in the application process."

On page 1, line 2 of the title, after "28B.145.050", insert "43.185C.050, 43.185C.060, 43.185C.090,"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1208 by Senator Muzzall on page 507, after line 24 to Substitute Senate Bill No. 6168.

The motion by Senator Muzzall did not carry and floor amendment no. 1208 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "I want to rise today, I want to thank everybody for the vigorous debate, and the vote. But, I did want to acknowledge that it takes an actually really big team to get us here and I am guessing that they were watching this on tv just waiting to see what we were going to do to them. Whether they were in their offices or home sick in bed, and so I would like to express a sincere gratitude to staff of the Senate Ways & Means Committee and can I read their names?"

President Habib: "Please proceed."

Senator Rolfes: "They put in so many long hours, especially this week and they are going to have many more long hours ahead of them. And so thank you on behalf of the people of Washington: Michael Bezanson; James Kettel; Jeff Mitchell; Julie Murray; Michelle Alishahi; Amanda Cecil; Sarah Emmans; Kayla Hammer; Jed Herman; Maria Hovde; Alia Kennedy; Jeffery Naas; Corban Nemeth; Sarian Scott; Sandy Stith; Travis Sugarman; Liza Weeks; Lindsay Trant; and Megan Tudor. And of course, Matt Bridges and Ryan Moore who are probably going to be able to sleep a little bit in the next couple of days. And of course, all of the members of the Senate Ways & Means committee, in particularly Senators Braun and Brown and Frockt. Thanks for all the work that you've put in over the last month and a half. Thank you."

MOTION

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

MESSAGES FROM THE HOUSE

February 27, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2032,
HOUSE BILL NO. 2903,

FORTY SIXTH DAY, FEBRUARY 27, 2020

2020 REGULAR SESSION

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 27, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5097,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 4:07 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Friday, February 28, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY SEVENTH DAY**NOON SESSION**

Senate Chamber, Olympia
Friday, February 28, 2020

The Senate was called to order at 12:04 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Miss Abby Bacon and Mr. Rhys Harnett, presented the Colors. Page Mr. Prabhsharan Singh led the Senate in the Pledge of Allegiance. The prayer was offered by Mr. Sidhu Singh of Gurdwara Sri Tegh Bahadur Sahib Ji, Kent, with translation provided by Mr. Amarjit Singh.

MOTIONS

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 27, 2020

SB 6497 Prime Sponsor, Senator Hobbs: Making supplemental transportation appropriations for the 2019-2021 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6497 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 1368 Prime Sponsor, Representative Springer: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Fortunato, Assistant Ranking Member, Environment; Brown; Das; Hobbs; Liias; Nguyen; Rivers; Short and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle, Chair and Wellman.

Referred to Committee on Ways & Means.

February 26, 2020

ESHB 1422 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the protection of vulnerable adults. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

February 27, 2020

E2SHB 1503 Prime Sponsor, Committee on Appropriations: Concerning registration and consumer protection obligations of data brokers. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Das; Hobbs; Liias; McCoy; Nguyen and Stanford.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member, Environment and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Erickson, Ranking Member; Brown; Short and Wellman.

Referred to Committee on Ways & Means.

February 27, 2020

3SHB 1504 Prime Sponsor, Committee on Transportation: Concerning impaired driving. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhir, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 1590 Prime Sponsor, Representative Doglio: Allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Short, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

February 27, 2020

EBH 1694 Prime Sponsor, Representative Morgan: Allowing tenants to pay certain sums in installments. Reported by Committee on Financial Institutions, Economic Development & Trade

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member and Braun.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 1826 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the disclosure of certain information during the discharge planning process. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 27, 2020

2SHB 1853 Prime Sponsor, Committee on Transportation: Developing and coordinating a statewide don't drip and drive program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Brown and Short.

Referred to Committee on Ways & Means.

February 27, 2020

2SHB 2066 Prime Sponsor, Committee on Transportation: Addressing restrictions on driver's licenses associated with certain criminal offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Transportation.

February 27, 2020

ESHB 2099 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the use of video technology under the involuntary treatment act. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

February 26, 2020

ESHB 2116 Prime Sponsor, Committee on Education: Establishing a task force on improving institutional education programs and outcomes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins, Ranking Member.

Referred to Committee on Ways & Means.

February 27, 2020

SHB 2205 Prime Sponsor, Committee on Civil Rights & Judiciary: Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2231 Prime Sponsor, Committee on Public Safety: Concerning bail jumping. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Holy; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Padden, Ranking Member.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2246 Prime Sponsor, Committee on Environment & Energy: Concerning the reorganization of laws related to environmental health without making any substantive, policy changes. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2295 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning enforcement of small claims court judgments. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2302 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020

HB 2305 Prime Sponsor, Representative Doglio: Concerning firearms laws concerning persons subject to vulnerable adult protection orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2318 Prime Sponsor, Committee on Public Safety: Advancing criminal investigatory practices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2320 Prime Sponsor, Committee on Consumer Protection & Business: Requiring training on human trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2342 Prime Sponsor, Committee on Environment & Energy: Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Erickson, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 27, 2020

2SHB 2386 Prime Sponsor, Committee on Appropriations: Creating the state office of the behavioral health ombuds. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frock and O'Ban.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2390 Prime Sponsor, Representative Kilduff: Using respectful language. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2020

SHB 2393 Prime Sponsor, Committee on Public Safety: Earning credit for complying with community custody conditions. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 2396 Prime Sponsor, Representative Hudgins: Concerning the regulation of bot communication on public-facing internet web sites. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Brown; Rivers and Short.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2400 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning privacy assessment surveys of state agencies. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen, Ranking Member Fortunato, Assistant Ranking Member, Environment.

Referred to Committee on Rules for second reading.

February 27, 2020

E2SHB 2405 Prime Sponsor, Committee on Appropriations: Concerning commercial property assessed clean energy and resilience. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member Fortunato, Assistant Ranking Member, Environment.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brown.

Referred to Committee on Ways & Means.

February 27, 2020

SHB 2409 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Schoesler and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 2416 Prime Sponsor, Representative Kilduff: Concerning disclosures of information and records related to

forensic mental health services. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2426 Prime Sponsor, Committee on Health Care & Wellness: Protecting patient safety in psychiatric hospitals and other health care facilities. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wagoner, Ranking Member and O'Ban.

Referred to Committee on Ways & Means.

February 27, 2020

HB 2442 Prime Sponsor, Representative Leavitt: Regulating online services and applications that are directed at minors. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Sheldon, Assistant Ranking Member, Energy & Technology; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member Fortunato, Assistant Ranking Member, Environment.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

Referred to Committee on Ways & Means.

February 27, 2020

SHB 2448 Prime Sponsor, Committee on Health Care & Wellness: Concerning enhanced services facilities. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 2449 Prime Sponsor, Representative Griffey: Concerning water-sewer district commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 27, 2020
E2SHB 2467 Prime Sponsor, Committee on Appropriations: Establishing a centralized single point of contact background check system for firearms transfers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020
SHB 2473 Prime Sponsor, Committee on Public Safety: Concerning domestic violence. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020
SHB 2483 Prime Sponsor, Committee on Public Safety: Clarifying vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020
2SHB 2499 Prime Sponsor, Committee on Appropriations: Certifying corrections officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020
SHB 2511 Prime Sponsor, Committee on Labor & Workplace Standards: Providing labor protections for domestic workers. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Schoesler and Walsh.

Referred to Committee on Rules for second reading.

February 27, 2020
ESHB 2535 Prime Sponsor, Committee on Civil Rights & Judiciary: Providing for a grace period before late fees may be imposed for past due rent. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

February 27, 2020
SHB 2555 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning background check requirements for firearms classified as other under federal firearms laws. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020
SHB 2567 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning open courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 26, 2020
HB 2580 Prime Sponsor, Representative Caldier: Reporting on independent living services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 27, 2020

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

ESHB 2588 Prime Sponsor, Committee on Local Government: Improving openness, accountability, and transparency of special purpose districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Lovelett.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 2596 Prime Sponsor, Representative Boehnke: Fostering economic growth in Washington by supporting emerging businesses in the new space economy. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Ways & Means.

February 26, 2020

HB 2599 Prime Sponsor, Representative Eslick: Concerning services for children with multiple handicaps. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2622 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

EHB 2623 Prime Sponsor, Representative Walen: Prohibiting the possession of firearms by persons convicted of certain criminal offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2629 Prime Sponsor, Committee on Housing, Community Development & Veterans: Waiving utility connection charges for certain properties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2642 Prime Sponsor, Committee on Health Care & Wellness: Removing health coverage barriers to accessing substance use disorder treatment services. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Ways & Means.

February 27, 2020

HB 2664 Prime Sponsor, Representative Lovick: Concerning sheriff's office qualifications. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Rules for second reading.

February 26, 2020

HB 2682 Prime Sponsor, Representative Senn: Concerning out-of-home services. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland; O'Ban; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 27, 2020

ESHB 2722 Prime Sponsor, Committee on Environment & Energy: Concerning minimum recycled content requirements. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; McCoy; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown and Short.

Referred to Committee on Ways & Means.

February 26, 2020

SHB 2725 Prime Sponsor, Committee on Human Services & Early Learning: Renaming foster resource parents. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban and Zeiger.

Referred to Committee on Rules for second reading.

February 26, 2020

ESHB 2731 Prime Sponsor, Committee on Education: (REVISED FOR ENGROSSED: Reporting of information about diagnosed concussions of students sustained during athletics and other activities.) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 27, 2020

2SHB 2737 Prime Sponsor, Committee on Appropriations: Updating the children's mental health work group. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frocht and O'Ban.

Referred to Committee on Ways & Means.

February 27, 2020

HB 2762 Prime Sponsor, Representative Rude: Extending the peer support group testimonial privilege to include staff persons of the department of corrections. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

HB 2763 Prime Sponsor, Representative Chapman: Concerning interest arbitration for department of corrections employees. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Schoesler; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Ways & Means.

February 27, 2020

ESHB 2783 Prime Sponsor, Committee on Local Government: Standardizing fire safety requirements for mobile on-demand gasoline providers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2785 Prime Sponsor, Committee on Public Safety: Concerning the membership of the criminal justice training commission. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Rules for second reading.

February 27, 2020

SHB 2789 Prime Sponsor, Committee on Public Safety: Collecting information regarding police use of deadly force. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; Holy and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020

EHB 2792 Prime Sponsor, Representative Mosbrucker: Concerning missing and unidentified persons. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 27, 2020
2SHB 2793 Prime Sponsor, Committee on Appropriations: Vacating criminal records. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy; Kuderer; Salomon and Wilson, L.

Referred to Committee on Ways & Means.

February 27, 2020
HB 2833 Prime Sponsor, Representative Hoff: Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing. Reported by Committee on Labor & Commerce

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun; Saldaña; Schoesler; Stanford; Walsh and Wellman.

Referred to Committee on Rules for second reading.

February 27, 2020
HB 2848 Prime Sponsor, Representative Chapman: Changing the expiration date for the sales and use tax exemption of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brown.

Referred to Committee on Ways & Means.

February 27, 2020
HB 2858 Prime Sponsor, Representative Orcutt: Concerning requirements for the filing of assessment rolls. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Referred to Committee on Rules for second reading.

February 27, 2020
ESHB 2879 Prime Sponsor, Committee on Innovation, Technology & Economic Development: Fostering economic growth in Washington by supporting in-state manufacturing.

Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

February 27, 2020
SHB 2883 Prime Sponsor, Committee on Human Services & Early Learning: Expanding adolescent behavioral health care access. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Rules for second reading.

February 27, 2020
SHB 2889 Prime Sponsor, Committee on Local Government: Concerning utility tax disclosures. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Takko, Chair; Short, Ranking Member; Honeyford and Lovelett.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Salomon, Vice Chair.

Referred to Committee on Rules for second reading.

February 27, 2020
HB 2926 Prime Sponsor, Representative Maycumber: Expanding access to critical incident stress management programs. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Darneille; Frockt and O'Ban.

Referred to Committee on Ways & Means.

February 27, 2020
SGA 9358 CHRISTIE E. SKOORSMITH, appointed on December 4, 2019, for the term ending October 1, 2022, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Financial Institutions, Economic Development & Trade

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Wilson, L., Ranking Member; Braun; Das; Ericksen and Hobbs.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated

with the exceptions of House Bill No. 2396 and Substitute House Bill No. 2511 which had been designated to the Committee on Ways & Means and were referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2880,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

MOTION

Senator Das moved adoption of the following resolution:

SENATE RESOLUTION

8696

By Senators Das, Dhingra, Wellman, Nguyen, Carlyle, Stanford, Wilson, C., Saldaña, Lovelett, Liias, McCoy, Hobbs, Zeiger, Holy, Warnick, Hasegawa, Darneille, Brown, Short, Rolfes, Mullet, Randall, Salomon, Cleveland, Takko, Hunt, Keiser, Billig, Walsh, Wilson, L., Schoesler, Fortunato, Becker, Muzzall, King, Wagoner, Hawkins, Frockt, and Kuderer

WHEREAS, Sikhism is a religion founded in the Punjab region of South Asia over five centuries ago and introduced to the United States in the 19th century; and

WHEREAS, Sikhism is the fifth largest world religion with approximately twenty-five million adherents from diverse backgrounds throughout the world, including an estimated five hundred thousand adherents in the United States; and

WHEREAS, Sikhs in the United States pursue diverse professions and walks of life, making rich contributions to the economic vibrancy of the United States; and

WHEREAS, Washington prides itself on being a state where people of all faiths and cultures are welcomed and respected; and

WHEREAS, During the month of April, the Sikh community celebrates Vaisakhi, also known as Khalsa Day, which marks the beginning of the harvest season and the Sikh New Year; and

WHEREAS, Vaisakhi is one of the most religiously significant days in Sikh history, commemorating the creation of the Khalsa, a fellowship of devout Sikhs, by Guru Gobind Singh in 1699; and

WHEREAS, The local Sikh community will be celebrating Vaisakhi on May 9th, 2020, at the Kent ShoWare Center, showcasing Sikh heritage and culture;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington wish our Sikh American community a very joyous Vaisakhi celebration.

Senators Das, Dhingra, Fortunato and Saldaña spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

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

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5097.

MOTION

At 12:25 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in committee reports later in the day.

EVENING SESSION

The Senate was called to order at 5:07 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 28, 2020

HB 1165 Prime Sponsor, Representative Orwall: Encouraging low-water landscaping practices as a drought alleviation tool. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

2SHB 1182 Prime Sponsor, Committee on Appropriations: Modifying the learning assistance program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

2SHB 1191 Prime Sponsor, Committee on Education: Concerning school notifications. Reported by Committee on Early Learning & K-12 Education

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Holy; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 1264 Prime Sponsor, Committee on Appropriations: Concerning secondary traumatic stress in public school staff. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

E2SHB 1272 Prime Sponsor, Committee on Appropriations: Concerning school lunch durations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

EHB 1552 Prime Sponsor, Representative Dolan: Concerning health care provider credentialing by health carriers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Referred to Committee on Rules for second reading.

February 28, 2020

2SHB 1651 Prime Sponsor, Committee on Human Services & Early Learning: Identifying rights of persons receiving state developmental disability services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2020

3SHB 1660 Prime Sponsor, Committee on Education: Concerning the participation of students who are low income in extracurricular activities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 1715 Prime Sponsor, Committee on Education: Removing school districts' ability to withhold pupils' grades and transcripts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Holy; Padden and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 1754 Prime Sponsor, Committee on Housing, Community Development & Veterans: Concerning the hosting of the homeless by religious organizations. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 1813 Prime Sponsor, Committee on Appropriations: Incorporating the costs of employee health benefits into school district contracts for pupil transportation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Holy and Padden.

Referred to Committee on Ways & Means.

February 28, 2020

EHB 1894 Prime Sponsor, Representative Dent: Concerning additional temporary duties for the wildland fire

advisory committee. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member and McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford; Rolfes and Short.

Referred to Committee on Ways & Means.

February 28, 2020

HB 1983 Prime Sponsor, Representative Maycumber: Concerning natural resource management activities. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2036 Prime Sponsor, Committee on Health Care & Wellness: Concerning health system transparency. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker; Muzzall and Rivers.

Referred to Committee on Ways & Means.

February 28, 2020

EHB 2040 Prime Sponsor, Representative MacEwen: Concerning nonhigh school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2109 Prime Sponsor, Representative Blake: Concerning membership of the Chehalis board. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2110 Prime Sponsor, Representative Ryu: Modifying the definition of affordable workforce housing for the purposes of permitted lodging tax revenue expenditures. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member; Zeiger, Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2217 Prime Sponsor, Representative Eslick: Concerning cottage food product labeling requirements. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2220 Prime Sponsor, Committee on Education: Volunteering in schools after a criminal conviction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and Holy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden; Pedersen and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2250 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Concerning coastal crab derelict gear recovery. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2251 Prime Sponsor, Representative Thai: Concerning the expiration date for notification of dispensing an interchangeable biological product. Reported by Committee on Health & Long Term Care

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2338 Prime Sponsor, Committee on Health Care & Wellness: Prohibiting discrimination in health care coverage. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frockt; Keiser and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban, Ranking Member; Becker and Rivers.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2343 Prime Sponsor, Committee on Environment & Energy: Concerning urban housing supply. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2455 Prime Sponsor, Committee on Human Services & Early Learning: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt; McCoy; Mullet; Pedersen and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

2SHB 2457 Prime Sponsor, Committee on Appropriations: Establishing the health care cost transparency board. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway; Dhingra; Frockt; Keiser; Muzzall and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Rivers.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2464 Prime Sponsor, Committee on Health Care & Wellness: Protecting patients from excess prescription medication charges. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2497 Prime Sponsor, Representative Ormsby: Adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 28, 2020

2SHB 2513 Prime Sponsor, Committee on Appropriations: Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 28, 2020

HB 2524 Prime Sponsor, Representative Chandler: Expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2543 Prime Sponsor, Committee on College & Workforce Development: Ensuring eligible veterans and their dependents qualify for in-state residency. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Stanford, Vice Chair; Holy, Ranking Member; Brown and Liias.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2556 Prime Sponsor, Committee on Human Services & Early Learning: Providing regulatory relief for early learning providers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

ESHB 2575 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning reforms to increase transparency and accountability of the Washington redistricting commission. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hawkins and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Ways & Means.

February 28, 2020

HB 2587 Prime Sponsor, Representative Ramel: Establishing a program for the designation of state scenic bikeways. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Ways & Means.

February 28, 2020

EHB 2610 Prime Sponsor, Representative Duerr: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2619 Prime Sponsor, Representative Shewmake: Increasing early learning access through licensing, eligibility, and rate improvements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

HB 2624 Prime Sponsor, Representative Shewmake: Concerning the authority of the director of the department of agriculture with respect to certain examinations and examination fees. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2660 Prime Sponsor, Committee on Education: Increasing the availability of school meals provided to public school students at no student cost. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

E2SHB 2662 Prime Sponsor, Committee on Appropriations: Reducing the total cost of insulin. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway; Dhingra; Frock; Keiser; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Ranking Member and Becker.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2673 Prime Sponsor, Committee on Environment & Energy: Concerning exemptions for infill development under

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

the state environmental policy act. Reported by Committee on Housing Stability & Affordability

Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2680 Prime Sponsor, Representative Chapman: Establishing tribal representation on the emergency management council. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2712 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Requiring retailers to indicate the country of origin on beef sold to the public. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Rolfes and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Salomon, Vice Chair and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2714 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Valuing the carbon in forest riparian easements. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; McCoy; Rolfes and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2730 Prime Sponsor, Committee on Civil Rights & Judiciary: Addressing military spouse employment. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair;

February 28, 2020
EHB 2755 Prime Sponsor, Representative Schmick: Concerning transparency regarding the cost of air ambulance services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers and Van De Wege.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2768 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Concerning urban and community forestry. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Ways & Means.

February 28, 2020

SHB 2772 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning the administration of election campaign activities and reporting statements of financial affairs. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 28, 2020

EHB 2797 Prime Sponsor, Representative Robinson: Concerning the sales and use tax for affordable and supportive housing. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Assistant Ranking Member; Zeiger, Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 28, 2020

ESHB 2816 Prime Sponsor, Committee on Education: Nurturing positive social and emotional school and classroom climates. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2837 Prime Sponsor, Representative Boehnke: Expanding powers granted to state historical societies. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Muzzall, Assistant Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2849 Prime Sponsor, Committee on Capital Budget: Concerning housing programs administered by the department of commerce. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 28, 2020

HB 2853 Prime Sponsor, Representative Harris: Promoting the effective and efficient administration of the Washington state charter school commission. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 28, 2020

HB 2860 Prime Sponsor, Representative Orcutt: Concerning the Washington plane coordinate system. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

2SHB 2864 Prime Sponsor, Committee on Appropriations: Establishing a running start summer school pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Pedersen; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 28, 2020

EHB 2896 Prime Sponsor, Representative Ryu: Concerning the use of surplus property for public benefit. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Darneille and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Assistant Ranking Member; Zeiger, Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 28, 2020

ESHB 2919 Prime Sponsor, Committee on Finance: Adjusting the amount and use of county fees on the real estate excise tax. Reported by Committee on Housing Stability & Affordability

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Zeiger, Ranking Member; Darneille; Saldaña and Warnick.

Referred to Committee on Ways & Means.

February 28, 2020

HJM 4012 Prime Sponsor, Representative Lekanoff: Recognizing the international year of the salmon. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; McCoy; Rolfes and Short.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9283 SUSANA REYES, appointed on March 15, 2019, for the term ending January 12, 2022, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

FORTY SEVENTH DAY, FEBRUARY 28, 2020

2020 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9313 TENESHA FREMSTAD, appointed on July 16, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9350 F. MARIBEL VILCHEZ, appointed on November 19, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9351 WESLEY HENSON, appointed on November 20, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9363 JENNIFER G. ACUNA, appointed on December 17, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9366 ROBERT HAND, appointed on January 20, 2020, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SGA 9390 ANN M. ROBBINS, appointed on February 4, 2020, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

MOTION

On motion of Liias, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2220 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

At 5:08 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, March 2, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTIETH DAY**NOON SESSION**

Senate Chamber, Olympia
Monday, March 2, 2020

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTIONS

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

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Ways & Means was granted special leave to meet during the day's floor session.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 2, 2020

SB 5628 Prime Sponsor, Senator Cleveland: Concerning the classification of heavy equipment rental property as inventory. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Transportation.

February 28, 2020

SB 6172 Prime Sponsor, Senator Braun: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead and Schoesler.

Referred to Committee on Rules for second reading.

February 28, 2020

SB 6654 Prime Sponsor, Senator Mullet: Providing that qualified dealer cash incentives paid to auto dealers are bona fide

discounts for purposes of the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Muzzall; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Frockt, Vice Chair, Operating, Capital Lead.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Dhingra and Pedersen.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 1347 Prime Sponsor, Representative Barkis: Concerning vehicle reseller permits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 29, 2020

2SHB 1645 Prime Sponsor, Committee on Human Services & Early Learning: Certifying parental improvement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2051 Prime Sponsor, Representative Lovick: Concerning firefighters and law enforcement officers pension and disability boards. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2189 Prime Sponsor, Representative Leavitt: Including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2340 Prime Sponsor, Representative Fitzgibbon: Modifying the definition of index for the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 29, 2020

HB 2542 Prime Sponsor, Representative Paul: Concerning tuition waivers for children of eligible veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 29, 2020

SHB 2711 Prime Sponsor, Committee on Education: Increasing equitable educational outcomes for foster care and

homeless children and youth from prekindergarten to postsecondary education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler and Wagoner.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2787 Prime Sponsor, Committee on Human Services & Early Learning: Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, and without objection, the rules were suspended and Engrossed Substitute House Bill No. 2322, making supplemental transportation appropriations for the 2019-2021 fiscal biennium, was placed on the 2nd Reading Calendar.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6694 by Senator Ericksen

AN ACT Relating to business and occupation tax fairness for Washington manufacturers; amending RCW 82.04.240, 82.04.240, 82.04.280, 82.32.850, and 82.32.790; reenacting and amending RCW 82.04.260; creating a new section; providing an effective date; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6695 by Senators Liias and Warnick

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 2032 by House Committee on Finance (originally sponsored by Tarleton, Morris, Ryu, Springer and Macri)

AN ACT Relating to providing a tax deferral for the expansion of certain existing public facilities district convention centers; adding a new section to chapter 36.100 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2248 by House Committee on Environment & Energy (originally sponsored by Doglio, DeBolt, Fey, Lekanoff, Fitzgibbon, Shewmake, Leavitt, Ramel, Ryu, Tarleton, Appleton, Ramos, Slatter, Ormsby, Macri, Wylie, Kloba, Goodman, Peterson, Hudgins, Pollet and Tharinger)

AN ACT Relating to expanding equitable access to the benefits of renewable energy through community solar projects; amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 80.60.005, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2880 by House Committee on Finance (originally sponsored by Dent, Chandler and Barkis)

AN ACT Relating to sales and use tax exemptions for aircraft fuel used for research and development purposes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

HB 2903 by Representatives Chapman, Stokesbary, Chambers, Gildon, Tharinger and Senn

AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax; adding a new

section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator McCoy moved adoption of the following resolution:

SENATE RESOLUTION 8703

By Senators McCoy and Nguyen

WHEREAS, The United States, at the urging of and in support of the Christian churches of that time, adopted the Indian Civilization Fund Act on March 3, 1819, to provide financial support for church run schools to "civilize" Native American children through an education program intended to eradicate Native American culture; and

WHEREAS, In 1869, the United States, in concert with and the urging of several denominations of the Christian Church, adopted the Indian Boarding School Policy or "Peace Policy" for the removal and reprogramming of Native American children to ensure the systematic destruction of indigenous cultures and communities; and

WHEREAS, The Indian Boarding School Policy was a deliberate policy of cultural genocide, founded on the assimilationist directive to "Kill the Indian and save the man"; and

WHEREAS, Between 1869 and the 1960s, Native American children were removed from their homes and families, often involuntarily, and placed in Boarding Schools far from their homes which were funded by the federal government and operated by the federal government and churches, where children were punished for speaking their native language, banned from acting in any way that might be seen as representing traditional or cultural practices, shorn of their hair, stripped of traditional clothing and all things and behaviors reflective of their native culture, and shamed for being Native American; and

WHEREAS, The prevailing attitudes of the time allowed for the neglect and abuse of children who were overseen but not parented, who were bullied and assaulted not only by the adults but also by older children under the modeling and instruction of the caretakers and staff, and who were neglected as a whole through the denial of adequate food and medical care; and

WHEREAS, These children observed and suffered physical, emotional, cultural, spiritual, psychological, and sexual abuse, and punishment by physical restraints, beatings, and isolation in inhospitable surroundings; and

WHEREAS, There were more than 350 Indian Boarding schools across the United States, located within 30 States, which included 14 Indian Boarding schools in Washington state; and

WHEREAS, These children, their children, and now their grandchildren and great-grandchildren, bear the burden of the legacy of the boarding schools and the federal policy that

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

established and sustained those schools, where the children suffered trauma that has gone unrecognized and unresolved, and has been passed onto each subsequent generation; and

WHEREAS, This historical and inter-generational trauma continues to devastate, undermine, and negatively impact Native American individuals, families, and communities; and

WHEREAS, The United States has not offered a meaningful acknowledgment of responsibility or offered to provide any redress for the generations of harm caused by the deliberate imposition of the policy of cultural genocide on the Native American children, families, communities, tribes, Pueblos, or Alaskan Villages;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pause to acknowledge the two hundred first anniversary of the signing of the Indian Civilization Fund Act; to recognize and remember the surviving children of Indian Boarding Schools, their children, grandchildren, and great-grandchildren, and to honor their resiliency and determination to endure such atrocities.

Senators McCoy and Wilson, C. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

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

MOTION

Senator Billig moved adoption of the following resolution:

SENATE RESOLUTION
8699

By Senator Billig

WHEREAS, In the fall of 1964, a sophomore named Don Kardong started running for his Seattle Prep cross country team to stay in shape for basketball season; and

WHEREAS, After realizing his running talent outpaced his skills on the hardwood, Kardong would go on to run for Stanford, competing on the track against legends Steve Prefontaine and Frank Shorter; and

WHEREAS, After graduating from Stanford, Kardong ran his first marathon in 1972 in a time of 2:18:06; and

WHEREAS, In 1976, Kardong finished third in the U.S. Olympic Marathon Trials and went on to finish fourth in the 1976 Montreal Olympics, with a personal best time of 2:11:16; and

WHEREAS, In 1974, Kardong moved to Spokane to teach at Loma Vista Elementary School and in 1977 opened "The Human Race" – the city's first specialty running store; and

WHEREAS, When Kardong returned to Spokane after winning the 1976 Peachtree Road Race in Atlanta, he mentioned to a newspaper reporter that Spokane would be a great place for a big road race; and

WHEREAS, In the spring of 1977, the Lilac Bloomsday Run was born with more than one thousand participants, surprising Kardong and other organizers who expected a smaller turnout and printed only five hundred entry forms; and

WHEREAS, Kardong's Bloomsday event would become Spokane's signature sporting event and one of largest road races in the world, attracting more than sixty thousand runners of all levels and abilities by the early 1990s; and

WHEREAS, In 2004, Kardong would take the reins of Bloomsday once again as Race Director, a title he would hold until last year when he announced his retirement; and

WHEREAS, Kardong's long career as a writer opened up new running possibilities, including an 11-hour Rim-to-Rim double crossing of the Grand Canyon and a memorable account of running around Mount St. Helens; and

WHEREAS, Kardong's passion for running and willingness to share it with others in numerous venues has inspired countless people in Spokane and beyond to live healthier lives and discover their own love of running;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the multifaceted career of Don Kardong and the contributions he has made to the community of Spokane and across the country.

Senator Billig spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

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

MOTION

Senator Cleveland moved adoption of the following resolution:

SENATE RESOLUTION
8702

By Senators Cleveland and Nguyen

WHEREAS, The perennial concern over seasonal influenza has been heightened this year by the outbreak of coronavirus; and

WHEREAS, The Centers for Disease Control and Prevention has issued a warning that the United States must be prepared for the possible spread of coronavirus; and

WHEREAS, Flu and other serious respiratory illnesses, like respiratory syncytial virus (RSV), whooping cough, and severe acute respiratory syndrome (SARS), are spread by cough, sneezing, or unclean hands; and

WHEREAS, In keeping with our commitment to putting people first, it is critical that we all do our part as leaders to model best practices for infection control; and

WHEREAS, Model practices include vigilant hand hygiene, proper cough and sneeze etiquette, annual vaccinations, receiving flu antiviral drugs, and regular cleaning and disinfection of frequently touched surfaces at home, work, or school, especially when someone is ill; and

WHEREAS, Healthy practices further include getting plenty of sleep, being physically active, managing stress, drinking plenty of fluids, and eating nutritious food; and

WHEREAS, Even the best preventive measures cannot completely eliminate the spread or threat of flu; and

WHEREAS, Those who are not sick are advised to avoid close contact with people who are sick and to wash their hands frequently; and

WHEREAS, Those who are sick are advised to keep their distance from others to protect them from getting sick too and, where possible, to stay home from work or school and avoid other public venues;

NOW, THEREFORE, BE IT RESOLVED, That the Senate endorse and encourage the promotion, sharing, and posting of practices to prevent or reduce the spread of flu and limit the spread of other contagious diseases in Washington state.

Senator Cleveland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

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

MOTION

At 12:24 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of reading in fiscal committee reports later in the day.

EVENING SESSION

The Senate was called to order at 11:55 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 2, 2020

SB 6231 Prime Sponsor, Senator Kuderer: Providing a limited property tax exemption for the construction of accessory dwelling units. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6231 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

March 2, 2020

SB 5628 Prime Sponsor, Senator Cleveland: Concerning the classification of heavy equipment rental property as inventory. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Ways & Means.

March 2, 2020

SB 6331 Prime Sponsor, Senator Mullet: Concerning captive insurers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6331 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital

Budget Cabinet; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital and Warnick.

Referred to Committee on Rules for second reading.

March 2, 2020

SB 6690 Prime Sponsor, Senator Liias: Concerning aerospace business and occupation taxes and world trade organization compliance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Dhingra; Hunt; Liias; Muzzall; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 1154 Prime Sponsor, Committee on Capital Budget: Concerning the financing of Chehalis basin flood damage reduction and habitat restoration projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Pedersen.

Referred to Committee on Rules for second reading.

February 29, 2020

HB 1201 Prime Sponsor, Representative Kilduff: Concerning the Washington national guard postsecondary education grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 1255 Prime Sponsor, Committee on Transportation: Creating Patches pal special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 1256 Prime Sponsor, Committee on Transportation: Increasing monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 1272 Prime Sponsor, Committee on Appropriations: Concerning school lunch durations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Muzzall and Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 1293 Prime Sponsor, Committee on Appropriations: Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating,

Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 1390 Prime Sponsor, Representative Leavitt: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 1422 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the protection of vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 1622 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Concerning drought preparedness and response. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking

Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Wagoner and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 1661 Prime Sponsor, Committee on Appropriations: Concerning the higher education retirement plans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

E3SHB 1775 Prime Sponsor, Committee on Appropriations: Protecting commercially sexually exploited children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 1783 Prime Sponsor, Committee on Appropriations: Creating the Washington state office of equity. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 1793 Prime Sponsor, Committee on Transportation: Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair;

Cleveland; Das; Lovelett; Nguyen; Randall; Takko and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Sheldon, Assistant Ranking Member; Fortunato; O'Ban; Padden and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 1813 Prime Sponsor, Committee on Appropriations: Incorporating the costs of employee health benefits into school district contracts for pupil transportation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker and Carlyle.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 1888 Prime Sponsor, Committee on Appropriations: Protecting employee information from public disclosure. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 1948 Prime Sponsor, Representative Entenman: Supporting warehousing and manufacturing job centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Warnick and Wilson, L.

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Honeyford, Assistant Ranking Member, Capital; Becker; Carlyle; Pedersen and Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2013 Prime Sponsor, Representative Van Werven: Providing for allied forces veteran remembrance emblems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña, Vice Chair.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2017 Prime Sponsor, Committee on Appropriations: Concerning collective bargaining for administrative law judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 2050 Prime Sponsor, Committee on Transportation: Creating Washington wine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña, Vice Chair.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 2066 Prime Sponsor, Committee on Transportation: Addressing restrictions on driver's licenses

associated with certain criminal offenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2085 Prime Sponsor, Committee on Transportation: Creating Mount St. Helens special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2116 Prime Sponsor, Committee on Education: Establishing a task force on improving institutional education programs and outcomes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Muzzall and Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 2166 Prime Sponsor, Representative Orcutt: Creating special license plates that support working forests. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña, Vice Chair.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2187 Prime Sponsor, Committee on Transportation: Creating Washington state women veterans

special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 2188 Prime Sponsor, Representative Leavitt: Increasing the types of commercial driver's license qualification waivers allowed for military veterans. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2197 Prime Sponsor, Representative Thai: Establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 2228 Prime Sponsor, Representative Springer: Permitting early deployment of state fire service resources. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2230 Prime Sponsor, Representative Gregerson: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Wagoner and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2242 Prime Sponsor, Representative Wylie: Concerning travel trailers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2244 Prime Sponsor, Committee on Transportation: Concerning the authorization of wheeled all-terrain vehicles on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Lovelett.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2271 Prime Sponsor, Representative Duerr: Correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 2277 Prime Sponsor, Committee on Appropriations: Concerning youth solitary confinement. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2287 Prime Sponsor, Committee on Transportation: Addressing the assessment of rail safety governance in Washington state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2302 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2308 Prime Sponsor, Committee on Appropriations: Requiring employers to periodically report standard occupational classifications or job titles of workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 2311 Prime Sponsor, Committee on Appropriations: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2327 Prime Sponsor, Committee on College & Workforce Development: Addressing sexual misconduct at postsecondary educational institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2342 Prime Sponsor, Committee on Environment & Energy: Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille;

Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2352 Prime Sponsor, Representative Tharinger: Concerning the building for the arts program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Schoesler and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Rivers.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2353 Prime Sponsor, Committee on Transportation: Providing for fire trailer vehicle registration and license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 29, 2020

HB 2380 Prime Sponsor, Representative Tharinger: Changing the home care agency vendor rate and repealing electronic timekeeping. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2384 Prime Sponsor, Committee on Finance: Concerning the property tax exemption for nonprofit organizations providing rental housing or mobile home park

spaces to qualifying households. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Schoesler and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 2386 Prime Sponsor, Committee on Appropriations: Creating the state office of the behavioral health ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 2405 Prime Sponsor, Committee on Appropriations: Concerning commercial property assessed clean energy and resilience. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2419 Prime Sponsor, Committee on Health Care & Wellness: Studying barriers to the use of the Washington death with dignity act. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2421 Prime Sponsor, Committee on Appropriations: Concerning state reimbursement of election costs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2426 Prime Sponsor, Committee on Health Care & Wellness: Protecting patient safety in psychiatric hospitals and other health care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

March 2, 2020

EHB 2440 Prime Sponsor, Representative Kilduff: (REVISED FOR ENGROSSED: Concerning a medical alert designation on driver's licenses and identicards.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2441 Prime Sponsor, Committee on Appropriations: Improving access to temporary assistance for needy families. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2442 Prime Sponsor, Representative Leavitt: Regulating online services and applications that are directed at minors. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2455 Prime Sponsor, Committee on Human Services & Early Learning: Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking

Member; Brown, Assistant Ranking Member, Operating; Becker; Muzzall; Schoesler; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

March 2, 2020
SHB 2456 Prime Sponsor, Committee on Appropriations: Concerning working connections child care eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Muzzall; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

March 2, 2020
2SHB 2457 Prime Sponsor, Committee on Appropriations: Establishing the health care cost transparency board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 29, 2020
HB 2458 Prime Sponsor, Representative Stonier: Concerning optional benefits offered by school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

March 2, 2020
E2SHB 2467 Prime Sponsor, Committee on Appropriations: Establishing a centralized single point of contact background check system for firearms transfers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020
HB 2491 Prime Sponsor, Representative Ramos: Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 2, 2020
2SHB 2499 Prime Sponsor, Committee on Appropriations: Certifying corrections officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital and Becker.

Referred to Committee on Rules for second reading.

March 2, 2020

FIFTIETH DAY, MARCH 2, 2020

EHB 2501 Prime Sponsor, Representative Eslick: Concerning allowable uses for the multiuse roadway safety account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 28, 2020

SHB 2525 Prime Sponsor, Committee on Human Services & Early Learning: Establishing the family connections program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 2528 Prime Sponsor, Committee on Appropriations: Recognizing the contributions of the state's forest products sector as part of the state's global climate response. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2544 Prime Sponsor, Committee on Appropriations: Concerning the definition of veteran. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

February 28, 2020

2020 REGULAR SESSION

SHB 2554 Prime Sponsor, Committee on Health Care & Wellness: Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2555 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning background check requirements for firearms classified as other under federal firearms laws. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 29, 2020

EHB 2584 Prime Sponsor, Representative Caldier: Establishing rates for behavioral health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2587 Prime Sponsor, Representative Ramel: Establishing a program for the designation of state scenic bikeways. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating,

Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Muzzall and Wagoner.

Referred to Committee on Rules for second reading.

February 29, 2020

HB 2601 Prime Sponsor, Representative Tharinger: Concerning the authority of the parks and recreation commission to approve leases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Hasegawa; Muzzall and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2607 Prime Sponsor, Committee on Human Services & Early Learning: Assisting homeless individuals in obtaining Washington state identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2619 Prime Sponsor, Representative Shewmake: Increasing early learning access through licensing, eligibility, and rate improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 28, 2020

ESHB 2625 Prime Sponsor, Committee on Finance: Concerning local parks funding options. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Brown, Assistant Ranking Member, Operating; Becker; Billig; Conway; Darneille; Dhingra; Keiser; Liias; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Pedersen and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Carlyle; Hasegawa; Hunt; Van De Wege and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2638 Prime Sponsor, Committee on Commerce & Gaming: Authorizing sports wagering subject to the terms of tribal-state gaming compacts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Rivers and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Becker; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2641 Prime Sponsor, Representative Fey: Authorizing cities to provide passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2642 Prime Sponsor, Committee on Health Care & Wellness: Removing health coverage barriers to accessing

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

substance use disorder treatment services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2645 Prime Sponsor, Committee on Environment & Energy: Concerning the photovoltaic module stewardship and takeback program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Schoesler and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2660 Prime Sponsor, Committee on Education: Increasing the availability of school meals provided to public school students at no student cost. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 2662 Prime Sponsor, Committee on Appropriations: Reducing the total cost of insulin. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating,

Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2669 Prime Sponsor, Representative Sullivan: Creating Seattle NHL hockey special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2676 Prime Sponsor, Committee on Transportation: Establishing minimum requirements for the testing of autonomous vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Padden.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2680 Prime Sponsor, Representative Chapman: Establishing tribal representation on the emergency management council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2684 Prime Sponsor, Committee on Transportation: Concerning traffic control signals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Randall; Takko; Wilson, C. and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member Sheldon, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 28, 2020

HB 2691 Prime Sponsor, Representative Valdez: Concerning the scope of collective bargaining for language access providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2713 Prime Sponsor, Committee on State Government & Tribal Relations: Encouraging compost procurement and use. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2722 Prime Sponsor, Committee on Environment & Energy: Concerning minimum recycled content requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2723 Prime Sponsor, Committee on Transportation: Addressing off-road vehicle and snowmobile registration enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

February 29, 2020

SHB 2728 Prime Sponsor, Committee on Appropriations: Implementing a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

ESHB 2731 Prime Sponsor, Committee on Education: (REVISED FOR ENGROSSED: Reporting of information about diagnosed concussions of students sustained during athletics and other activities.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 2737 Prime Sponsor, Committee on Appropriations: Updating the children's mental health work group. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2749 Prime Sponsor, Representative Orwall: Authorizing an extension of time for certain cities to decline to partner with the department of revenue for the issuance or renewal of general business licenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2763 Prime Sponsor, Representative Chapman: Concerning interest arbitration for department of corrections employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2803 Prime Sponsor, Committee on Finance: Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating,

Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 2826 Prime Sponsor, Representative Peterson: Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Billig; Carlyle; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2905 Prime Sponsor, Committee on Appropriations: Increasing outreach and engagement with access to baby and child dentistry programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

HJM 4016 Prime Sponsor, Representative Riccelli: Requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C. and Zeiger.

Referred to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

March 2, 2020

SB 5147 Prime Sponsor, Senator Wilson, L.: Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SB 6254 Prime Sponsor, Senator Kuderer: Protecting public health and safety by enhancing the regulation of vapor products. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6254 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Hasegawa; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

HB 1368 Prime Sponsor, Representative Springer: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Schoesler; Van De Wege; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Braun, Ranking Member; Carlyle; Pedersen and Wagoner.

Referred to Committee on Rules for second reading.

March 2, 2020

E2SHB 1521 Prime Sponsor, Committee on Appropriations: Providing for accountability and transparency in government contracting. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle;

Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating and Hasegawa.

Referred to Committee on Rules for second reading.

March 2, 2020

2SHB 2513 Prime Sponsor, Committee on Appropriations: Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Capital Budget Cabinet; Brown, Assistant Ranking Member, Operating; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2543 Prime Sponsor, Committee on College & Workforce Development: Ensuring eligible veterans and their dependents qualify for in-state residency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2556 Prime Sponsor, Committee on Human Services & Early Learning: Providing regulatory relief for early learning providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

FIFTIETH DAY, MARCH 2, 2020

2020 REGULAR SESSION

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 2, 2020

March 2, 2020

HB 2596 Prime Sponsor, Representative Boehnke: Fostering economic growth in Washington by supporting emerging businesses in the new space economy. Reported by Committee on Ways & Means

2SHB 2793 Prime Sponsor, Committee on Appropriations: Vacating criminal records. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pedersen.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 2, 2020

SHB 2768 Prime Sponsor, Committee on Rural Development, Agriculture, & Natural Resources: Concerning urban and community forestry. Reported by Committee on Ways & Means

HB 2853 Prime Sponsor, Representative Harris: Promoting the effective and efficient administration of the Washington state charter school commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wagoner.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Dhingra; Keiser; Liias; Muzzall; Pedersen; Schoesler; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Darneille; Hasegawa and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hunt.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 2, 2020

March 2, 2020

ESHB 2786 Prime Sponsor, Committee on Appropriations: Establishing the opioid epidemic response advisory council. Reported by Committee on Ways & Means

2SHB 2864 Prime Sponsor, Committee on Appropriations: Establishing a running start summer school pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen and Van De Wege.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Schoesler and Wagoner.

HB 2926 Prime Sponsor, Representative Maycumber: Expanding access to critical incident stress management programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet;

Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Becker and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating and Warnick.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Supplemental Standing Committee report and the Second Supplemental Standing Committee report were referred to the committees as designated.

MOTION

At 11:56 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 3, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

8704

Senate Chamber, Olympia
Tuesday, March 3, 2020

The Senate was called to order at 10:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Avery Ackley-Speights and Miss Jaden Orr, presented the Colors. Page Mr. Skye Luebbe Davidson led the Senate in the Pledge of Allegiance. The prayer was offered by The Most Reverend Joseph Tyson, Bishop of the Roman Catholic Diocese of Yakima.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6696 by Senators O'Ban, Braun, Becker, Rivers, Schoesler, Brown, Warnick, Honeyford, Muzzall and Wagoner
AN ACT Relating to making expenditures from the budget stabilization account for declared catastrophic events; making an appropriation; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committees as designated.

MOTION

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

MOTION

Senator Kuderer moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Kuderer, Hunt, Das, Wellman, Mullet, Takko, Dhingra, Conway, Saldaña, Lovelett, Nguyen, Hobbs, Cleveland, Wilson, C., Keiser, Pedersen, Carlyle, Billig, Frocht, Randall, Darneille, McCoy, Van De Wege, Liias, Hasegawa, and King

WHEREAS, Ken Jennings was born in Edmonds, Washington, on May 23, 1974, and grew up watching *Jeopardy!*; and

WHEREAS, Ken Jennings, who played Quiz Bowl in college, was invited to compete on *Jeopardy!* for the first time on the June 2, 2004, episode of the 20th season; and

WHEREAS, Many current Quiz Bowl champs covet his renowned "Potent Potables" flashcards; and

WHEREAS, Ken Jennings won 74 consecutive appearances on *Jeopardy!* making him a giant in the eyes of Alex Trebek and the history of *Jeopardy!*; and

WHEREAS, Ken Jennings set a world record for most cash won on a game show and a *Jeopardy!* record for the longest streak of wins; and

WHEREAS, Ken Jennings became known across the country as "the Michael Jordan of trivia, the Seabiscuit of geekdom"; and

WHEREAS, Ken Jennings has a strong Kennection to Washington and lives in the City of Seattle; and

WHEREAS, Ken Jennings is a prolific author and has shared his genius with children through his *Junior Genius Guides* series; and

WHEREAS, Seattle Times readers are inspired by his choice in books and all copies of "The New Dictionary of Cultural Literacy" are currently on hold at local libraries; and

WHEREAS, If *Jeopardy!* gave out rings, he would certainly be a lord of them; and

WHEREAS, Ken Jennings may not be smarter than a 5th grader, but is unquestionably a brilliant mind; and

WHEREAS, Ken Jennings knows without help from Watson or the computer overlords that Iago has 272 speeches, the most of any nontitle character in a Shakespeare tragedy; and

WHEREAS, Ken Jennings won the Greatest of All Time Championship game of *Jeopardy!* on January 14, 2020; and

WHEREAS, Becoming a G.O.A.T. is considered worthy of honor from his home state; and

WHEREAS, Ken Jennings exhibited an admirable camaraderie with his *Jeopardy!* G.O.A.T. co-contestants, James Holzhauer and Brad Rutter, showing the world how to compete at an elite level while also having fun on and off screen, often at each other's expense, even with the grand title and one million dollars on the line; and

WHEREAS, Ken Jennings is a home state hero and the people's champ for his intelligence and fleet wit and for his many accomplishments;

NOW, THEREFORE, BE IT RESOLVED, That the answer to the clue "He won the Endgame of *Jeopardy!* and the Greatest of All Time title," is "Who is Ken Jennings?"; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor and congratulate Ken Jennings on winning the *Jeopardy!* Greatest of All Time competition and for his career both on *Jeopardy!* and off.

Senators Kuderer, Hunt, Becker, Liias and Wellman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Ken Jennings, his wife, Mrs. Mindy Jennings, and their children: Mr. Dylan and Miss Caitlin Jennings, who were present in the gallery.

MOTION

At 10:23 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:56 a.m. by President Habib.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Charlene Strong, Senate Gubernatorial Appointment No. 9100, be confirmed as a member of the Human Rights Commission.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF CHARLENE STRONG

The President declared the question before the Senate to be the confirmation of Charlene Strong, Senate Gubernatorial Appointment No. 9100, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Charlene Strong, Senate Gubernatorial Appointment No. 9100, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Frockt, Mullet and Pedersen

Charlene Strong, Senate Gubernatorial Appointment No. 9100, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322, by House Committee on Transportation (originally sponsored by Fey and Wylie)

Making supplemental transportation appropriations for the 2019-2021 fiscal biennium.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking floor amendment no. 1215 by Senator Hobbs be adopted:

Strike everything after the enacting clause and insert the following:

"2019-2021 FISCAL BIENNIUM GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2019 c 416 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation	((\$1,403,000))
.....	<u>\$1,419,000</u>
Multimodal Transportation Account—State Appropriation	.....
.....	\$300,000
Puget Sound Ferry Operations Account—State Appropriation	.....
.....	((\$116,000))
.....	<u>\$121,000</u>
TOTAL APPROPRIATION	.....
.....	<u>\$1,849,000</u>
.....	<u>\$1,840,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

(2) Within existing resources, the office of financial management shall issue a request for information for an account-based system capable of processing state tolling, state ferry ticketing and reservations, and state parks discover pass transactions.

Sec. 102. 2019 c 416 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation	((\$1,357,000))
.....	<u>\$1,358,000</u>

Sec. 103. 2019 c 416 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

Pilotage Account—State Appropriation~~(\$5,228,000)~~
\$6,037,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

Sec. 104. 2019 c 416 s 109 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation~~(\$2,861,000)~~
\$3,081,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2019 c 416 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account—State	Appropriation
			.....(\$4,588,000)
			.....<u>\$4,672,000</u>
Highway	Safety	Account—Federal	Appropriation
			.....(\$27,035,000)
			.....<u>\$27,047,000</u>
Highway	Safety	Account—Private/Local	Appropriation
			.....\$118,000
School Zone Safety Account—State Appropriation			.....\$850,000
TOTAL APPROPRIATION.....			<u>\$32,591,000</u>
			.....<u>\$32,687,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 (~~(((Substitute Senate Bill No. 5710)))~~), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 (~~(((Substitute Senate Bill No. 5710)))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, ~~((2019))~~ 2020.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall ~~((plainly mark the locations))~~ install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ~~((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video))~~ that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must ~~((provide periodic notice by mail to its residents))~~ post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether a HOV passenger violation has occurred to test the feasibility accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must

erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

Sec. 202. 2019 c 416 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	(\$1,137,000)
.....	\$1,127,000
Motor Vehicle Account—State Appropriation	(\$2,803,000)
.....	\$2,780,000
County Arterial Preservation Account—State Appropriation	(\$1,677,000)
.....	\$1,662,000
TOTAL APPROPRIATION	\$5,617,000
.....	\$5,569,000

Sec. 203. 2019 c 416 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	(\$4,526,000)
.....	\$3,825,000

Sec. 204. 2019 c 416 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation	(\$1,938,000)
.....	\$1,936,000
Multimodal Transportation Account—State Appropriation	(\$750,000)
.....	\$682,000
Highway Safety Account—State Appropriation	\$275,000
TOTAL APPROPRIATION	\$2,963,000
.....	\$2,893,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~((and))~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for

legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(((\$450,000))~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

(A) Population up to and including twenty-five thousand;

(B) Population greater than twenty-five thousand and up to and including fifty thousand;

(C) Population greater than fifty thousand and up to and including one hundred thousand;

(D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

(i) Projections of potential ridership;

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(ii) Review of relevant planning studies;
 (iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and
 (vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

Sec. 205. 2019 c 416 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation ..((~~\$2,893,000~~))
 \$2,171,000

~~((Multimodal Transportation Account—State Appropriation
 \$112,000))~~

Interstate 405 and state Route Number 167 Express Toll Lanes
 ((Operations))

Account—State Appropriation((~~\$250,000~~))
 \$410,000

State Route Number 520 Corridor Account—State	
Appropriation	\$271,000
Tacoma Narrows Toll Bridge Account—State Appropriation	
.....	\$158,000
Alaskan Way Viaduct Replacement Project	
Account—State Appropriation	\$136,000
TOTAL APPROPRIATION	\$3,255,000
.....	\$3,146,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i)(A) Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;

(B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and

(C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020.

(c) If additional federal funding becomes available after January 1, 2020, the transportation commission, jointly with the department of licensing, must develop an implementation plan for imposing a per mile fee on electric, hybrid, and state fleet vehicles that builds off the ongoing work of the transportation commission

in evaluating a road usage charge. The plan must include, but is not limited to:

- (i) Different mileage reporting options;
- (ii) Recommended fee methods and rates for achieving cost efficiency, fairness, minimal administrative cost, payment compliance, consumer choice, and preserving individual privacy;
- (iii) Options for variable rates based on the factors listed in (c)(ii) of this subsection and vehicle classifications of vehicles, ensuring vehicles are paying for their proportional impact on road preservation and maintenance costs, climate emission impacts, fuel efficiency, or other policy levers that the legislature may want to consider;
- (iv) Alternatives in the payment method to allow for monthly or quarterly payment rather than payment on an annual basis;
- (v) Any recommended statutory changes, including suggested offsets or rebates to the per mile fee to recognize other taxes and fees paid by electric and hybrid vehicle owners;
- (vi) Specific recommendations to better align the system with other vehicle-related charges and potentially establish the framework for broader implementation of a per mile funding system, including analysis of the preferred method for addressing eighteenth amendment restriction considerations and options to incorporate existing gas tax distributions and allocations into a per mile funding system at the time these revenues comprise a significant share of state revenues for transportation purposes; and
- (vii) A recommended implementation and governance structure, and transition plan with the department as the designated lead agency to operate and administer the per mile funding system.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

- (i) The benefits, requirements, and any potential detriments to the users of a program;
- (ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;
- (iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and
- (iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct

replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) Beginning July 1, 2020, the commission shall convene a ferry capital construction oversight committee. The committee shall meet at least two times every year to review the Washington state ferries capital construction plan and make recommendations to control costs and ensure that ferry capital investments meet projected future needs. The commission shall support the committee within existing resources. Members of the committee must include at least four citizen representatives from communities served by Washington state ferries.

(5) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

Sec. 206. 2019 c 416 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation ((\$813,000))
..... \$772,000

Sec. 207. 2019 c 416 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ((\$508,503,000))
..... \$498,832,000
State Patrol Highway Account—Federal Appropriation ((\$16,069,000))
..... \$16,078,000
State Patrol Highway Account—Private/Local
Appropriation \$4,257,000
Highway Safety Account—State Appropriation ... \$1,188,000
Ignition Interlock Device Revolving Account—State
Appropriation \$7,010,000
Multimodal Transportation Account—State Appropriation
..... ((\$286,000))
..... \$4,286,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation \$1,182,000
State Route Number 520 Corridor Account—State
Appropriation \$1,988,000
Tacoma Narrows Toll Bridge Account—State Appropriation
..... \$1,158,000

Alaskan Way Viaduct Replacement Project
Account—State Appropriation \$996,000
TOTAL APPROPRIATION \$537,313,000
..... \$536,975,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) \$514,000 of the state patrol highway account—state appropriation is provided solely for additional staff to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 ~~((of this act)), chapter 416, Laws of 2019.~~

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))),~~ Laws of 2019 (immigrants in the workplace). If chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497))),~~ Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (i) A summary of recruitment and retention strategies;
- (ii) The number of transportation funded staff vacancies by major category;
- (iii) The number of applicants for each of the positions by these categories;
- (iv) The composition of workforce; and

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the state patrol and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(16) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, belatedly recorded on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for construction of the extension, and that the Washington state patrol shall terminate the agreement.

Sec. 208. 2019 c 416 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	((5,044,000))
.....	\$5,048,000
State Wildlife Account—State Appropriation	((536,000))
.....	\$561,000
Highway Safety Account—State Appropriation	((243,189,000))

.....	<u>\$241,859,000</u>
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation	.....((\$77,219,000))
.....	<u>\$72,812,000</u>
Motor Vehicle Account—Federal Appropriation	.....<u>\$186,000</u>
Motor Vehicle Account—Private/Local Appropriation	.....((\$2,858,000))
.....	<u>\$10,008,000</u>
Ignition Interlock Device Revolving Account—State Appropriation	.....((\$6,143,000))
.....	<u>\$5,777,000</u>
Department of Licensing Services Account—State Appropriation	.....((\$8,012,000))
.....	<u>\$7,654,000</u>
License Plate Technology Account—State Appropriation	.....<u>\$4,250,000</u>
Abandoned Recreational Vehicle Account—State Appropriation	.....<u>\$2,925,000</u>
Limousine Carriers Account—State Appropriation	.....<u>\$113,000</u>
Electric Vehicle Account—State Appropriation	.....<u>\$264,000</u>
DOL Technology Improvement & Data Management Account—State Appropriation	.....<u>\$2,250,000</u>
Agency Financial Transaction Account—State Appropriation	.....<u>\$11,903,000</u>
TOTAL APPROPRIATION	.....<u>\$365,770,000</u>
.....	<u>\$366,939,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 (motorcycle safety). If chapter 65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) \$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.

(3) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff (~~(—other than data stewards,)~~) and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.

(4) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((6))~~ (5) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

~~((8))~~ (6) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((10))~~ (7) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 (San Juan Islands license plate). If chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((11))~~ (8) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 (Seattle Storm license plate). If chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((13))~~ (9) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((14))~~ (10) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 (~~(of this act)~~), chapter 416, Laws of 2019 on a quarterly basis.

~~((18))~~ (11) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((19))~~ (12) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

~~((20))~~ (13) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 (Gold Star license plate). If chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((21))~~ (14) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 (snow bikes). If chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((22))~~ (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 (Purple Heart license plate). If chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((23))~~ (16) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((25))~~ (17) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

~~((26))~~ (18) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

~~((30))~~ (19) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

~~((31))~~ (20) \$974,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(21) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual

collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

~~((22))~~ \$35,000 of the motor vehicle account—state appropriation and \$50,000 of the state wildlife account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6156, Laws of 2020 (collector vehicle license plates). If Engrossed Substitute Senate Bill No. 6156, Laws of 2020 is not enacted by June 30, 2020, the amounts provided in this subsection lapse.

~~((23))~~ \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6032, Laws of 2020 (apples special license plate). If Engrossed Senate Bill No. 6032, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((24))~~ \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6115, Laws of 2020 (off road vehicle registrations). If Senate Bill No. 6115, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((25))~~ \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of Senate Bill No. 6251, Laws of 2020 (tribal vehicles compact). If Senate Bill No. 6251, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((26))~~ \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5544, Laws of 2020 (veteran commercial driver's license waivers). If Second Substitute Senate Bill No. 5544, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((27))~~ \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6072, Laws of 2020 (state wildlife account). If Substitute Senate Bill No. 6072, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

~~((28))~~ The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

~~((29))~~ \$1,624,000 of the motor vehicle account—state appropriation is provided solely for the department to implement a pilot program allowing the registered owner, or the registered owner's authorized representative, of a vehicle that is subject to a motor vehicle excise tax to enter into either a quarterly or monthly payment plan with the department for the amount of motor vehicle excise tax due. To defray the cost of administering the pilot, the department may charge a fee of not more than one percent of each vehicle registration transaction when paid with a quarterly or monthly payment plan and this fee must be deposited in the motor vehicle fund created in RCW 46.68.070. It is the intent of the legislature that under the pilot, payments made after the application for a renewal vehicle registration are not subject to additional fees under RCW 46.17.040(1)(b), 46.17.005, 46.17.025, or 46.17.015.

Sec. 2025. 2019 c 416 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

((High Occupancy Toll Lanes Operations Account—State Appropriation—	\$3,774,000
Motor Vehicle Account—State Appropriation—	\$513,000)
State Route Number 520 Corridor Account—State Appropriation	(((\$43,773,000))
	\$59,056,000

State Route Number 520 Civil Penalties Account—State Appropriation	\$4,145,000
Tacoma Narrows Toll Bridge Account—State Appropriation	(((\$27,807,000))
	<u>\$33,805,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(((\$20,061,000))
	<u>\$21,616,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations)) Account—State Appropriation.....	(((\$18,329,000))
	<u>\$27,456,000</u>
TOTAL APPROPRIATION.....	<u>\$118,402,000</u>
	<u>\$146,078,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and ~~(((\$11,034,000))~~ \$11,925,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ~~(((\$71,000))~~ \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation, ~~(((\$1,238,000))~~ \$4,920,000 of the state route number 520 corridor account—state appropriation, ~~(((\$532,000))~~ \$2,116,000 of the Tacoma Narrows

toll bridge account—state appropriation, ~~(((\$460,000 of the Interstate 405 express toll lanes operations account—state appropriation))~~ and ~~(((\$699,000))~~ \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and ~~((high occupancy))~~ express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ~~(((\$17,517,000))~~ \$24,734,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) ~~(((\$19,362,000))~~ \$18,840,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) ~~(((\$256,000))~~ \$608,000 of the ~~((high occupancy toll lanes operations account—state appropriation and \$352,000 of the))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the state route number 167 high occupancy toll lanes and the Interstate 405 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes shall be submitted to the transportation committees of the legislature and the office of financial management.

(10) The legislature intends to allow owners of vehicles subject to a motor vehicle excise tax to pay renewal vehicle registration fees with a "Good to Go!" account beginning no later than 2024. Within existing resources, the department and the department of licensing must jointly report to the governor and chairs of the transportation committees of the legislature by June 30, 2021, with a detailed recommended approach to allow payment of renewal vehicle registration fees with a "Good to Go!" account for owners of vehicles subject to a motor vehicle excise tax.

Sec. 210. 2019 c 416 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation	\$1,460,000
Motor Vehicle Account—State Appropriation	(((\$94,993,000))
.....	\$95,810,000
Puget Sound Ferry Operations Account—State Appropriation	\$263,000
Multimodal Transportation Account—State Appropriation	\$2,878,000
Transportation 2003 Account (Nickel Account)—State Appropriation	\$1,460,000

TOTAL APPROPRIATION	\$101,054,000
.....	<u>\$101,871,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ~~(((\$198,000))~~ \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 biennium, the department ~~((is prohibited from using))~~ may use the distributed direct program support or ~~((any))~~ other cost allocation method to fund ~~((any))~~ a new ~~((financial and))~~ capital systems replacement or modernization project ~~((without having the project evaluated and prioritized by the office of the chief information officer and submitting)).~~ The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

Sec. 211. 2019 c 416 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation	(((\$33,149,000))
.....	\$34,512,000
State Route Number 520 Corridor Account—State Appropriation	\$34,000
TOTAL APPROPRIATION	\$33,183,000
.....	<u>\$34,546,000</u>

Sec. 212. 2019 c 416 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation	(\$7,635,000)
.....	<u>\$7,542,000</u>
Aeronautics Account—Federal Appropriation .((\$2,542,000))	
.....	<u>\$3,043,000</u>
Aeronautics Account—Private/Local Appropriation .	\$60,000
TOTAL APPROPRIATION.....	<u>\$10,237,000</u>
.....	<u>\$10,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$2,751,000)~~) \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) (~~(\$468,000)~~) \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements(~~(, and for the implementation of chapter . . . (House Bill No. 1397), Laws of 2019 (electric aircraft work group), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter . . . (House Bill No. 1397), Laws of 2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses.)~~)).

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, measureable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((d) If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection (3) lapses.))~~

(4) \$150,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 (~~((Substitute Senate Bill No. 5370))), Laws of 2019 (aviation coordinating commission). ((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

Sec. 213. 2019 c 416 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation	(\$59,801,000)
.....	<u>\$59,093,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$258,000
TOTAL APPROPRIATION	<u>\$60,559,000</u>
.....	<u>\$59,851,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

Sec. 214. 2019 c 416 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation	\$670,000
((Electric Vehicle Account—State Appropriation \$2,000,000))	
Multimodal Transportation Account—State Appropriation	(\$1,634,000))
.....	\$434,000
TOTAL APPROPRIATION.....	\$4,304,000
.....	\$1,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) ~~(((\$2,000,000 of the electric vehicle account—state appropriation is provided solely)) It is the intent of the legislature that funding for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 fiscal biennium and the department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

~~(4) (((\$1,200,000 of the multimodal transportation account—state appropriation is provided solely)) It is the intent of the legislature that funding will be provided in the 2021-2023 fiscal biennium for the pilot program established under chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses)) The department must be ready to issue a call for projects at the beginning of the 2021-2023 fiscal biennium.~~

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. If chapter 287 ((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.~~

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward in the 2021-2023 biennium with a pilot project.

Sec. 215. 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation	(\$495,228,000))
.....	\$486,417,000
Motor Vehicle Account—Federal Appropriation	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$1,549,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(((\$9,533,000))
.....	\$9,535,000
Interstate 405 <u>and State Route Number 167 Express</u> Toll Lanes ((Operations)) Account—State Appropriation	(((\$1,370,000))
.....	\$4,528,000
TOTAL APPROPRIATION	\$519,127,000
.....	\$513,476,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 ~~((Senate Bill No. 5505))), Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery~~

Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 (~~(((Senate Bill No. 5505)))~~), Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) (~~(\$1,370,000)~~) \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes (~~(operations)~~) account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) (~~(\$5,000,000)~~) (a) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(b) \$2,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the contingency pool for snow and ice removal, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

(~~((6))~~) (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(~~((7))~~) (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The

department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(~~((8))~~) (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 216. 2019 c 416 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor	Vehicle	Account—State	Appropriation
.....	.....	.....	(\$70,681,000)
.....	.....	.....	\$76,112,000
Motor Vehicle Account—Federal	Appropriation	.	\$2,050,000
Motor Vehicle Account—Private/Local	Appropriation	.....	\$250,000
State Route Number 520 Corridor Account—State	Appropriation	.....	\$53,000
Tacoma Narrows Toll Bridge Account—State	Appropriation	.....	\$31,000
Alaskan Way Viaduct Replacement Project Account—	State Appropriation	.....	\$26,000
Interstate 405 and State Route Number 167 Express	Toll Lanes Account—State Appropriation	.....	\$32,000
TOTAL APPROPRIATION	.....	.....	\$72,981,000
.....	.....	.....	\$78,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

~~((e))~~ (e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for ~~((high occupancy))~~ express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 217. 2019 c 416 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAMS**

Motor Vehicle Account—State Appropriation	(\$38,782,000))
.....	\$37,487,000
Motor Vehicle Account—Federal Appropriation ..	\$1,380,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$1,129,000
State Route Number 520 Corridor Account—State Appropriation	\$199,000

Tacoma Narrows Toll Bridge Account—State Appropriation	\$116,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$100,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$119,000
TOTAL APPROPRIATION	\$41,791,000
.....	\$41,030,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

~~(4) ((\$138,000 of the motor vehicle account state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses)) \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation, \$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.~~

Sec. 218. 2019 c 416 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

<u>((High Occupancy)) Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations))</u>			
Account—State Appropriation			(\$3,000,000)
			\$3,123,000
Motor Vehicle Account—State Appropriation			(\$29,403,000)
			\$25,638,000
Motor Vehicle Account—Federal Appropriation			(\$29,485,000)
			\$35,385,000
Motor Vehicle Account—Private/Local Appropriation			(\$800,000)
			\$1,200,000
Multimodal Transportation Account—State Appropriation			\$710,000
Multimodal Transportation Account—Federal Appropriation			\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation			\$100,000
State Route Number 520 Corridor Account—State Appropriation			\$207,000
Tacoma Narrows Toll Bridge Account—State Appropriation			\$121,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation			\$104,000
TOTAL APPROPRIATION			\$66,307,000
			\$69,397,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

(5) \$3,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation is provided solely for updating the state route number 167 master plan. If neither chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling) is enacted by June 30, 2019, the amount provided in this subsection lapses.

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation,

\$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7)(a) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report with a sample performance-based evaluation applied to an existing highway capacity project and an existing multimodal transportation project funded in the 2015 Connecting Washington package. The sample performance-based evaluation must consider: (i) The transportation policy goals listed in RCW 47.04.280; and (ii) the themes of health, accessibility, environmental justice, equity, and climate change, and how those themes should be defined in a transportation context.

(b) The department must incorporate feedback from interested stakeholders, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures used for the performance-based evaluation. This report will help provide a better path to determining that the most beneficial projects are selected and funded in future transportation budgets.

(8) Within existing resources, the department shall conduct a study of options to establish road connections between state route number 704 in Spanaway and Interstate 5. The department shall examine potential benefits to traffic congestion, emergency management, and other benefits or issues of a new road connection. A report of the study must be provided to the transportation committees of the legislature by June 30, 2021.

Sec. 219. 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation	(\$71,996,000)
	\$78,427,000
Multimodal Transportation Account—State Appropriation	(\$2,491,000)
	\$2,690,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$122,000
State Route Number 520 Corridor Account—State Appropriation	\$205,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$120,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$102,000
TOTAL APPROPRIATION	\$74,487,000
	\$81,666,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((Prior to))~~ After entering into any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type;

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

Sec. 220. 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation	\$784,000
Regional Mobility Grant Program Account—State Appropriation	(\$96,630,000)
.....	<u>\$90,798,000</u>
Rural Mobility Grant Program Account—State Appropriation	\$32,223,000
Multimodal Transportation Account—State Appropriation	(\$128,554,000)
.....	<u>\$146,151,000</u>
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
Multimodal Transportation Account—Local Appropriation	\$100,000
TOTAL APPROPRIATION.....	<u>\$261,865,000</u>
.....	<u>\$273,630,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$62,679,000)~~ \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.))~~ Of this amount:

(a) ~~(\$14,278,000)~~ \$14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$2,278,000 of the amount in this subsection lapses.))~~

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies

to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.))~~

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) ~~(\$10,290,000)~~ \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) ~~(\$18,951,000)~~ \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Public Transportation Program (V).

(5)(a) ~~(\$77,679,000)~~ \$63,315,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for

the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, ~~(((\$28,048,000))~~ \$32,377,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed

~~((April 27, 2019))~~ February 25, 2020. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service ~~((G2000046))~~ (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) ~~(\$12,000,000 of the multimodal transportation account—state appropriation is provided solely))~~ It is the intent of the legislature that funding for the green transportation capital grant program established in chapter 287 ((Engrossed—Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) will be provided in the 2021-2023 biennium and that projects submitted by the department for the 2020 legislative session will retain their place on the prioritized list, ahead of any newly submitted projects. ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. If chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses.~~

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be delayed as a result of revenue reductions, except that funding for the green transportation capital program created by chapter 287, Laws of 2019 be delayed until 2021-2023.

(17) \$25,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for the public transportation program's capital project grants as listed by amount on the LEAP list referenced in subsections (4), (5), and (8) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 221. 2019 c 416 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Account—State Appropriation	\$250,000
Puget Sound Ferry Operations Account—State Appropriation	(\$540,746,000))
.....	<u>\$547,056,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	\$7,932,000
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
TOTAL APPROPRIATION.....	<u>\$549,049,000</u>
.....	<u>\$555,359,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This

level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(\$76,261,000))~~ \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act)), chapter 416, Laws of 2019.~~ The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvåg Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9) ~~((a))~~ \$250,000 of the motor vehicle account—state appropriation is provided solely for the department((—in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints)) to contract with uniformed officers for additional traffic control assistance at the Fautleroy ferry terminal.

~~((b)) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department~~

shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) ~~Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;~~

(ii) ~~Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;~~

(iii) ~~Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;~~

(iv) ~~Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good to Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and~~

(v) ~~Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.~~

(e) ~~If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.)~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

Sec. 222. 2019 c 416 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State Appropriation	(\$75,576,000)
.....	\$70,243,000
Multimodal Transportation Account—Private/Local Appropriation	\$717,000
Multimodal Transportation Account—Federal Appropriation	\$500,000
TOTAL APPROPRIATION.....	\$76,793,000
.....	\$71,460,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

(ii) ((An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are needed to proceed with development)) Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

(iii) Development of ((general recommendations for the authorization needed to advance the development of the corridor)) recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((e))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

~~((f))~~ (e) By January 1, 2021, the department shall provide to the governor and the transportation committees of the legislature an interim update on the study required under this subsection (1). By ~~((December))~~ June 1, ~~((2020))~~ 2021, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

Sec. 223. 2019 c 416 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	(\$12,190,000)
.....	\$12,183,000
Motor Vehicle Account—Federal Appropriation ..	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	\$132,000
Multimodal Transportation Account—State Appropriation	\$350,000

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

TOTAL APPROPRIATION.....~~\$15,239,000~~
~~.....\$15,232,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2019 c 416 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation
~~.....(((\$18,094,000))~~
~~.....\$16,215,000~~
Highway Safety Account—State Appropriation.....\$81,000
Motor Vehicle Account—State Appropriation.....\$5,000,000
 Freight Mobility Multimodal Account—State Appropriation
~~.....(((\$21,220,000))~~
~~.....\$16,599,000~~
 Motor Vehicle Account—Federal Appropriation
~~.....(((\$2,250,000))~~
~~.....\$1,899,000~~
 Freight Mobility Multimodal Account—Private/Local
 Appropriation~~(((\$1,320,000))~~

~~.....\$1,250,000~~
Multimodal Transportation Account—State Appropriation
~~.....\$5,000,000~~
 TOTAL APPROPRIATION~~\$42,884,000~~
~~.....\$46,044,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed February 25, 2020, Senate Chair FMSIB Project List.

(2) ~~((Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.))~~ It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for the freight mobility strategic investment board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 302. 2019 c 416 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
~~.....(((\$65,996,000))~~
~~.....\$59,773,000~~
 Motor Vehicle Account—State Appropriation ~~(((\$1,456,000))~~
~~.....\$4,456,000~~
 County Arterial Preservation Account—State Appropriation
~~.....\$39,590,000~~
 TOTAL APPROPRIATION~~\$107,042,000~~
~~.....\$103,819,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the county road administration board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 303. 2019 c 416 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State
 Appropriation\$5,890,000
Motor Vehicle Account—State Appropriation.....\$5,000,000
 Transportation Improvement Account—State Appropriation
~~.....(((\$228,510,000))~~
~~.....\$220,627,000~~

Complete Streets Grant Program	Account—State
Appropriation	(\$14,670,000))
.....	\$10,200,000
TOTAL APPROPRIATION.....	\$249,070,000
.....	\$241,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for the transportation improvement board's capital grant programs, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 304. 2019 c 416 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State	Appropriation
.....	(\$50,990,000))
.....	\$51,187,000
Connecting Washington Account—State	Appropriation
.....	(\$42,497,000))
.....	\$51,523,000
TOTAL APPROPRIATION.....	\$93,487,000
.....	\$102,710,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (\$42,497,000)) \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) (\$43,100,000)) \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. ((The amount provided in this subsection is the maximum the department may spend on furniture for this facility.))

Sec. 305. 2019 c 416 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

(High Occupancy Toll Lanes Operations Account—State Appropriation	.....
.....	\$7,000,000))
Transportation Partnership Account—State	Appropriation
.....	(\$325,275,000))
.....	\$408,660,000

Motor Vehicle Account—State	Appropriation
.....	(\$92,504,000))
.....	\$141,611,000
Motor Vehicle Account—Federal	Appropriation
.....	(\$154,337,000))
.....	\$167,313,000
Motor Vehicle Account—Private/Local	Appropriation
.....	(\$26,839,000))
.....	\$70,404,000
Connecting Washington Account—State	Appropriation
.....	(\$2,137,381,000))
.....	\$2,413,452,000
Special Category C Account—State	Appropriation
.....	(\$81,000,000))
.....	\$72,134,000
Multimodal Transportation Account—State	Appropriation
.....	(\$5,408,000))
.....	\$4,853,000
Alaskan Way Viaduct Replacement Project Account—State	Appropriation
.....	\$77,956,000
Transportation 2003 Account (Nickel Account)—State	Appropriation
.....	(\$21,819,000))
.....	\$10,429,000
Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations)) Account—State	Appropriation
.....	(\$48,036,000))
.....	\$90,027,000
TOTAL APPROPRIATION	\$2,977,555,000
.....	\$3,456,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2019-4)) 2020-1 as developed ((April 27, 2019)) February 25, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to (((\$1,519,899,000)) \$1,809,342,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(5) The special category C account—state appropriation includes up to ~~(((\$75,274,000)) \$60,534,000~~ in proceeds from the sale of bonds authorized in RCW ~~((47.10.861)) 47.10.812~~.

(6) The transportation partnership account—state appropriation includes up to ~~(((\$150,232,000)) \$178,407,000~~ in proceeds from the sale of bonds authorized in RCW ~~((47.10.812)) 47.10.873~~.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ~~((The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

~~((9) \$90,464,000)) \$165,798,000 of the transportation partnership account—state appropriation, (((\$7,006,000)) \$19,790,000 of the motor vehicle account—private/local appropriation, (((\$3,383,000)) \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.~~

~~((40)) (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).~~

~~((41) \$164,000,000)) (10) \$168,655,000 of the connecting Washington account—state appropriation ((is)), \$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).~~

~~((42)(a) \$22,195,000 of the transportation partnership account—state appropriation, \$12,805,000 of the transportation 2003 account (nickel account)—state appropriation, and \$48,000,000)) (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation ((are)) is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ((The transportation partnership account—state appropriation and transportation 2003 account (nickel account)—state appropriation are a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 Widening project (8B11002) due to savings and will fund right of way and construction for an additional phase of this I-405 project.~~

~~(b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this~~

~~subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.))~~

~~((43)) (12)(a) (((\$395,822,000)) \$422,099,000 of the connecting Washington account—state appropriation((, \$60,000 of the motor vehicle account—state appropriation.)) and (((\$342,000)) \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).~~

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

~~((44)) (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.~~

~~((45) \$265,100,000)) (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).~~

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction

as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825)))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825)))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.

~~((46))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((48) \$950,000)~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((49))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((24))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system

was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) I-82 Yakima - Union Gap Economic Development Improvements (T21100R);

(ii) I-5 Federal Way - Triangle Vicinity Improvements (T20400R); or

(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARADI).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

(d) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

((24)) (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then \$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 ~~((Engrossed Substitute House Bill No. 1994))~~, Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

((25)) (23) \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((26))~~ (24)(a) ~~(((\$36,500,000))~~ \$191,360,000 of the connecting Washington account—state appropriation, ~~(((\$44,961,000))~~ \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ~~(((\$18,539,000))~~ \$18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier project (0BI4001) with the intent of fully complying with the court injunction by 2030.

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Barriers project (G2000091) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

~~((27))~~ ~~(\$14,750,000)~~ (25) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ~~((2019-1))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program – Highway Improvements (I).

~~((28))~~ (26)(a) ~~(((\$7,060,000))~~ \$6,799,000 of the motor vehicle account—federal appropriation, ~~(((\$72,000))~~ \$31,000 of the motor vehicle account—state appropriation, ~~(((\$3,580,000))~~ \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

~~((29))~~ (27) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 (addressing tolling) or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter 421 ~~((Engrossed Substitute Senate Bill No. 5825))~~, Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

~~((30) \$7,900,000)~~ (28) \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((31))~~ (29) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

~~((32) \$1,290,000)~~ (30) \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((33) \$12,800,000)~~ (31) \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((34))~~ (32) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((35))~~ (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

~~((36) \$1,000,000)~~ (34) \$679,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer,

deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ~~((Engrossed Substitute Senate Bill No. 5993))~~, Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(35) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) \$45,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount on the LEAP list referenced in subsection (2) of this section, and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 306. 2019 c 416 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation	((1,744,000))
.....	\$2,971,000
Transportation Partnership Account—State Appropriation	((23,706,000))
.....	\$20,248,000
Motor Vehicle Account—State Appropriation	((74,885,000))
.....	\$82,447,000
Motor Vehicle Account—Federal Appropriation	((454,758,000))
.....	\$490,744,000
Motor Vehicle Account—Private/Local Appropriation	((5,159,000))
.....	\$7,408,000
State Route Number 520 Corridor Account—State Appropriation	((544,000))
.....	\$326,000
Connecting Washington Account—State Appropriation	((189,771,000))
.....	\$204,630,000
Tacoma Narrows Toll Bridge Account—State Appropriation	((7,906,000))
.....	\$8,350,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$10,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$3,018,000
Transportation 2003 Account (Nickel Account)—State Appropriation	((9,617,000))
.....	\$17,892,000
TOTAL APPROPRIATION	\$768,100,000
.....	\$838,044,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2019-4))~~ 2020-1 as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) ((~~\$2,500,000~~)) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) ((~~\$22,729,000~~)) \$21,289,000 of the motor vehicle account—federal appropriation and ((~~\$553,000~~)) \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

(10)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br - Replace Bridge project (400411A).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(11) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 307. 2019 c 416 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation ((\$7,311,000))	
.....	<u>\$8,433,000</u>
Motor Vehicle Account—Federal Appropriation	
..... ((\$5,331,000))	
.....	<u>\$6,137,000</u>
Motor Vehicle Account—Private/Local Appropriation	
..... ((\$500,000))	
.....	<u>\$579,000</u>
<u>Interstate 405 and State Route Number 167 Express</u>	
<u>Toll Lanes Account—State Appropriation</u>	<u>\$100,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$13,142,000</u>
.....	<u>\$15,249,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 ((~~Engrossed Substitute Senate Bill No. 5993~~)), Laws of 2019

(model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses.

(2) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(3) \$700,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Traffic Operations (Q), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 308. 2019 c 416 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State Appropriation	((111,076,000))
.....	<u>\$114,953,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	((141,750,000))
.....	<u>\$198,688,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	((350,000))
.....	<u>\$4,779,000</u>
Transportation Partnership Account—State Appropriation	((4,936,000))
.....	<u>\$6,582,000</u>
Connecting Washington Account—State Appropriation	((92,766,000))
.....	<u>\$96,617,000</u>
Capital Vessel Replacement Account—State Appropriation	((99,000,000))
.....	<u>\$96,030,000</u>
Motor Vehicle Account—State Appropriation	<u>\$5,000,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	<u>\$986,000</u>
TOTAL APPROPRIATION.....	<u>\$449,878,000</u>
.....	<u>\$523,635,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020, Program - Washington State Ferries Capital Program (W).

(2) ~~((1,461,000))~~ \$2,857,000 of the Puget Sound capital construction account—state appropriation, ~~((59,650,000))~~ \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ~~((73,089,000))~~ \$102,641,000 of the Puget Sound capital construction account—federal appropriation(~~((33,089,000))~~) and \$34,998,000 of the connecting Washington account—state appropriation(~~((and \$8,778,000 of the Puget Sound capital construction account—state appropriation))~~) are provided solely for the Seattle Terminal Replacement project (900010L).

(4) ~~((5,000,000))~~ \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and ~~((6,500,000))~~ \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) ~~((99,000,000))~~ \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. ~~((Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter ... (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter ... (Substitute Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.))~~ The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section.

(10) The capital vessel replacement account—state appropriation includes up to ~~((99,000,000))~~ \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) \$5,000,000 of the motor vehicle account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25,

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

2020, Program – Washington State Ferries Capital Program (W), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 309. 2019 c 416 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Motor Vehicle Account—State Appropriation	\$1,750,000
Essential Rail Assistance Account—State Appropriation	(\$500,000)
.....	<u>\$716,000</u>
Transportation Infrastructure Account—State Appropriation	(\$7,554,000)
.....	<u>\$7,503,000</u>
Multimodal Transportation Account—State Appropriation	(\$85,441,000)
.....	<u>\$95,125,000</u>
Multimodal Transportation Account—Federal Appropriation	(\$8,302,000)
.....	<u>\$8,601,000</u>
Multimodal Transportation Account—Local Appropriation	\$336,000
TOTAL APPROPRIATION.....	<u>\$103,883,000</u>
.....	<u>\$114,031,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2019-2)~~) 2020-2 ALL PROJECTS as developed (~~(April 27, 2019)~~) February 25, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) (~~(\$8,112,000)~~) \$7,968,000 of the multimodal transportation account—state appropriation (~~(, \$51,000 of the transportation infrastructure account—state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are)~~) is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures

will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) (~~(\$365,000)~~) \$716,000 of the essential rail assistance account—state appropriation (~~(is)~~) and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase (~~(new train sets)~~) replacement equipment that (~~(have)~~) has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) (~~(\$600,000)~~) \$898,000 of the multimodal transportation account—federal appropriation and (~~(\$6,000)~~) \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to (~~(\$19,592,000)~~) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289)(~~if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses~~)).

(17) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(18) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Rail Program (Y), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 310. 2019 c 416 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation	.....((\$793,000))
	.....<u>\$1,276,000</u>
Highway Infrastructure Account—Federal Appropriation	.....((\$981,000))
	.....<u>\$1,337,000</u>
Transportation Partnership Account—State Appropriation	.....((\$750,000))
	.....<u>\$1,380,000</u>
Highway Safety Account—State Appropriation	.....((\$800,000))
	.....<u>\$1,314,000</u>
Motor Vehicle Account—State Appropriation	.....((\$30,878,000))
	.....<u>\$38,707,000</u>
Motor Vehicle Account—Federal Appropriation	.....((\$33,813,000))
	.....<u>\$67,690,000</u>
Motor Vehicle Account—Private/Local Appropriation	.....((\$21,500,000))
	.....<u>\$29,000,000</u>

Connecting Washington Account—State Appropriation	.....((\$172,454,000))
	.....<u>\$155,550,000</u>
Multimodal Transportation Account—State Appropriation	.....((\$72,269,000))
	.....<u>\$87,469,000</u>
TOTAL APPROPRIATION	.....<u>\$334,238,000</u>
	.....<u>\$383,723,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ February 25, 2020, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ~~((~~\$5,940,000~~))~~ \$18,577,000 of the multimodal transportation account—state appropriation and ~~((~~\$750,000~~))~~ \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ~~((~~\$6,690,000~~))~~ \$11,354,000 of the motor vehicle account—federal appropriation, ~~((~~\$2,320,000~~))~~ \$4,640,000 of the multimodal transportation account—state appropriation, and ~~((~~\$800,000~~))~~ \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ~~((~~\$28,319,000~~))~~ \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ~~((~~\$19,160,000~~))~~ \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) East-West Corridor Overpass and Bridge (L2000067);
- (ii) 41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);
- (iii) Mottman Rd Pedestrian & Street Improvements (L1000089);
- (iv) I-5/Port of Tacoma Road Interchange (L1000087);
- (v) Complete SR 522 Improvements-Kenmore (T10600R);
- (vi) SR 99 Revitalization in Edmonds (NEDMOND); or
- (vii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) ~~(((\$15,213,000))~~ \$41,483,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle~~

~~account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(14) ~~(((\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).~~

~~((15)))~~ \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

~~((16)))~~ ~~((15))~~ \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses))~~.

~~((17)))~~ ~~((16))~~ \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

~~((18)))~~ ~~((17))~~(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes

recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

((18)) (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((19)) (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((20)) (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((21)) (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((22)) (22) \$600,000 of the Connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and (((\$50,000)) \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)).

((23)) (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No.

5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((24)) (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((25)) (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(26) It is the intent of the legislature that no capital projects be delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) \$7,000,000 of the motor vehicle account—state appropriation and \$10,000,000 of the multimodal transportation account—state appropriation are provided solely as restitutive expenditure authority for projects as listed by amount in LEAP Transportation Document 2020-2 ALL PROJECTS as developed February 25, 2020, Program – Local Programs Program (Z), and may be spent only if a court of final jurisdiction holds that chapter 1 (Initiative Measure No. 976), Laws of 2020 is unconstitutional in its entirety.

Sec. 311. 2019 c 416 s 313 (uncodified) is amended to read as follows:

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel ~~((and))~~ TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2019 c 416 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Special Category C Account—State Appropriation	.....(((\$376,000))
.....	\$278,000
Multimodal Transportation Account—State Appropriation	.....\$125,000
Transportation Partnership Account—State Appropriation	.....(((\$1,636,000))
.....	\$1,412,000
Connecting Washington Account—State Appropriation	.....(((\$7,599,000))
.....	\$7,433,000
Highway Bond Retirement Account—State Appropriation	.....(((\$1,327,766,000))
.....	\$1,268,249,000
Ferry Bond Retirement Account—State Appropriation	.....\$25,077,000
Transportation Improvement Board Bond Retirement Account—State Appropriation	.....\$12,684,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	.....(((\$29,594,000))
.....	\$29,584,000
Toll Facility Bond Retirement Account—State Appropriation	.....(((\$86,493,000))
.....	\$86,483,000
TOTAL APPROPRIATION	.....\$1,491,340,000
.....	\$1,431,325,000

Sec. 402. 2019 c 416 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Multimodal Transportation Account—State Appropriation	.....\$25,000
Transportation Partnership Account—State Appropriation	.....(((\$327,000))
.....	\$282,000
Connecting Washington Account—State Appropriation	.....(((\$1,520,000))
.....	\$1,541,000
Special Category C Account—State Appropriation	.....(((\$75,000))
.....	\$56,000
TOTAL APPROPRIATION	.....\$1,947,000
.....	\$1,904,000

Sec. 403. 2019 c 416 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties	.....(((\$518,198,000))
.....	\$508,276,000

Sec. 404. 2019 c 416 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers	.....(((\$2,188,945,000))
.....	\$2,146,790,000

Sec. 405. 2019 c 416 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and transfers	.....(((\$220,426,000))
.....	\$235,788,000

Sec. 406. 2019 c 416 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation:

For transfer to the Multimodal Transportation Account—State	.....(((\$10,000,000))
.....	\$54,000,000

(2) Transportation Partnership Account—State Appropriation:

For transfer to the Motor Vehicle Account—State

.....	\$50,000,000
-------	--------------

(3) Motor Vehicle Account—State Appropriation:

For transfer to the State Patrol Highway Account—State	.....(((\$7,000,000))
.....	\$57,000,000

(4) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment Account—State	.....(((\$8,511,000))
.....	\$970,000

(5) ~~((Motor Vehicle Account—State Appropriation:~~

For transfer to the Rural Arterial Trust Account—State\$4,844,000
--	------------------

~~((6))) Motor Vehicle Account—State Appropriation:~~

For transfer to the Transportation Improvement Account—State	.....(((\$9,688,000))
.....	\$1,101,000

~~((7)) Highway Safety Account—State Appropriation:~~

For transfer to the State Patrol Highway Account—State\$44,000,000
--	-------------------

~~((8)))~~ (6) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State
..... \$52,000,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State
..... \$55,000,000

(8) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(9) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State..... \$1,434,000

(10) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State..... ~~(((\$50,000,000))~~
..... \$60,000,000

(11) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State ~~(((\$8,511,000))~~
..... \$1,011,000

~~((12))~~ ~~((Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State~~ \$15,000,000

~~((13))~~ ~~Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State~~ \$45,000,000

~~((14)))~~ Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State ~~(((\$27,679,000))~~
..... \$11,215,000

~~((15)))~~ (13) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

~~((16)))~~ (14) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State... ~~(((\$20,000,000))~~
..... \$15,000,000

~~((17)))~~ (15)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State..... \$9,992,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 1005(21) ~~((of this act))~~, chapter 416, Laws of 2019.

~~((18)))~~ (16)(a) Transportation Partnership Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State ~~(((\$77,951,000))~~
..... \$77,956,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

~~((19)))~~ (17) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State..... ~~(((\$4,844,000))~~
..... \$4,829,000

~~((20)))~~ (18)(a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State..... \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(7) ~~((of this act))~~, chapter 416, Laws of 2019.

~~((21)))~~ (19) Capital Vessel Replacement Account—State Appropriation: For transfer to the Transportation Partnership Account—State ~~(((\$3,293,000))~~
..... \$2,312,000

~~((22)))~~ (20)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State ~~(((\$19,262,000))~~
..... \$15,858,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((23)))~~ (21) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

~~((24)))~~ (22)(a) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$5,000,000

(b) A transfer in the amount of \$5,000,000 was made from the Motor Vehicle Account to the Tacoma Narrows Toll Bridge Account in April 2019. It is the intent of the legislature that this transfer was to be temporary, for the purpose of minimizing the impact of toll increases, and this is an equivalent reimbursing transfer to occur in November 2019.

~~((25)))~~ (23)(a) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$12,543,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

~~((26)))~~ (24) Transportation Infrastructure Account—State Appropriation: For transfer to the multimodal Transportation Account—State \$9,000,000

~~((27)))~~ (25) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State \$2,500,000

~~((28)))~~ (26)(a) Motor Vehicle Account—State Appropriation: For transfer to the County Road

Administration Board Emergency Loan Account—State \$1,000,000

(b) If chapter 157 ~~((Senate Bill No. 5923)))~~, Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

~~((29)))~~ (27)(a) Advanced Environmental Mitigation Revolving Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$9,000,000

(b) The amount transferred in this subsection is contingent on at least a \$9,000,000 transfer to the advanced environmental mitigation revolving account authorized by June 30, 2019, in the omnibus capital appropriations act.

~~((30))~~ ~~Motor Vehicle account—State Appropriation: For transfer to the Electric Vehicle Charging Infrastructure Account—State~~ \$12,255,000

~~((31))~~ ~~Multimodal Transportation Account—State Appropriation: For transfer to the Electric Vehicle Charging Infrastructure Account—State~~ \$8,000,000

~~((32)))~~ (28) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State..... ~~(((\$14,670,000))~~
..... \$10,200,000

~~((33)))~~ (29)(a) Transportation Partnership Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State ~~(((\$99,000,000))~~

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

.....\$96,030,000
 (b)The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873.

(30) Electric Vehicle Account—State Appropriation: For transfer to the Multimodal Transportation Account—State
.....\$1,000,000

(31) Rural Arterial Trust Account—State Appropriation: For transfer to the Motor Vehicle Account—State.....
.....\$1,389,000

(32) Connecting Washington Account—State Appropriation: For transfer to the Motor Vehicle Account—State ...
.....\$95,000,000

Sec. 407. 2019 c 416 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Multimodal Transportation Account—State Appropriation: For distribution to cities and

counties.....\$26,786,000

Motor Vehicle Account—State Appropriation: For distribution to cities and counties

\$23,438,000

TOTAL APPROPRIATION.....\$50,224,000

Sec. 408. 2019 c 416 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal

Appropriation

\$199,522,000

Toll Facility Bond Retirement Account—State Appropriation

\$25,372,000

TOTAL APPROPRIATION.....\$225,273,000

.....\$224,894,000

COMPENSATION

NEW SECTION. Sec. 501. A new section is added to 2019 c 416 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENTS

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 502. A new section is added to 2019 c 416 (uncodified) to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 503. A new section is added to 2019 c 416 (uncodified) to read as follows:

DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 504. A new section is added to 2019 c 416 (uncodified) to read as follows:

GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

IMPLEMENTING PROVISIONS

Sec. 601. 2019 c 416 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((2019-1)) 2020-1 as developed ((April 27, 2019)) February 25, 2020, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided

under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2019 c 416 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) February 25, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2019-2021 FISCAL BIENNIUM

Sec. 701. 2019 c 416 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and

anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

(i) Fund sources;

(ii) Full-time equivalent staffing level to include job classification assumptions;

(iii) A discreet appropriation index and program index;

(iv) Object and subobject codes of expenditures; and

(v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subobject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

FIFTY FIRST DAY, MARCH 3, 2020

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

Sec. 702. RCW 36.79.020 and 1997 c 81 s 2 are each amended to read as follows:

There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for (1) the construction and improvement of county rural arterials and collectors, (2) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural

2020 REGULAR SESSION

areas, and (3) those expenses of the board associated with the administration of the rural arterial program. However, during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural arterial trust account to the motor vehicle fund.

Sec. 703. RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~((7))~~ and December((7, March, and June of each year)), the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((3))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

Sec. 704. RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

(a) Integrate marketing efforts;

(b) Align fare structures;

(c) Integrate service planning;

(d) Coordinate long-range planning, including capital projects planning and implementation;

(e) Integrate other administrative functions and internal business processes as appropriate; and

(f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

(a) Issue or problem to be addressed;

(b) Specific solution and measurable outcomes;

(c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and

(d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and

(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires July 1, ~~((2020))~~ 2021.

Sec. 705. RCW 82.44.200 and 2019 c 287 s 15 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes. Moneys in the account may be spent only after appropriation. During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the multimodal transportation account.

Sec. 706. RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the

2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

Sec. 707. RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 36.79.020, 82.32.385, 47.66.110, 82.44.200, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108, 109, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

MOTION

Senator Ericksen moved that the following floor amendment no. 1220 by Senator Ericksen be adopted:

On page 37, line 12, strike "\$486,417,000" and insert "\$486,917,000"

On page 37, line 26, strike "\$513,476,000" and insert "\$513,976,000"

On page 39, after line 32, insert the following:

"(10) \$500,000 of the motor vehicle account—state appropriation is provided solely for the department to execute a hazardous tree and vegetation removal pilot project on state route number 542 between Kendall and Artist Point. The department shall work with the relevant electric utility districts to create standard operating procedures and coordination protocols that could be used statewide to prevent trees from falling on power lines or highways."

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

Senator Ericksen spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, floor amendment no. 1220 by Senator Ericksen on page 31, line 12 to Engrossed Substitute House Bill No. 2322 was withdrawn.

MOTION

Senator Lovelett moved that the following floor amendment no. 1221 by Senator Lovelett be adopted:

On page 85, line 7, after "section.", insert: "The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. When subcontracting, the prevailing shipbuilder shall negotiate a fair value contract with the superstructure subcontractor or subcontractors. The negotiation of the scope of work for the superstructure subcontract shall include, at a minimum, the scope of work of superstructure construction historically performed by subcontractors on ferry superstructures. All negotiations must be completed within forty-five days of the department's approval of the final technical proposal. The prevailing shipbuilder must submit to the department evidence of good faith efforts, as judged by the department, to meet the superstructure subcontracting requirement set forth herein before proceeding with construction of the vessel."

Senators Lovelett, Muzzall and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1221 by Senator Lovelett on page 85, line 7 to Engrossed Substitute House Bill No. 2322.

The motion by Senator Lovelett carried and floor amendment no. 1221 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1215 by Senator Hobbs as amended to Engrossed Substitute House Bill No. 2322.

The motion by Senator Hobbs carried and striking floor amendment no. 1215 as amended was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2322, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2322 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2322, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:16 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 1:23 p.m. by President Habib.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hobbs moved that John C. Scragg, Senate Gubernatorial Appointment No. 9136, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Hobbs spoke in favor of the motion.

APPOINTMENT OF JOHN C. SCRAGG

The President declared the question before the Senate to be the confirmation of John C. Scragg, Senate Gubernatorial Appointment No. 9136, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of John C. Scragg, Senate Gubernatorial Appointment No. 9136, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet,

Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

John C. Scragg, Senate Gubernatorial Appointment No. 9136, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Liias, and without objection, Engrossed House Bill No. 2008, concerning alternate methods of ballot security, was removed from the Consent Calendar and placed on the 2nd Reading Calendar.

MOTION

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

MESSAGES FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1687,
HOUSE BILL NO. 1750,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 3, 2020

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5097,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6168 with the following amendment(s): 6168-S.E AMH ENGR H5169.E

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Liias moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6168 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Liias that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6168 and request a conference thereon.

The motion by Senator Liias carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6168 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6168 and the House amendment(s) thereto: Senators Braun, Frockt and Rolfes.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MOTION

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

SECOND READING

HOUSE BILL NO. 2512, by Representatives Orwall, Stokesbary, Pollet, Ryu, Valdez, Volz, Leavitt, Gildon, Graham, Doglio and Dufault

Concerning interest and penalty relief for qualified mobile home and manufactured home owners.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 2512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer and Zeiger spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Just a reminder as we do bills from the opposite house, that under your rules, the senators are not to make reference to actions of the opposite chamber and it is permitted on concurrence motions when we discuss amendments that have changed but I just wanted to remind members as we enter this next stage of floor action that those are your rules, not mine."

The President declared the question before the Senate to be the final passage of House Bill No. 2512.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Becker

HOUSE BILL NO. 2512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

On motion of Senator Rivers, Senator Becker was excused.

SECOND READING

HOUSE BILL NO. 2109, by Representative Blake

Concerning membership of the Chehalis board.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2109.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2109 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Becker

HOUSE BILL NO. 2109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 1687
and HOUSE BILL NO. 1750.

SECOND READING

HOUSE BILL NO. 1165, by Representatives Orwall, Dent, Blake, Fitzgibbon and Doglio

Encouraging low-water landscaping practices as a drought alleviation tool.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1165 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1165.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1165 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Wagoner

Excused: Senator Becker

HOUSE BILL NO. 1165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND ENGROSSED HOUSE BILL NO. 1056, by Representatives Mosbrucker, Orwall, Sells, Appleton, Jinkins, Macri, Wylie, Bergquist, Doglio, Stanford and Reeves

Creating a task force to identify the role of the workplace in helping curb domestic violence.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Engrossed House Bill No. 1056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed House Bill No. 1056.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed House Bill No. 1056 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND ENGROSSED HOUSE BILL NO. 1056, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535, by House Committee on Civil Rights & Judiciary (originally sponsored by Kirby, Pollet, Ormsby and Santos)

Providing for a grace period before late fees may be imposed for past due rent.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.170 and 1973 1st ex.s. c 207 s 17 are each amended to read as follows:

(1) If at any time during the tenancy the tenant fails to carry out the duties required by RCW 59.18.130 or 59.18.140, the landlord may, in addition to pursuit of remedies otherwise provided by law, give written notice to the tenant of said failure, which notice shall specify the nature of the failure.

(2) The landlord may not charge a late fee for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) When late fees may be assessed after rent becomes due, the tenant may propose that the date rent is due in the rental agreement be altered to a different due date of the month. The landlord shall agree to such a proposal if it is submitted in writing and the tenant can demonstrate that his or her primary source of income is a regular, monthly source of governmental assistance that is not received until after the date rent is due in the rental agreement. The proposed rent due date may not be more than five days after the date the rent is due in the rental agreement. Nothing in this subsection shall be construed to prevent a tenant from making a request for reasonable accommodation under federal, state, or local law.

Sec. 2. RCW 59.18.230 and 2011 c 132 s 11 are each amended to read as follows:

(1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed five hundred dollars, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to five hundred dollars per day but not to exceed five thousand dollars, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property."

On page 1, line 2 of the title, after "rent;" strike the remainder of the title and insert "and amending RCW 59.18.170 and 59.18.230."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade to Engrossed Substitute House Bill No. 2535.

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

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 2535 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2535 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2535 as amended by the Senate and the

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Wagoner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2873, by House Committee on Human Services & Early Learning (originally sponsored by J. Johnson, Frame, Ramel, Callan, Hudgins, Ryu, Davis, Orwall and Pollet)

Concerning families in conflict.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2873.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2873 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2251, by Representatives Thai and Cody

Concerning the expiration date for notification of dispensing an interchangeable biological product.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2251.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2251 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2883, by House Committee on Human Services & Early Learning (originally sponsored by Eslick, Frame and Davis)

Expanding adolescent behavioral health care access.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 2883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2883.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2883 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers,

Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2416, by Representatives Kilduff, Chopp, Leavitt, Macri, Cody, Stonier, Ormsby and Pollet

Concerning disclosures of information and records related to forensic mental health services.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 2416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2416.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2416 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2677, by Representatives Chopp, Cody, Tharinger, Leavitt and Davis

Sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2677.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2677 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2378, by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Harris, Macri and Cody)

Concerning physician assistants.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2378.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2378 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

ENGROSSED HOUSE BILL NO. 1187, by Representatives Dent, Blake, Chandler, Kretz, Schmick and Bergquist

Revising hydraulic project eligibility standards under RCW 77.55.181 for conservation district-sponsored fish habitat enhancement projects.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed House Bill No. 1187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1187.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1187 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED HOUSE BILL NO. 1187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520, by House Committee on State Government & Tribal Relations (originally sponsored by Morgan, Hudgins, Rude, Mead, Stonier, Frame, Riccelli, Appleton, Pellicciotti, Kilduff, Doglio and Reeves)

Concerning calendar election dates on ballot envelopes.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1520.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1520 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1504, by House Committee on Transportation (originally sponsored by Klippert and Goodman)

Concerning impaired driving.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089

committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement (~~may not be reduced~~) shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 2. RCW 9.94A.729 and 2015 c 134 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2)(a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(d) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(d) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728~~((5))~~ **(1)(c)**;

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 3. RCW 10.21.055 and 2016 c 203 s 16 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed ~~((+))~~ as a condition of release ~~((pursuant to (a) of this subsection;))~~ or ~~((+))~~ after conviction in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522 ~~((; and the offense involves alcohol))~~. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under this section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's

driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 4. RCW 38.52.430 and 2012 c 183 s 6 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; ~~((+))~~ (4) use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040; ~~((+))~~ (5) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or ~~((+))~~ (6) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

Sec. 5. RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date

upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308~~((9))~~ (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

~~((3))~~ (4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

~~((4))~~ (5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

Sec. 6. RCW 46.20.3101 and 2016 c 203 s 18 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this section for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit.

Sec. 7. RCW 46.20.311 and 2016 c 203 s 12 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) ~~((H))~~ Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing

based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) ~~((H))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(c)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

Sec. 8. RCW 46.20.355 and 1998 c 209 s 3 and 1998 c 41 s 5 are each reenacted and amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((5))~~ (6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

Sec. 9. RCW 46.20.385 and 2017 c 336 s 4 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a

violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the ~~((twenty))~~ twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 10. RCW 46.20.720 and 2019 c 232 s 22 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to

install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific ~~((calibration setting))~~ alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) ~~((Calibration.))~~ **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall ~~((be calibrated to prevent))~~ have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of ~~((0.025))~~ 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while ~~((a passenger))~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle shall be extended for an additional ~~((six-month))~~ period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a

person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying ~~((that))~~ the following:

(a) ~~That~~ there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

~~((a))~~ (i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

~~((b))~~ (ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

~~((c))~~ (iii) Failure to pass any random retest with a breath alcohol concentration of ~~((0.025 or))~~ lower than 0.020 unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than ~~((0.025))~~ 0.020, and the digital image confirms the same person provided both samples; ~~((or~~

~~((d))~~ (iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the one hundred eighty-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 11. RCW 46.20.740 and 2015 2nd sp.s. c 3 s 4 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

Sec. 12. RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(a) Tamper with the device or any components of the device, or otherwise interferes with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

Sec. 13. RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street;

(j) Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of RCW 46.20.740(2).

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)((a)) (b)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

Sec. 14. RCW 46.61.500 and 2012 c 183 s 11 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. In the case of a person whose day-for-day credit is for a period equal to or greater than the period of suspension required under this section, the department shall provide notice of full credit, shall provide for no further suspension under this section, and shall impose no

additional reissue fees for this credit. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

Sec. 15. RCW 46.61.5055 and 2018 c 201 s 9009 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than three hundred sixty-four days. ~~((Twenty four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((two days))~~ forty-eight consecutive hours nor more than three hundred sixty-four days.

~~((Forty eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of ((four days in jail and)) either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the~~

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

~~offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based~~); and

(i) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. ~~((Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of ((six days in jail and)) either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring((- Forty five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based)); and~~

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city,

a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order ((at least an additional eight days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring((- Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based)); and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order ((at least an additional ten days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason

for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. ~~(One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based);~~ and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while ~~((a))~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ~~((six))~~ twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the ~~((alcohol))~~ substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

~~((a))~~ (i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

((#)) (A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

((#)) (B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

((#)) (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

((#)) (ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

((#)) (A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

((#)) (B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

((#)) (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

((#)) (iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

((#)) (A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

((#)) (B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

((#)) (C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this subsection (9) for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this

subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, ~~((alcohol or drug))~~ substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as

a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 16. RCW 46.61.5056 and 2018 c 201 s 9010 are each amended to read as follows:

(1) A person subject to ~~((alcohol))~~ substance use disorder assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol and drug information school licensed or certified by the department of health or to complete more intensive treatment in a substance use disorder treatment program licensed or certified by the department of health, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by a substance

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

use disorder treatment program licensed or certified by the department of health or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more intensive treatment in an approved substance use disorder treatment program licensed or certified by the department of health.

(3) Standards for approval for ~~((alcohol))~~ substance use disorder treatment programs shall be prescribed by the department of health. The department of health shall periodically review the costs of alcohol and drug information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of health of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of health. Upon three such failures by an agency within one year, the department of health shall revoke the agency's license or certification under this section.

(5) The department of licensing and the department of health may adopt such rules as are necessary to carry out this section.

Sec. 17. RCW 46.61.524 and 2008 c 231 s 46 are each amended to read as follows:

As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated ~~((alcoholism))~~ substance use disorder treatment facility or probation department designated pursuant to RCW 9.94A.703(4)(b), and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

Sec. 18. RCW 46.68.041 and 2004 c 95 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) ~~((Sixty-three))~~ Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

NEW SECTION. Sec. 19. RCW 43.43.3951 (Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology) and 2010 c 268 s 3 are each repealed.

NEW SECTION. Sec. 20. Sections 2, 3, 5 through 12, and 14 through 18 of this act take effect January 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.311, 46.20.385, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.5055, 46.61.5056, 46.61.524, and 46.68.041; reenacting and amending RCW 46.20.355; repealing

RCW 43.43.3951; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Third Substitute House Bill No. 1504.

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

MOTION

On motion of Senator Padden, the rules were suspended, Third Substitute House Bill No. 1504 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1504 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1504 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

THIRD SUBSTITUTE HOUSE BILL NO. 1504 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2682, by Representatives Senn, Kilduff, Leavitt and Pollet

Concerning out-of-home services.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 2682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Lovelett was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2682.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2682 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

HOUSE BILL NO. 2682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2205, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Dufault and Appleton)

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2205.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2205 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

SUBSTITUTE HOUSE BILL NO. 2205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2476, by House Committee on Civil Rights & Judiciary (originally sponsored by Walen, Duerr, Kloba, Kilduff, Leavitt, Lekanoff, Orwall, Davis, Doglio, Frame, Macri, Goodman and Ormsby)

Concerning debt buyers.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2476.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

SUBSTITUTE HOUSE BILL NO. 2476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2266, by Representatives Doglio, Dolan, Leavitt, Ryu, Tarleton, Appleton, Paul, Ormsby, Sells, Macri, Wylie, Senn, Cody, Kloba, Hudgins and Pollet

Concerning reasonable accommodation for the expression of breast milk without requiring written certification from a health care professional.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2266.

ROLL CALL

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 2266 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

HOUSE BILL NO. 2266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411, by House Committee on Health Care & Wellness (originally sponsored by Orwall, Kilduff, Gildon, Leavitt, Paul, Cody, Davis, Pollet, Goodman, Wylie, Doglio and Morgan)

Preventing suicide.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 2411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2411 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2259, by Representatives Rude, Leavitt and Thai

Expanding background check requirements for certain educational institutions.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2259.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Lovelett

HOUSE BILL NO. 2259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2589, by House Committee on Education (originally sponsored by Callan, Rude, Pollet, Orwall, Doglio, Steele, Kilduff, Caldier, Davis, Corry, Senn, Ybarra, Thai, Ramos, Ryu, Santos, Leavitt, Gildon, Bergquist, J. Johnson, Frame and Macri)

Requiring contact information for suicide prevention and crisis intervention organizations on student and staff identification cards.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Becker and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2589.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2589 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Fortunato, Padden, Rolfes, Schoesler and Walsh

SUBSTITUTE HOUSE BILL NO. 2589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2632, by House Committee on Public Safety (originally sponsored by Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri)

Concerning false reporting of a crime or emergency.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. False reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, we find that a gross misdemeanor is insufficient as a legal response and here create felony false reporting punishments when the false reporting leads to injury or death.

Sec. 2. RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) ~~((A))~~ (a) Except as provided in subsection (5) of this section and under circumstances not constituting false reporting in the first or second degree, a person is guilty of false reporting in the third degree if with knowledge that the information reported, conveyed, or circulated is false, ~~((he or she))~~ that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence ~~((of a fire, explosion, crime, catastrophe, or emergency))~~ knowing that such false report is likely to cause ~~((evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm))~~ an emergency response.

~~((2))~~ (b) False reporting in the third degree is a gross misdemeanor.

(2)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the second degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and substantial bodily harm is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the second degree is a class C felony.

(3)(a) Except as provided in subsection (5) of this section, a person is guilty of false reporting in the first degree if with knowledge that the information reported, conveyed, or circulated is false, that person initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause an emergency response, the report was made with reckless disregard for the safety of others, and death is sustained by any person as a proximate result of an emergency response.

(b) False reporting in the first degree is a class B felony.

(4) Any person convicted of violating this section and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

(5) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(6) A violation or attempted violation of this section may be prosecuted in any jurisdiction where the defendant made the false report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report.

(7)(a) An individual who is a victim of an offense under this section may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(b) A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

(8) As used in this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state;

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization, that provides fire, rescue, or emergency medical services.

(9) Nothing in this section will be construed to:

(a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct;

(b) Conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or

(c) Conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

Sec. 3. RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

CRIMES INCLUDED WITHIN EACH SERIOUSNESS
LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))	Manslaughter 2 (RCW 9A.32.070) Promoting Prostitution 1 (RCW 9A.88.070) Theft of Ammonia (RCW 69.55.010)
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))	VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(3))	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)	Burglary 1 (RCW 9A.52.020)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)	Child Molestation 2 (RCW 9A.44.086)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060) Assault of a Child 2 (RCW 9A.36.130) Explosive devices prohibited (RCW 70.74.180) Hit and Run—Death (RCW 46.52.020(4)(a)) Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Malicious placement of an explosive 2 (RCW 70.74.270(2)) Robbery 1 (RCW 9A.56.200) Sexual Exploitation (RCW 9.68A.040)	Civil Disorder Training (RCW 9A.48.120)
VIII	Arson 1 (RCW 9A.48.020)	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
		Drive-by Shooting (RCW 9A.36.045)
		<u>False Reporting 1 (section 2(3) of this act)</u>
		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
		Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
		Introducing Contraband 1 (RCW 9A.76.140)
		Malicious placement of an explosive 3 (RCW 70.74.270(3))
		Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
		Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
		Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
		Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
		Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
		Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9A.41.225)
		Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
		VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
		Bribery (RCW 9A.68.010)
		Incest 1 (RCW 9A.64.020(1))
		Intimidating a Judge (RCW 9A.72.160)
		Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
		Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
		Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
		Rape of a Child 3 (RCW 9A.44.079)

- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

False Reporting 2 (section 2(2) of this act)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)

Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)

Counterfeiting (RCW 9.16.035(3))

Electronic Data Service Interference (RCW 9A.90.060)

Electronic Data Tampering 1 (RCW 9A.90.080)

Electronic Data Theft (RCW 9A.90.100)

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 2632.

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

MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 2632 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2632 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2632 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2632 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2868, by House Committee on Finance (originally sponsored by Blake and Walsh)

Allowing for extensions of the special valuation of historic property for certain properties.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2868.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2868 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2599, by Representatives Eslick, Kilduff, Doglio and Leavitt

Concerning services for children with multiple handicaps.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 2599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2599.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2599 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Island View Elementary School students of Anacortes who were present in the gallery and introduced by Senator Lovelett.

The fourth-grade students were led by Mr. Peter Lincoln, Ms. Danica Almvig, and Ms. Patricia Tonnemaker and included Senator Lovelett's youngest daughter, Mirabel..

SECOND READING

HOUSE BILL NO. 2390, by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins

Using respectful language.

The measure was read the second time.

MOTION

On motion of Senator Liias, the senate deferred further consideration of House Bill No. 2390 and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2473, by House Committee on Public Safety (originally sponsored by Goodman and Wylie)

Concerning domestic violence.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2473 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2785, by House Committee on Public Safety (originally sponsored by Lekanoff, Goodman, Klippert, Lovick and Peterson)

Concerning the membership of the criminal justice training commission.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2785.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2785 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2792, by Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff

Concerning missing and unidentified persons.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 2792 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2792.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2792 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford,

Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED HOUSE BILL NO. 2792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2508, by Representatives Wylie and Vick

Simplifying the process for donating low-value surplus property owned by a city-owned utility.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2508.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2508 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

HOUSE BILL NO. 2508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2474, by Representative Sells

Concerning sales commissions.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2474.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2474 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2762, by Representatives Rude, Irwin and Lovick

Extending the peer support group testimonial privilege to include staff persons of the department of corrections.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 2762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2762.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2762 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Klippert and Ormsby)

Concerning increased deterrence and meaningful enforcement of fish and wildlife violations.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 2571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2571.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2571 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 2390 which had been deferred earlier in the day.

SECOND READING

HOUSE BILL NO. 2390, by Representatives Kilduff, Goodman, Klippert, Leavitt, Thai, Dufault, Macri, Senn and Hudgins

Using respectful language.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 2390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Becker spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

Senator Walsh spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2390.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2390 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt,

Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden and Wagoner

HOUSE BILL NO. 2390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551, by House Committee on Health Care & Wellness (originally sponsored by Cody, Stonier, Fey, Appleton and Pollet)

Modernizing the control of certain communicable diseases.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 1227 by Senator Fortunato be adopted:

Beginning on page 7, line 31, strike all of section 5
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 33, after "provided in" strike "sections 4 and 5" and insert "section 4"

On page 16, beginning on line 1, strike all of section 16
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "70.24.370," strike "9A.36.011," and on line 5, after "adding" strike "new sections" and insert "a new section"

Senators Fortunato, Rivers, Schoesler and Wagoner spoke in favor of adoption of the amendment.

Senators Cleveland and Liias spoke against adoption of the amendment.

Senator Wagoner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Fortunato on page 7, line 31 to Engrossed Substitute House Bill No. 1551.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Fortunato and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Wellman and Wilson, C.

MOTION

Senator O'Ban moved that the following floor amendment no. 1218 by Senator O'Ban be adopted:

On page 8, line 8, after "this subsection," insert "the first"

On page 8, line 11, after "(b)" strike "Violation" and insert "The first violation"

On page 8, line 14, after "(c)" insert "The second or subsequent violation of this section is a class A felony punishable as provided in RCW 9A.20.021.

(d)"

Senators O'Ban, Short and Wagoner spoke in favor of adoption of the amendment.

Senators Cleveland and Pedersen spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 8, line 8 to Engrossed Substitute House Bill No. 1551.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote:

Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Walsh, Wellman and Wilson, C.

MOTION

Senator Fortunato moved that the following floor amendment no. 1228 by Senator Fortunato be adopted:

On page 8, line 8, after "this subsection," insert "the first or second"

On page 8, line 11, after "(b)" strike "Violation" and insert "The first or second violation"

On page 8, line 14, after "(c)" insert "The third or subsequent violation of this section is a class A felony punishable as provided in RCW 9A.20.021.

(d)"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

Senator Fortunato demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Fortunato on page 8, line 8 to Engrossed Substitute House Bill No. 1551.

ROLL CALL

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

The Secretary called the roll on the adoption of the amendment by Senator Fortunato and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Walsh, Wellman and Wilson, C.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Liias and Darneille spoke in favor of passage of the bill.

Senators O'Ban, Walsh, Schoesler, Wilson, L., Fortunato and Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1551 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Saldaña, Salomon, Sheldon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Rolfes, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, by House Committee on Housing, Community Development & Veterans (originally sponsored by Santos, Jinkins and Pollet)

Concerning the hosting of the homeless by religious organizations.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature makes the following findings:

(a) Residents in temporary settings hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing.

(b) Residents in these settings, including outdoor uses such as outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking, can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm.

(c) Furthermore, the legislature finds and declares that hosted outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking serve as pathways for individuals experiencing homelessness to receive services and achieve financial stability, health, and permanent housing.

(2) The legislature intends that local municipalities have the discretion to protect the health and safety of both residents in temporary settings that are hosted by religious organizations and the surrounding community. The legislature encourages local jurisdictions and religious organizations to work together collaboratively to protect the health and safety of residents and the surrounding community while allowing religious organizations to fulfill their mission to serve the homeless. The legislature further intends to monitor the implementation of this act and continue to refine it to achieve these goals.

Sec. 2. RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A county has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a county may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality

during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization:

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the county, but a county may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a county fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the county may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A county may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A county may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the county.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by the county, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the county or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the county to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section(7):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

~~((4)) (7)(a) Subsection (2) of this section does not affect a county policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:~~

~~(i) Exist prior to the effective date of this section;~~

~~(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and~~

~~(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.~~

~~(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.~~

~~(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.~~

~~(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.~~

~~(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the county legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.~~

~~(b) A county must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:~~

~~(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;~~

~~(ii) Posting on the county's web site. A county is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;~~

~~(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or~~

~~(iv) Prominently displaying the notice at the meeting site.~~

Sec. 3. RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) ~~Except as provided in subsection (7) of this section,~~ a city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A city or town has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

~~(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a city or town may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;~~

~~(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;~~

~~(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;~~

~~(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:~~

~~(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;~~

~~(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and~~

~~(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city or town, but a~~

city or town may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a city or town fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city or town may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A city or town may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A city or town may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the city or town.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns

regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a city or town, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the city or town or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((7)):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a city or town policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the city or town legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A city or town must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the city or town's web site. A city or town is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

Sec. 4. RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host ~~((temporary encampments for))~~ the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to

homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((or))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of ~~((the required))~~ permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a code city fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the code city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable

communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section(7):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10)(a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared

FIFTY FIRST DAY, MARCH 3, 2020

emergency. The religious organization must provide written notice of the meeting to the code city legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A code city must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the code city's web site. A code city is not required to post a special meeting notice on its web site if it: (A) Does not have a web site; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section."

MOTION

Senator Fortunato moved that the following floor amendment no. 1236 by Senator Fortunato be adopted:

On page 4, line 36, after "county," insert "Such ordinances or regulations may also include prohibitions or restrictions on the use of alcohol or illegal drugs during such hostings on the property of the host religious organization."

On page 10, line 29, after "town," insert "Such ordinances or regulations may also include prohibitions or restrictions on the use of alcohol or illegal drugs during such hostings on the property of the host religious organization."

On page 16, line 22, after "city," insert "Such ordinances or regulations may also include prohibitions or restrictions on the use of alcohol or illegal drugs during such hostings on the property of the host religious organization."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1236 by Senator Fortunato on page 4, line 36 to Engrossed Substitute House Bill No. 1754.

The motion by Senator Fortunato did not carry and floor amendment no. 1236 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability to Engrossed Substitute House Bill No. 1754.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1754 as amended by the

2020 REGULAR SESSION

Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1754 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1754 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Ericksen, Honeyford, Schoesler, Sheldon, Short and Wagoner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2040, by Representative MacEwen

Concerning nonhigh school districts.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.545.030 and 2017 3rd sp.s. c 13 s 1001 are each amended to read as follows:

The purposes of RCW 28A.545.030 through 28A.545.110 and 84.52.0531 are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; ~~((and))~~

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is ~~((no greater than))~~ the lesser of:

(a) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; or

(b) The enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the nonhigh school district;

(4) If the nonhigh school district has not levied an enrichment levy during the current school year, then the amount due per annual average full-time equivalent student by the nonhigh school district is the enrichment levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district; and

(5) Designate the revenue provided to secondary school buildings to ensure dollars are being spent to support secondary school students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.545 RCW to read as follows:

Upon a nonhigh school district's request, a host high school district shall provide an annual data report to the nonhigh school district within sixty days of the request. The report must include attendance, grades, discipline, and state assessment data for all nonhigh secondary students sent to the high school district.

Sec. 3. RCW 28A.545.070 and 2017 3rd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's enrichment levy or nonhigh school district's enrichment levy, as determined under RCW 28A.545.030(3), that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which ~~((the high school district))~~ that district's superintendent or the superintendent of public instruction has certified pursuant to RCW 28A.545.060 will be enrolled in ~~((the high school))~~ that district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW 28A.545.060; and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student enrichment levy rate for the current tax collection year, ~~((of the high school district,))~~ or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.545.030 and 28A.545.070; and adding a new section to chapter 28A.545 RCW."

Correct the title.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed House Bill No. 2040.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 2040 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2040 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2040 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED HOUSE BILL NO. 2040 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6534, by Senator Cleveland

Creating an ambulance transport quality assurance fee.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 6534 was substituted for Senate Bill No. 6534 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following floor amendment no. 1147 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The purpose of this chapter is to provide for a quality assurance fee for specified providers of emergency ambulance services as referenced in 42 C.F.R. Sec. 433.56, which will be used to add on to base funding from all other sources, thereby supporting additional medicaid payments to nonpublic and nonfederal providers of emergency ambulance services as specified in this chapter.

(2) The legislature finds that the payments to private emergency ambulance service providers for transports for medicaid recipients have not been increased since 2004, resulting

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

in a loss for carriers who provide this service. This has resulted in the shifting of cost of medicaid transports to other payers.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose an ambulance quality assurance fee to be used solely for the purposes specified in this chapter;

(b) To generate approximately twenty-two million dollars per state fiscal biennium in new state and federal funds by disbursing all of that amount to pay for medicaid emergency ambulance services, except costs of administration as specified in this chapter, in the form of additional payments to ambulance transport providers subject to the fee, which may not be a substitute for payments from other sources;

(c) Beginning July 1, 2021, to generate an amount equal to one-third of the annual quality assurance fee rate collection amount exclusive of any federal matching funds, to be used in lieu of state general fund payments for medicaid emergency ambulance services;

(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter; and

(e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain aggregate payment levels to ambulance transport providers subject to the fee for emergency ambulance services covered by medicaid at least at the rates the state paid for those services on July 1, 2020, as adjusted for current enrollment and utilization.

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

(1) "Ambulance transport provider subject to the fee" means an ambulance transport provider that is licensed under RCW 18.73.130 that bills and receives patient care revenue from the provision of ambulance transports. "Ambulance transport provider subject to the fee" does not include a provider that is owned or operated by the state, cities, counties, fire protection districts, regional fire protection service authorities, port districts, public hospital districts, community services districts, health care districts, federally recognized Indian tribes, or any unit of government as defined in 42 C.F.R. Sec. 433.50.

(2) "Annual quality assurance fee rate" means the quality assurance fee per emergency ambulance transport during each applicable state fiscal year assessed on each ambulance transport provider subject to the fee.

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

(4) "Available fee amount" means the sum of the following:

(a) The amount deposited in the ambulance transport fund established under section 3 of this act during the applicable state fiscal year, less the amounts described in section 3(3)(a) of this act; and

(b) Any federal financial participation obtained as a result of the deposit of the amount described in this subsection, for the applicable state fiscal year.

(5) "Effective state medical assistance percentage" means a ratio of the aggregate expenditures from state-only sources for medicaid divided by the aggregate expenditures from state and federal sources for medicaid for a state fiscal year.

(6) "Emergency ambulance transport" means the act of transporting an individual by use of an ambulance during which a client receives needed emergency medical services en route to an appropriate medical facility. "Emergency ambulance transport" does not include transportation of beneficiaries by passenger cars, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor does it include

transportation by an air ambulance provider. An "emergency ambulance transport" does not occur when, following evaluation of a patient, a transport is not provided.

(7) "Fee-for-service payment schedule" means the payment rates to ambulance transport providers for emergency ambulance transports by the authority without the inclusion of the add-on described in section 6 of this act.

(8) "Gross receipts" means the total amount of payments received as patient care revenue for emergency ambulance transports, determined on a cash basis of accounting. "Gross receipts" includes all payments received as patient care revenue for emergency ambulance transports from medicaid, medicare, commercial insurance, and all other payers as payment for services rendered.

(9) "Medicaid" means the medical assistance program and the state children's health insurance program as established in Title XIX and Title XXI of the social security act, respectively, and as administered in the state of Washington by the authority.

(10) "Program" means the ambulance quality assurance fee program established in this chapter.

NEW SECTION. Sec. 3. (1) A dedicated fund is hereby established within the state treasury to be known as the ambulance transport fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund. Moneys in the account may be spent only after appropriation.

(2) The quality assurance fees collected by the authority pursuant to section 5 of this act must be deposited in the ambulance transport fund.

(3) Disbursements from the fund may be made only:

(a) To pay for the authority's staffing and administrative costs directly attributable to administering this chapter, not to exceed five percent of the annual quality assurance fee rate collection amount, exclusive of any federal matching funds;

(b) To make increased payments to ambulance transport providers subject to the fee pursuant to section 6 of this act;

(c) To refund erroneous or excessive payments made by hospitals pursuant to this chapter; and

(d) Beginning July 1, 2021, for an amount equal to one-third of the annual quality assurance fee rate collection amount exclusive of any federal matching funds, to be used in lieu of state general fund payments for medicaid emergency ambulance services, provided that if the full amount of the payments required under section 6 of this act cannot be distributed in a given fiscal year, this amount must be reduced proportionately.

NEW SECTION. Sec. 4. (1) Each ambulance transport provider subject to the fee must report to the authority the number of emergency ambulance transports by payer type and the annual gross receipts for the state fiscal year ending June 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after August 15, 2020.

(2) Each ambulance transport provider subject to the fee must report to the authority the number of emergency ambulance transports by payer type for each state fiscal quarter commencing with the state fiscal quarter ending September 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal quarter.

(3) Each ambulance transport provider subject to the fee must report to the authority the annual gross receipts for each state

fiscal year commencing with the state fiscal year ending June 30, 2021, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal year.

(4) The authority may require a certification by each ambulance transport provider subject to the fee under penalty of perjury of the truth of the reports required under this section. Upon written notice to an ambulance transport provider, the authority may impose a civil penalty of one hundred dollars per day against an ambulance transport provider for every day that an ambulance transport provider fails to make a report required by this section within five days of the date upon which the report was due. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited in the ambulance transport fund established in section 3 of this act.

NEW SECTION. Sec. 5. (1) Beginning July 1, 2021, and annually thereafter, the authority shall assess each ambulance transport provider subject to the fee, a quality assurance fee. Each ambulance transport provider subject to the fee must pay the quality assurance fee on a quarterly basis. The quarterly quality assurance fee payment shall be based on the annual quality assurance fee rate for the applicable state fiscal year multiplied by the number of emergency ambulance transports provided by the ambulance transport provider subject to the fee in the second quarter preceding the state fiscal quarter for which the fee is assessed.

(2) Beginning July 1, 2021, the annual quality assurance fee rate shall be calculated by multiplying the projected total annual gross receipts for all ambulance transport providers subject to the fee by five and one-half percent, which resulting product shall be divided by the projected total annual emergency ambulance transports by all ambulance transport providers subject to the fee for the state fiscal year.

(3) For each state fiscal year for which the quality assurance fee is assessed, the authority shall send each ambulance transport provider subject to the fee an assessment notice no later than thirty days prior to the beginning of the applicable state fiscal quarter. For each state fiscal quarter for which the quality assurance fee is assessed, the authority shall send to each ambulance transport provider subject to the fee an invoice of the quarterly quality assurance fee payment due for the quarter no later than thirty days before the payment is due. For each state fiscal quarter for which the quality assurance fee is assessed, the ambulance transport provider subject to the fee shall remit payment to the authority by the date established by the authority, which shall be no earlier than fifteen days after the beginning of the applicable state fiscal quarter.

(4)(a) Interest shall be assessed on quality assurance fees not paid on the date due at the rate and in the manner provided in RCW 43.20B.695. Interest shall be deposited in the ambulance transport fund established in section 3 of this act.

(b) In the event that any fee payment is more than sixty days overdue, the authority may deduct the unpaid fee and interest owed from any medicaid reimbursement payments owed to the ambulance transport provider until the full amount of the fee, interest, and any penalties assessed under this chapter are recovered. Any deduction made pursuant to this subsection shall be made only after the authority gives the ambulance transport provider written notification. Any deduction made pursuant to this subsection may be deducted over a period of time that takes into account the financial condition of the ambulance transport provider.

(c) In the event that any fee payment is more than sixty days overdue, a penalty equal to the interest charge described in (a) of this subsection shall be assessed and due for each month for

which the payment is not received after sixty days. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited into the ambulance transport fund established in section 3 of this act.

(d) The authority may waive a portion or all of either the interest or penalties, or both, assessed under this chapter in the event the authority determines, in its sole discretion, that the ambulance transport provider has demonstrated that imposition of the full amount of the quality assurance fee pursuant to the timelines applicable under this chapter has a high likelihood of creating an undue financial hardship for the provider. Waiver of some or all of the interest or penalties pursuant to this subsection shall be conditioned on the ambulance transport provider's agreement to make fee payments on an alternative schedule developed by the authority.

(5) The authority shall accept an ambulance transport provider's payment even if the payment is submitted in a rate year subsequent to the rate year in which the fee was assessed.

(6) In the event of a merger, acquisition, or similar transaction involving an ambulance transport provider that has outstanding quality assurance fee payment obligations pursuant to this chapter, including any interest and penalty amounts owed, the resultant or successor ambulance transport provider shall be responsible for paying to the authority the full amount of outstanding quality assurance fee payments, including any applicable interest and penalties, attributable to the ambulance transport provider for which it was assessed, upon the effective date of such transaction. An entity considering a merger, acquisition, or similar transaction involving an ambulance transport provider may submit a request to the authority to ascertain the outstanding quality assurance fee payment obligations of the ambulance transport provider pursuant to this chapter as of the date of the authority's response to that request.

NEW SECTION. Sec. 6. (1) Beginning July 1, 2021, and for each state fiscal year thereafter, reimbursement for emergency ambulance transports provided by ambulance transport providers subject to the fee shall be increased by application of an add-on to the associated medicaid fee-for-service payment schedule. The add-on increase to the fee-for-service payment schedule shall result in a total reimbursement per emergency ambulance transport that is at least sixty percent of the statewide average medicaid rate for an emergency ambulance transport or similar service.

(2) The increased payments required by this section shall be funded solely from the following:

(a) The quality assurance fee set forth in section 5 of this act, along with any interest or other investment income earned on those funds; and

(b) Federal reimbursement and any other related federal funds.

(3) The proceeds of the quality assurance fee set forth in section 5 of this act, the matching amount provided by the federal government, and any interest earned on those proceeds shall be used to supplement, and not to supplant, existing funding for emergency ambulance transports provided by ambulance transport providers subject to the fee.

(4) Notwithstanding any provision of this chapter, the authority may seek federal approval to implement any add-on increase to the fee-for-service payment schedule pursuant to this section for any state fiscal year or years, as applicable, on a time-limited basis for a fixed program period, as determined by the authority.

NEW SECTION. Sec. 7. The authority may adopt rules to implement this chapter.

NEW SECTION. Sec. 8. (1)(a) The authority shall request any approval from the federal centers for medicaid and medicaid services it determines are necessary for the use of fees pursuant

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

to this chapter and for the purpose of receiving associated federal matching funds.

(b) This chapter shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available. The quality assurance fee pursuant to section 5 of this act shall only be assessed and collected for quarters in which the add-on pursuant to section 6 of this act is paid.

(2) The authority may modify or make adjustments to any methodology, fee amount, or other provision specified in this chapter to the extent necessary to meet the requirements of federal law or regulations or to obtain federal approval.

NEW SECTION. Sec. 9. If there is a delay in the implementation of this chapter for any reason, including a delay in any required approval of the quality assurance fee and reimbursement methodology specified by the federal centers for medicare and medicaid services, the following shall apply:

(1) An ambulance transport provider subject to the fee may be assessed the amount the provider would be required to pay to the authority if the add-on increase to the fee-for-service payment schedule described in section 6 of this act were already approved, but shall not be required to pay the fee until the add-on increase to the fee-for-service payment schedule described in section 6 of this act is approved. The authority shall establish a schedule for payment of retroactive fees pursuant to this subsection in consultation with ambulance transport providers subject to the fee to minimize the disruption to the cash flow of ambulance transport providers subject to the fee.

(2) The authority may retroactively implement the add-on increase to the fee-for-service payment schedule pursuant to section 6 of this act to the extent the authority determines that federal financial participation is available.

NEW SECTION. Sec. 10. (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) The federal centers for medicare and medicaid services not determining that the quality assurance fee revenues may not be used for the purposes set forth in this chapter;

(b) The state not reducing its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers subject to the fee;

(c) The state not delegating responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2;

(d) Federal financial participation being available and not otherwise jeopardized; and

(e) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730.

(2) This chapter ceases to be operative on the first day of the state fiscal year beginning on or after the date one or more of the following conditions is satisfied:

(a) The federal centers for medicare and medicaid services no longer allows the collection or use of the ambulance transport provider assessment provided in this chapter;

(b) The increase to the medicaid payments described in section 6 of this act no longer remains in effect;

(c) The quality assurance fee assessed and collected pursuant to this chapter is no longer available for the purposes specified in this chapter;

(d) A final judicial determination made by any state or federal court that is not appealed, or by a court of appellate jurisdiction that is not further appealed, in any action by any party, or a final determination by the administrator of the federal centers for

medicare and medicaid services that is not appealed, that federal financial participation is not available with respect to any payment made under the methodology implemented pursuant to this chapter;

(e) The state reduces its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers subject to the fee;

(f) The state delegates responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2; and

(g) The program prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730.

(3) In the event one or more of the conditions listed in subsection (2) of this section is satisfied, the authority shall notify, in writing and as soon as practicable, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of the condition and the approximate date or dates that it occurred. The authority shall post the notice on the authority's web site.

(4)(a) Notwithstanding any other law, in the event this chapter becomes inoperative pursuant to subsection (2) of this section, the authority shall be authorized to conduct all appropriate close-out activities and implement applicable provisions of this chapter for prior state fiscal years during which this chapter was operative including, but not limited to, the collection of outstanding quality assurance fees pursuant to section 5 of this act and payments associated with any add-on increase to the medicaid fee-for-service payment schedule pursuant to section 6 of this act. During this close-out period, the full amount of the quality assurance fee assessed and collected remains available only for the purposes specified in this chapter.

(b) Upon a determination by the authority that all appropriate close-out and implementation activities pursuant to (a) of this subsection have been completed, the authority shall notify, in writing, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of that determination. This chapter shall expire as of the effective date of the notification issued by the authority pursuant to this subsection.

Sec. 11. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior

to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account,

the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 12. Sections 1 through 10 and 13 of this act constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 13. This act expires July 1, 2024.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "fee;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor amendment no. 1147 by Senator Mullet to Substitute Senate Bill No. 6534.

The motion by Senator Mullet carried and floor amendment no. 1147 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, O'Ban and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6534.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6534 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:30 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:03 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Skylee Sahlstrom, Senate Gubernatorial Appointment No. 9151, be confirmed as a member of the Human Rights Commission.

Senator Kuderer spoke in favor of the motion.

APPOINTMENT OF SKYLEE SAHLSTROM

The President declared the question before the Senate to be the confirmation of Skylee Sahlstrom, Senate Gubernatorial Appointment No. 9151, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Skylee Sahlstrom, Senate Gubernatorial Appointment No. 9151, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Sheldon

Skylee Sahlstrom, Senate Gubernatorial Appointment No. 9151, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551, by House Committee on State Government & Tribal Relations (originally sponsored by Lekanoff, Ramel, Rude, Leavitt, Valdez, Davis, Doglio, Walen, Pollet, Macri, Ormsby and Santos)

Permitting students to wear traditional tribal regalia and objects of cultural significance at graduation ceremonies and related events.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2551 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2551.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2527, by House Committee on State Government & Tribal Relations (originally sponsored by Ramos, Kilduff, Gregerson, Valdez, Slatter, Ortiz-Self, Tarleton, Davis, Doglio, Callan, Ramel, Pollet, Hudgins, Ormsby and Santos)

Concerning the rights of Washingtonians during the United States census.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.62 RCW to read as follows:

(1) It is the intent of the legislature to affirm that every Washingtonian has the right and obligation to participate in the federal decennial census freely and without fear of fraud, intimidation, or harm, and to inform the public of these rights.

(2) The legislature affirms the rights of Washingtonians to all of the following, to be known as the Washington census bill of rights and responsibilities:

(a) To participate in the federal decennial census free of threat or intimidation;

(b) To the confidentiality of the information provided in the census form, as provided by federal law;

(c) To respond to the census by means made available to the respondent, either by phone, by mail, online, or in person;

(d) To request language assistance in accordance with federal law; and

(e) To verify the identity of a census worker.

(3) The secretary of state shall translate the Washington census bill of rights and responsibilities into languages other than English, consistent with the federal voting rights act of 1965, 52 U.S.C. Sec. 10503.

(4) The office of financial management shall make the Washington census bill of rights and responsibilities available on its internet web site and available for inclusion on city and county census internet web sites and census questionnaire assistance center internet web sites.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of impersonating a census taker if the person falsely represents that he or she is a census taker with the intent to:

(a) Interfere with the operation of the census;

(b) Obtain information; or

(c) Obtain consent to enter a private dwelling.

(2) Impersonating a census taker is a gross misdemeanor.

NEW SECTION. Sec. 3. A new section is added to chapter 19.86 RCW to read as follows:

Mailing materials with the intent to deceive a person into believing that the material is an official census communication, interfere with the operation of the census, or discourage a person from participating in the census constitutes an unfair or deceptive practice under this chapter.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "census;" strike the remainder of the title and insert "adding a new section to chapter 43.62 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Substitute House Bill No. 2527.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 2527 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

Senator Zeiger spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2527 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2527 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen,

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2527 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

THIRD SUBSTITUTE HOUSE BILL NO. 1660, by House Committee on Education (originally sponsored by Bergquist, Harris, Hudgins, Young, Tarleton, Ybarra, Slatter, Santos, Jinkins, Doglio, Fey, Leavitt, Ormsby and Valdez)

Concerning the participation of students who are low income in extracurricular activities.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Third Substitute House Bill No. 1660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute House Bill No. 1660.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute House Bill No. 1660 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Honeyford, Muzzall, Schoesler, Short and Wilson, L.

THIRD SUBSTITUTE HOUSE BILL NO. 1660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2837, by Representatives Boehnke and Hudgins

Expanding powers granted to state historical societies.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 2837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2837.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576, by House Committee on Public Safety (originally sponsored by Ortiz-Self, Gregerson, Doglio, Pettigrew, Santos, Peterson, Lekanoff, Ryu, Pollet, Valdez, Thai, Macri, Fitzgibbon, Dolan, Davis, J. Johnson, Walen, Frame, Ormsby and Riccelli)

Concerning private detention facilities.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute House Bill No. 2576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2576.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2576 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2402, by Representatives Hudgins, Gregerson and Wylie

Streamlining legislative operations by repealing and amending selected statutory committees.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

REPEAL OF SELECTED STATUTORY COMMITTEES

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

(1)RCW 28A.657.130 (Education accountability system oversight committee—Membership—Duties—Reports) and 2013 c 159 s 13;

(2)RCW 28B.95.170 (Legislative advisory committee) and 2011 1st sp.s. c 12 s 6;

(3)RCW 44.55.010 (Findings—Intent) and 2003 c 404 s 1;

(4)RCW 44.55.020 (Committee membership) and 2003 c 404 s 2;

(5)RCW 44.55.030 (Chair—Officers—Rules) and 2003 c 404 s 3;

(6)RCW 44.55.040 (Powers, duties) and 2003 c 404 s 4;

(7)RCW 44.55.050 (Staff support) and 2003 c 404 s 5;

(8)RCW 44.55.060 (Compensation) and 2003 c 404 s 6;

(9)RCW 44.68.020 (Committee created—Members, terms, vacancies, officers, rules) and 1993 c 332 s 1 & 1986 c 61 s 2; and

(10)RCW 44.68.035 (Administration) and 2001 c 259 s 16.

PART II

RELATED AMENDMENTS

Sec. 2. RCW 28A.175.075 and 2018 c 58 s 31 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall establish a state-level ~~((building bridges work group that includes))~~ advisory committee to be known as the graduation: a team effort partnership advisory committee. The advisory committee shall include K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the ~~((work group))~~ advisory committee: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of children, youth, and families, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of

social and health services. The ~~((work group should))~~ advisory committee shall also consist of one representative from each of the following agencies and organizations: A statewide organization representing career and technical education programs including skill centers; the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; educational opportunity gap oversight and accountability committee; office of the education ombuds; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the ~~((building bridges))~~ programs established in RCW 28A.175.025, the ~~((state level work group))~~ advisory committee shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3)~~((a))~~ The ~~((work group))~~ advisory committee shall report to the appropriate committees of the legislature and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

~~((b) By September 15, 2010, the work group shall report on:~~

~~((i) A recommended state goal and annual state targets for the percentage of students graduating from high school;~~

~~((ii) A recommended state goal and annual state targets for the percentage of youth who have dropped out of school who should be reengaged in education and be college and work ready;~~

~~((iii) Recommended funding for supporting career guidance and the planning and implementation of K-12 dropout prevention, intervention, and reengagement systems in school districts and a plan for phasing the funding into the program of basic education, beginning in the 2011-2013 biennium; and~~

~~((iv) A plan for phasing in the expansion of the current school improvement planning program to include state-funded, dropout-focused school improvement technical assistance for school districts in significant need of improvement regarding high school graduation rates.))~~

(4) State agencies in the ~~((building bridges work group))~~ advisory committee shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

(a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;

(b) Providing joint funding;

(c) Developing protocols and templates for model agreements on sharing records and data;

FIFTY FIRST DAY, MARCH 3, 2020

(d) Providing joint professional development opportunities that provide knowledge and training on:

- (i) Research-based and promising practices;
- (ii) The availability of programs and services for vulnerable youth; and
- (iii) Cultural competence.

~~((5) The building bridges work group shall make recommendations to the governor and the legislature by December 1, 2010, on a state level and regional infrastructure for coordinating services for vulnerable youth. Recommendations must address the following issues:~~

~~(a) Whether to adopt an official conceptual approach or framework for all entities working with vulnerable youth that can support coordinated planning and evaluation;~~

~~(b) The creation of a performance-based management system, including outcomes, indicators, and performance measures relating to vulnerable youth and programs serving them, including accountability for the dropout issue;~~

~~(c) The development of regional and/or county level multipartner youth consortia with a specific charge to assist school districts and local communities in building K-12 comprehensive dropout prevention, intervention, and reengagement systems;~~

~~(d) The development of integrated or school-based one-stop shopping for services that would:~~

~~(i) Provide individualized attention to the neediest youth and prioritized access to services for students identified by a dropout early warning and intervention data system;~~

~~(ii) Establish protocols for coordinating data and services, including getting data release at time of intake and common assessment and referral processes; and~~

~~(iii) Build a system of single case managers across agencies;~~

~~(e) Launching a statewide media campaign on increasing the high school graduation rate; and~~

~~(f) Developing a statewide database of available services for vulnerable youth.)~~

Sec. 3. RCW 28A.657.100 and 2013 c 159 s 10 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release after at least three years of implementing a required action plan, the board may recommend that the district remain in required action and submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in RCW 28A.657.105. If the required action district received a federal school improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required

2020 REGULAR SESSION

action process after one year of implementing a required action plan under this chapter if the district is not making progress. ~~((Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under RCW 28A.657.130 and provide an opportunity for the oversight committee to review and comment.))~~

Sec. 4. RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) ~~((Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.~~

~~(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~(b) Beginning in the 2017-18 academic year, tuition)) Tuition operating fees for resident undergraduates at ((community and technical colleges)) institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.~~

~~((4)) (3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.~~

~~((5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.~~

~~(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not~~

~~passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(e) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.~~

~~(6)(a) In the 2015-16 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.~~

~~(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:~~

~~(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and~~

~~(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.~~

~~(e) Beginning with the 2017-18 academic year, full-time tuition operating fees for resident undergraduates in (b) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.~~

~~((7)) (4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.~~

~~((8)) (5) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.~~

~~((9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:~~

~~(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and~~

~~(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.~~

~~((10)) (6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels.~~

Sec. 5. RCW 43.15.020 and 2017 3rd sp.s. c 6 s 814 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) ~~((Association of Washington generals))~~ Washington state leadership board, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Financial education public-private partnership, RCW 28A.300.450;

(g) Joint administrative rules review committee, RCW 34.05.610;

(h) Capital projects advisory review board, RCW 39.10.220;

(i) Select committee on pension policy, RCW 41.04.276;

(j) Legislative ethics board, RCW 42.52.310;

(k) Washington citizens' commission on salaries, RCW 43.03.305;

(l) Legislative oral history committee, RCW 44.04.325;

(m) State council on aging, RCW 43.20A.685;

(n) State investment board, RCW 43.33A.020;

(o) Capitol campus design advisory committee, RCW 43.34.080;

(p) Washington state arts commission, RCW 43.46.015;

(q) PNWER-Net working subgroup under chapter 43.147 RCW;

(r) Community economic revitalization board, RCW 43.160.030;

(s) Washington economic development finance authority, RCW 43.163.020;

(t) ~~((Life sciences discovery fund authority, RCW 43.350.020;~~

~~((u))~~ Joint legislative audit and review committee, RCW 44.28.010;

~~((v))~~ (u) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((w))~~ (v) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((x) Agency council on coordinated transportation, RCW 47.06B.020;~~

~~((y))~~ (w) Washington horse racing commission, RCW 67.16.014;

~~((z))~~ (x) Correctional industries board of directors, RCW 72.09.080;

~~((aa))~~ (y) Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((bb))~~ (z) Joint legislative committee on water supply during drought, RCW 90.86.020; and

~~((cc))~~ (aa) Statute law committee, RCW 1.08.001~~((; and~~
~~((dd) Joint legislative oversight committee on trade policy, RCW 44.55.020)).~~

Sec. 6. RCW 43.216.572 and 2016 c 57 s 1 are each amended to read as follows:

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

For the purposes of implementing this chapter, the governor shall appoint a state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

Sec. 7. RCW 43.216.574 and 2016 c 57 s 2 are each amended to read as follows:

The state ~~((birth to three))~~ interagency coordinating council for infants and toddlers with disabilities and their families shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

Sec. 8. RCW 44.04.325 and 2008 c 222 s 4 are each amended to read as follows:

(1) A legislative oral history committee is created, which shall consist of the following individuals:

(a) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;

(b) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) The chief clerk of the house of representatives; and
(d) The secretary of the senate.

(2) Ex officio members may be appointed by a majority vote of the committee's members appointed under subsection (1) of this section.

(3) The chair of the committee shall be elected by a majority vote of the committee members appointed under subsection (1) of this section.

(4) Staff support for the committee must be provided by the office of the secretary of the senate and the office of the chief clerk of the house of representatives.

Sec. 9. RCW 44.68.010 and 2007 c 18 s 1 are each amended to read as follows:

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

(1) "Administrative committee" means the joint legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

~~((4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020.))~~

Sec. 10. RCW 44.68.040 and 2007 c 18 s 3 are each amended to read as follows:

Subject to RCW 44.04.260:

(1) The ~~((systems committee, after consultation with the))~~ administrative committee~~((;))~~ shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the ~~((systems))~~ administrative committee, which shall fix the coordinator's salary.

(2)(a) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee;

(b) In accordance with an adopted personnel plan, the coordinator shall employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(c) The coordinator shall enter into contracts for: (i) The sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter; and (ii) the distribution of legislative information.

Sec. 11. RCW 44.68.050 and 2007 c 18 s 4 are each amended to read as follows:

The administrative committee shall, ~~((subject to the approval of the systems committee and))~~ subject to RCW 44.04.260:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Adopt a compensation plan for personnel required to carry out the purposes of this chapter; and

(4) Approve strategic and tactical information technology plans and provide guidance in operational matters required to carry out (a) the purposes of this chapter; and (b) the distribution of legislative information~~((;))~~

~~((5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee)).~~

Sec. 12. RCW 44.68.060 and 2007 c 18 s 5 are each amended to read as follows:

(1) The administrative committee~~((; subject to the approval of the systems committee.))~~ shall establish a legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branches of state government and other governmental entities, and provide public access to legislative information. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in ~~((RCW 44.68.060))~~ this section. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall

comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection.

Sec. 13. RCW 44.68.065 and 2015 3rd sp.s. c 1 s 411 are each amended to read as follows:

The legislative service center, under the direction of ~~((the joint legislative systems committee and))~~ the joint legislative systems administrative committee, shall:

- (1) Develop a legislative information technology portfolio consistent with the provisions of RCW 43.105.341;
- (2) Participate in the development of an enterprise-based statewide information technology strategy;
- (3) Ensure the legislative information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;
- (4) As part of the biennial budget process, submit the legislative information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the consolidated technology services agency.

Sec. 14. RCW 44.68.085 and 2007 c 18 s 6 are each amended to read as follows:

Subject to RCW 44.04.260, all expenses incurred, including salaries and expenses of employees, shall be paid upon voucher forms as provided and signed by the coordinator. Vouchers may be drawn on funds appropriated by law for the ~~((systems committee,))~~ administrative committee~~((;))~~ and center: PROVIDED, That the senate, house of representatives, and code reviser may authorize the ~~((systems committee,))~~ administrative committee~~((;))~~ and center to draw on funds appropriated by the legislature for related information technology expenses. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the ~~((systems committee,))~~ administrative committee~~((;))~~ and center, in addition to charges made under RCW 44.68.050(2).

Sec. 15. RCW 44.68.090 and 1986 c 61 s 9 are each amended to read as follows:

Members ~~((of the systems committee and))~~ of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees.

Sec. 16. RCW 44.68.100 and 1996 c 171 s 4 are each amended to read as follows:

The legislature and legislative agencies through the ~~((joint legislative systems))~~ administrative committee, shall:

- (1) Continue to plan for and implement processes for making legislative information available electronically;
- (2) Promote and facilitate electronic access to the public of legislative information and services;
- (3) Establish technical standards for such services;
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
- (5) Develop processes to determine which legislative information the public most wants and needs;
- (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;
- (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability; and
- (8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

Sec. 17. RCW 44.68.105 and 2007 c 18 s 7 are each amended to read as follows:

The ~~((systems committee,))~~ administrative committee~~((;))~~ and center are hereby expressly exempted from the provisions of chapter 43.105 RCW.

Sec. 18. RCW 43.15.030 and 2018 c 67 s 1 are each amended to read as follows:

(1) The ~~((association of Washington generals))~~ Washington state leadership board is organized as a private, nonprofit, nonpartisan corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the ~~((association of Washington generals))~~ Washington state leadership board is to:

- (a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state;
- (b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and
- (c) Expand educational, sports, leadership, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The ~~((association of Washington generals))~~ Washington state leadership board may conduct activities in support of their mission~~((; including but not limited to:~~

- ~~((a) Establishing selection criteria for selecting Washington generals;~~
- ~~((b) Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and~~
- ~~((c) Promoting Washington generals as ambassadors of the state of Washington)).~~

(4) The ~~((association of Washington generals))~~ Washington state leadership board is governed by a board of directors. The board of directors is composed of the governor, the lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the ~~((association of Washington generals))~~ Washington state leadership board designates. In addition, four legislators may be appointed to the board of directors as ex officio members in the following manner: One legislator from each of the two largest caucuses of the senate, appointed by the president of the senate, and one legislator from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(5) The board of directors shall~~((;~~

- ~~((a) Review nominations for and be responsible for the selection of Washington generals;~~
- ~~((b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and~~
- ~~((c) Adopt))~~ adopt bylaws and establish governance and transparency policies.

(6) The lieutenant governor's office may provide technical and financial assistance for the ~~((association of Washington generals))~~ Washington state leadership board, where the work of the ~~((association))~~ board aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

- (a) Collaboration with the ~~((association of Washington generals))~~ Washington state leadership board on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;
- (b) Beginning January 1, 2019, collaboration with the ~~((association of Washington generals))~~ Washington state leadership board to administer the sports mentoring program as established under RCW 43.15.100, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports. If approved by the board, boundless Washington, an outdoor leadership program for young

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

people with disabilities, shall satisfy the terms of the sports mentoring program; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the ~~((association of Washington generals))~~ Washington state leadership board in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

(7) The legislature may make appropriations in support of the ~~((Washington generals))~~ Washington state leadership board subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the ~~((association of Washington generals))~~ Washington state leadership board and all expenditures by the ~~((association of Washington generals))~~ Washington state leadership board.

Sec. 19. RCW 43.15.040 and 2005 c 69 s 2 are each amended to read as follows:

The ~~((association of Washington generals))~~ Washington state leadership board may use the image of the Washington state flag to promote the mission of the organization as set forth under RCW ~~((43.342.010))~~ 43.15.030. The ~~((association))~~ board retains any revenue generated by the use of the image, when the usage is consistent with the purposes under RCW ~~((43.342.010))~~ 43.15.030.

Sec. 20. RCW 43.15.060 and 2003 c 347 s 1 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. ~~((A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house.))~~ Vacancies occurring shall be filled by the appointing authority.

Sec. 21. RCW 43.15.065 and 1985 c 467 s 18 are each amended to read as follows:

The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. ~~((The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.))~~

Sec. 22. RCW 43.15.070 and 1985 c 467 s 19 are each amended to read as follows:

The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies~~((-))~~;

(2) Monitoring economic trends, and developing for review by the legislature such ~~((appropriate))~~ state responses as may be deemed effective and appropriate~~((-))~~;

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness~~((-))~~;

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy~~((-))~~;

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs~~((-))~~;

(6) Evaluating opportunities to collaborate with public and private agencies in achieving Washington state's international relations objectives;

(7) Studying and adopting any state tourism slogan or tagline recommended by the Washington tourism marketing authority established in RCW 43.384.020;

(8) Designating official legislative trade delegations and nominating legislators for inclusion in official trade delegations organized by the office of international relations and protocol;

(9) Proposing potential sister-state relationships to be submitted to the governor for approval; and

(10) Developing and evaluating legislative proposals concerning the issues specified in this section.

Sec. 23. RCW 28A.300.801 and 2009 c 410 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of at least twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) ~~((Except for initial members, members))~~ Members shall serve two-year terms~~((-))~~ and, if eligible, may be reappointed for subsequent two-year terms. ~~((One-half of the initial members shall be appointed to one year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.))~~

(4)(a) ~~((By July 2, 2007, and annually thereafter, students))~~ Students may apply annually to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. ~~((Beginning May 7, 2009, the))~~ The office of the lieutenant governor shall notify all

applicants of the final selections ~~((using existing staff and resources))~~.

(b) ~~((Within existing staff and resources, the))~~ The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) ~~((If the council has sufficient funds from any source, then))~~ Subject to the supervision of the office of the lieutenant governor, the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) ~~((If the council has sufficient funds from any source, then in))~~ In carrying out its duties under this section, the council ~~((may))~~ must meet at least three times ~~((but not more than six times))~~ per year. ~~((The council shall consider conducting at least some of the meetings via the K-20 telecommunications network.))~~ The council is encouraged to use technology, such as remote videoconferencing technology, to facilitate members' participation in meetings. The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on ~~((the))~~ various policy issues. The council is encouraged to use technology to conduct ~~((the))~~ polling ~~((including the council's web site, if the council has a web site)).~~

(7) ~~((If the council has sufficient funds from any source, then members shall))~~ Members may be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) ~~((If sufficient funds are available from any source, beginning with May 7, 2009, the))~~ The office of ~~((superintendent of public instruction))~~ the lieutenant governor shall provide administration, ~~((coordination))~~ supervision, and facilitation ~~((assistance))~~ support to the council. In facilitating the program, the office of the lieutenant governor may collaborate with the Washington state leadership board established in RCW 43.15.030. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, ~~((the office of the superintendent of public instruction,))~~ the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the legislative youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or

official of the ~~((superintendent of public instruction or))~~ office of the lieutenant governor, the legislature, or any agency of the legislature.

PART III MISCELLANEOUS

NEW SECTION. **Sec. 24.** RCW 28A.300.801 is recodified as a section in chapter 43.15 RCW.

NEW SECTION. **Sec. 25.** This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "committees;" strike the remainder of the title and insert "amending RCW 28A.175.075, 28A.657.100, 28B.15.067, 43.15.020, 43.216.572, 43.216.574, 44.04.325, 44.68.010, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.085, 44.68.090, 44.68.100, 44.68.105, 43.15.030, 43.15.040, 43.15.060, 43.15.065, 43.15.070, and 28A.300.801; adding a new section to chapter 43.15 RCW; recodifying RCW 28A.300.801; repealing RCW 28A.657.130, 28B.95.170, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, 44.55.060, 44.68.020, and 44.68.035; and providing an effective date."

MOTION

Senator Becker moved that the following floor amendment no. 1241 by Senator Becker be adopted:

On page 15, beginning on line 32, after "appointed by the" strike "president of the senate" and insert "leader of each respective caucus"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1241 by Senator Becker on page 15, line 32 to the striking committee amendment.

The motion by Senator Becker did not carry and floor amendment no. 1241 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 1240 by Senators Walsh and Zeiger be adopted:

On page 21, after line 17, insert the following:

"NEW SECTION. Sec. 25. After January 1, 2021, the legislature may not establish any new statutory committees, task forces, work groups, or similar entities."

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

On page 21, line 25, after "43.15 RCW;" insert "creating a new section;"

Senators Zeiger, Schoesler, Honeyford, Becker and Walsh spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hunt and Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1240 by Senators Walsh and Zeiger on page 21, after line 17 to the committee striking amendment.

The motion by Senator Zeiger did not carry and floor amendment no. 1240 was not adopted by voice vote.

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to House Bill No. 2402.

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

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2402 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2402 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2402 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

HOUSE BILL NO. 2402 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2497, by Representatives Ormsby, Leavitt, Doglio, Ramel, Tharinger, Goodman, Riccelli and Santos

Adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.89.020 and 2001 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Local government" means any city, town, county, port district, or any combination thereof.

(3) "Ordinance" means any appropriate method of taking legislative action by a local government.

(4) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

- (i) Street and road construction and maintenance;
- (ii) Water and sewer system construction and improvements;
- (iii) Sidewalks and streetlights;
- (iv) Parking, terminal, and dock facilities;
- (v) Park and ride facilities of a transit authority;
- (vi) Park facilities and recreational areas; and
- (vii) Stormwater and drainage management systems; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the increment area, including the management and promotion of retail trade activities in the increment area;

(ii) Providing maintenance and security for common or public areas in the increment area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(5) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving permanently affordable housing; (c) relocating, maintaining, and operating property pending construction of public improvements; ~~((e))~~ (d) relocating utilities as a result of public improvements; ~~((f))~~ (e) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; ~~((g))~~ (f) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and ~~((h))~~ (g) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(6) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(7) "Tax allocation base value" means the true and fair value of real property located within an increment area for taxes imposed in the year in which the increment area is created, plus twenty-five percent of any increase in the true and fair value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(8) "Tax allocation revenues" means those tax revenues derived from the imposition of regular property taxes on the increment value and distributed to finance public improvements.

(9) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(10) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(11) "Taxing districts" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

(12) "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015.

(13) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

Sec. 2. RCW 39.102.020 and 2018 c 178 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(4) "Dedicated" means pledged, set aside, allocated, received, budgeted, or otherwise identified.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise tax allocation revenue" means an amount of local excise taxes equal to some or all of the sponsoring local government's local excise tax increment, amounts of local excise taxes equal to some or all of any participating local government's excise tax increment as agreed upon in the written agreement under RCW 39.102.080(1), or both, and dedicated to local infrastructure financing.

(9) "Local excise tax increment" means an amount equal to the estimated annual increase in local excise taxes in each calendar year following the approval of the revenue development area by the board from taxable activity within the revenue development area, as set forth in the application provided to the board under RCW 39.102.040, and updated in accordance with RCW 39.102.140(1)(f).

(10) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(11) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(12) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both.

(13) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Ordinance" means any appropriate method of taking legislative action by a local government.

(16) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(17) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area less the property tax allocation revenue value.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Stormwater and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.

(22) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(25) "Revenue development area" means the geographic area adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(26)(a) "Revenues from local public sources" means:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both. Revenues from local public sources dedicated in the preceding calendar year that

are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (29)(b);

(c) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040; or

(d) The highest amount of state excise tax allocation revenues and state property tax allocation revenues for any one calendar year as determined by the sponsoring local government and reported to the board and the department as required by RCW 39.102.140.

(30) "State excise tax allocation revenue" means an amount equal to the annual increase in state excise taxes estimated to be received by the state in each calendar year following the approval of the revenue development area by the board, from taxable activity within the revenue development area as set forth in the application provided to the board under RCW 39.102.040 and periodically updated and reported as required in RCW 39.102.140(1)(f).

(31) "State excise taxes" means revenues derived from state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475 for the applicable revenue development area, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(32) "State property tax allocation revenue" means an amount equal to the estimated tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as set forth in the application submitted to the board under RCW 39.102.040 and updated annually in the report required under RCW 39.102.140(1)(f).

(33) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(34) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability.

Sec. 3. RCW 39.104.020 and 2016 c 207 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year, plus the additional amounts approved for demonstration projects in RCW 82.14.505.

(2) "Approving agency" means the department of revenue for project awards approved before June 9, 2016, and the department of commerce for project awards approved after June 9, 2016.

(3) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(4) "Bond" means a bond, a note or other evidence of indebtedness, including but not limited to a lease-purchase agreement or an executory conditional sales contract.

(5) "Department" means the department of revenue.

(6) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(7) "Local government" means any city, town, county, and port district.

(8) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(9) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in RCW 82.14.510, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110.

(10) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(11) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(12) "Ordinance" means any appropriate method of taking legislative action by a local government.

(13) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in RCW 39.104.070(1) to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(14) "Participating taxing district" means a taxing district that:

(a) Has a revitalization area wholly or partially within its geographic boundaries;

(b) Levies or has levied for it regular property taxes as defined in this section; and

(c) Has not taken action as provided in RCW 39.104.060(2).

(15) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(16)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(17) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(18) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Stormwater and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; ~~((and))~~

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization

area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395; and

(c) Expenditures to purchase, rehabilitate, retrofit for energy efficiency, and construct housing for the purpose of creating or preserving permanently affordable housing.

(19) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(20)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

(21)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources and amounts received by taxing districts as set forth by an interlocal agreement as described in RCW 39.104.060(4), which are dedicated for the payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(22) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the approving agency, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(23) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(24) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the approving agency as provided in RCW 39.104.100 or 82.14.505; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.104.110

and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (24)(c).

(25) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(26) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

(27) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.510 for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(28) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

(29) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

(a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

(b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction or other contractual agreement, that ensures affordability."

On page 1, line 4 of the title, after "financing;" strike the remainder of the title and insert "and amending RCW 39.89.020, 39.102.020, and 39.104.020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability to House Bill No. 2497.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 2497 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2497 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2497 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hasegawa, Hawkins, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Sheldon

HOUSE BILL NO. 2497 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2617, by Representatives Robinson, Ortiz-Self, Sells, Macri, Valdez, Lekanoff and Senn

Concerning the lease or rental of surplus property of school districts.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2617.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2617 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Padden, Short, Warnick and Wilson, L.

Excused: Senator Sheldon

FIFTY FIRST DAY, MARCH 3, 2020

HOUSE BILL NO. 2617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1694, by Representatives Morgan, Macri, Riccelli, Goodman, Jinkins, Cody, Stonier, Robinson, Appleton, Pollet, Gregerson and Frame

Allowing tenants to pay certain sums in installments.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receipt of a tenant's written request, a landlord must permit the tenant to pay any deposits, nonrefundable fees, and last month's rent in installments.

(b) A landlord is not required to permit a tenant to pay in installments if the total amount of the deposits and nonrefundable fees do not exceed twenty-five percent of the first full month's rent and payment of the last month's rent is not required at the inception of the tenancy.

(2) In all cases where premises are rented for a specified time that is three months or longer, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in three consecutive and equal monthly installments, beginning at the inception of the tenancy. In all other cases, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in two consecutive and equal monthly installments, beginning at the inception of the tenancy.

(3) A landlord may not impose any fee, charge any interest, or otherwise impose a cost on a tenant because a tenant elects to pay in installments. Installment payments are due at the same time as rent is due. All installment schedules must be in writing and signed by the landlord and the tenant.

(4)(a) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, as authorized under RCW 59.18.253, shall not be considered a deposit or nonrefundable fee for purposes of this section.

(b) A landlord may not request a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit in excess of one-third of the first month's rent. The fee or deposit to hold the dwelling unit must be applied to the first month's rent once the tenancy begins.

(5) Beginning January 1, 2021, any landlord who refuses to permit a tenant to pay any deposits, nonrefundable fees, and last month's rent in installments upon the tenant's written request as described in subsection (1) of this section is subject to a statutory penalty of one month's rent and reasonable attorneys' fees payable to the tenant.

(6)(a) In any application seeking relief pursuant RCW 59.18.283(3), the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the landlord would be eligible for reimbursement

through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(b) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (i) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (ii) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). Nothing in this subsection shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(c) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

Sec. 2. RCW 43.31.605 and 2019 c 356 s 12 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

(i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)(b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

(iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, unpaid judgments resulting from the tenant's failure to comply with an installment payment agreement identified in section 1 of this act, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(2) In order for a claim under subsection (1)(b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 3. RCW 59.18.253 and 2011 c 132 s 12 are each amended to read as follows:

(1) It shall be unlawful for a landlord to require a fee or deposit from a prospective tenant for the privilege of being placed on a waiting list to be considered as a tenant for a dwelling unit.

(2) A landlord who charges a prospective tenant a fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit, after the dwelling unit has been offered to the prospective tenant, must provide the prospective tenant with a receipt for the fee or deposit, together with a written statement of the conditions, if any, under which the fee or deposit may be retained, immediately upon payment of the fee or deposit.

(3) A landlord may not request a fee or deposit to hold a dwelling or secure that the prospective tenant will move into the dwelling unit in excess of one-third of the first month's rent as described in section 1(4) of this act.

(4)(a) If the prospective tenant does occupy the dwelling unit, then the landlord must credit the amount of the fee or deposit to the tenant's first month's rent or to the tenant's security deposit. If the prospective tenant does not occupy the dwelling unit, then the landlord may keep up to the full amount of any fee or deposit that was paid by the prospective tenant to secure the tenancy, so long as it is in accordance with the written statement of conditions furnished to the prospective tenant at the time the fee or deposit was charged.

(b) A fee or deposit to hold a dwelling unit or secure that the prospective tenant will move into a dwelling unit under this subsection does not include any cost charged by a landlord to use a tenant screening service or obtain background information on a prospective tenant.

(c) A portion of the fee or deposit may not be withheld if the dwelling unit fails a tenant-based rental assistance program inspection by a qualified inspector as defined in RCW 59.18.030. If the inspection does not occur within ten days from the date of collection of the fee or deposit or a longer period of time that the landlord and tenant may agree upon, the landlord may notify the tenant that the dwelling unit will no longer be held. The landlord shall promptly return the fee or deposit to the prospective tenant after the landlord is notified that the dwelling unit failed the inspection or the landlord has notified the tenant that the dwelling unit will no longer be held. The landlord complies with this section by promptly depositing the fee or deposit in the United States mail properly addressed with first-class postage prepaid.

((4)) (5) In any action brought for a violation of this section, a landlord may be liable for the amount of the fee or deposit charged. In addition, any landlord who violates this section may be liable to the prospective tenant for an amount not to exceed two times the fee or deposit. The prevailing party may also recover court costs and a reasonable attorneys' fee."

On page 1, line 2 of the title, after "installments;" strike the remainder of the title and insert "amending RCW 43.31.605 and 59.18.253; and adding a new section to chapter 59.18 RCW."

MOTION

On motion of Senator Mullet, Senator McCoy was excused.

MOTION

Senator Fortunato moved that the following floor amendment no. 1237 by Senators Fortunato and Wilson, L. be adopted:

On page 1, line 5, after "(b)" insert "and (c)"

On page 1, after line 13, insert the following:

"(c) The requirement that a landlord must permit the tenant to pay any deposits, nonrefundable fees, and last month's rent in installments does not apply to rental property that is located within a city, town, or county that has enacted an ordinance that limits the ability of a property owner to commence or complete an unlawful detainer action during specific months or times of the year unless the city, town, or county compensates the landlord for the cost of rent, as defined in RCW 59.18.030."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1237 by Senators Fortunato and Wilson, L. on page 1, line 5 to the committee striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 1237 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 1238 by Senator Wilson, L. on page 1, line 5 to the committee striking amendment was withdrawn.

MOTION

Senator Mullet moved that the following floor amendment no. 1224 by Senator Mullet be adopted:

On page 2, line 1, after "excess of" strike "one-third" and insert "twenty-five percent"

On page 2, beginning on line 1, after "rent." strike all material through "begins." on line 3

On page 8, line 28, after "excess of" strike "one-third" and insert "twenty-five percent"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1224 by Senator Mullet on page 2, line 1 to the committee striking amendment.

The motion by Senator Mullet carried and floor amendment no. 1224 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Economic Development & Trade as amended to Engrossed House Bill No. 1694.

The motion by Senator Mullet carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed House Bill No. 1694 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Braun spoke in favor of passage of the bill.

Senators Wilson, L. and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1694 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1694 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators McCoy and Sheldon

ENGROSSED HOUSE BILL NO. 1694 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2343, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Frame, Macri, Doglio, Tharinger and Pollet)

Concerning urban housing supply.

The measure was read the second time.

MOTION

Senator Salomon moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.600 and 2019 c 348 s 1 are each amended to read as follows:

(1) A city planning pursuant to RCW 36.70A.040 is encouraged to take the following actions in order to increase its residential building capacity:

(a) Authorize development in one or more areas of not fewer than five hundred acres that include at least one train station served by commuter rail or light rail with an average of at least fifty residential units per acre that require no more than an average of one on-site parking space per two bedrooms in the portions of multifamily zones that are located within the areas;

(b) Authorize development in one or more areas of not fewer than ~~((five))~~ two hundred acres in cities with a population greater than forty thousand or not fewer than ~~((two))~~ one hundred ~~((fifty))~~ acres in cities with a population less than forty thousand that include at least one bus stop served by scheduled bus service of at least four times per hour for twelve or more hours per day with an average of at least twenty-five residential units per acre that require no more than an average of one on-site parking space per two bedrooms in portions of the multifamily zones that are located within the areas;

(c) Authorize at least one duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences unless a city documents a specific infrastructure of physical constraint that would make this requirement unfeasible for a particular parcel;

(d) Authorize a duplex, triplex, quadplex, sixplex, stacked flat, townhouse, or courtyard apartment on one or more parcels for which they are not currently authorized;

(e) Authorize cluster zoning or lot size averaging in all zoning districts that permit single-family residences;

~~((e) Authorize attached accessory dwelling units on all parcels containing single family homes where the lot is at least three thousand two hundred square feet in size, and permit both attached and detached accessory dwelling units on all parcels containing single family homes, provided lots are at least four thousand three hundred fifty six square feet in size. Qualifying~~

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

city ordinances or regulations may not provide for on-site parking requirements, owner occupancy requirements, or square footage limitations below one thousand square feet for the accessory dwelling unit, and must not prohibit the separate rental or sale of accessory dwelling units and the primary residence. Cities must set applicable impact fees at no more than the projected impact of the accessory dwelling unit. To allow local flexibility, other than these factors, accessory dwelling units may be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority, and must follow all applicable state and federal laws and local ordinances;))

- (f) Adopt a subarea plan pursuant to RCW 43.21C.420;
- (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii), except that an environmental impact statement pursuant to RCW 43.21C.030 is not required for such an action;
- (h) Adopt increases in categorical exemptions pursuant to RCW 43.21C.229 for residential or mixed-use development;
- (i) Adopt a form-based code in one or more zoning districts that permit residential uses. "Form-based code" means a land development regulation that uses physical form, rather than separation of use, as the organizing principle for the code;
- (j) Authorize a duplex on each corner lot within all zoning districts that permit single-family residences;
- (k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW; ((and))
- (l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city. For purposes of this subsection, the calculation of net density does not include the square footage of areas that are otherwise prohibited from development, such as critical areas, the area of buffers around critical areas, and the area of roads and similar features;
- (m) Create one or more zoning districts of medium density in which individual lots may be no larger than three thousand five hundred square feet and single-family residences may be no larger than one thousand two hundred square feet;
- (n) Authorize accessory dwelling units in one or more zoning districts in which they are currently prohibited;
- (o) Remove minimum residential parking requirements related to accessory dwelling units;
- (p) Remove owner occupancy requirements related to accessory dwelling units;
- (q) Adopt new square footage requirements related to accessory dwelling units that are less restrictive than existing square footage requirements related to accessory dwelling units;
- (r) Adopt maximum allowable exemption levels in WAC 197-11-800(1) as it existed on the effective date of this section, or such subsequent date as may be provided by the department of ecology by rule, consistent with the purposes of this section;
- (s) Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100;
- (t) Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095;
- (u) Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a more efficient permit process for customers;
- (v) Update use matrices and allowable use tables that eliminate conditional use permits and administrative conditional use permits for all housing types, including single-family homes, townhomes, multifamily housing, low-income housing, and senior housing, but excluding essential public facilities;

(w) Allow off-street parking to compensate for lack of on-street parking when private roads are utilized or a parking demand study shows that less parking is required for the project;

(x) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to build accessory dwelling units. A city may condition this program on a requirement to provide the unit for affordable home ownership or rent the accessory dwelling unit for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement under the program, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting; and

(y) Develop a local program that offers homeowners a combination of financing, design, permitting, or construction support to convert a single-family home into a duplex, triplex, or quadplex where those housing types are authorized. A local government may condition this program on a requirement to provide a certain number of units for affordable home ownership or to rent a certain number of the newly created units for a defined period of time to either tenants in a housing subsidy program as defined in RCW 43.31.605(14) or to tenants whose income is less than eighty percent of the city or county median family income. If the city includes an affordability requirement, it must provide additional incentives, such as:

- (i) Density bonuses;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to RCW 36.70A.610. The housing action plan should:

- (a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;
- (b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;
- (c) Analyze population and employment trends, with documentation of projections;
- (d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;
- (e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;
- (f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and
- (g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, ~~((2024))~~ 2023, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of this section, are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(4) Any action taken by a city prior to April 1, ~~((2024))~~ 2023, to amend their comprehensive plan, or adopt or amend ordinances or development regulations, solely to enact provisions under subsection (1) of this section is not subject to legal challenge under this chapter.

(5) In taking action under subsection (1) of this section, cities are encouraged to utilize strategies that increase residential building capacity in areas with frequent transit service and with the transportation and utility infrastructure that supports the additional residential building capacity.

(6) A city ~~((with a population over twenty thousand))~~ that is planning to take at least two actions under subsection (1) of this section, and that action will occur between July 28, 2019, and April 1, 2021, is eligible to apply to the department for planning grant assistance of up to one hundred thousand dollars, subject to the availability of funds appropriated for that purpose. The department shall develop grant criteria to ensure that grant funds awarded are proportionate to the level of effort proposed by a city, and the potential increase in housing supply or regulatory streamlining that could be achieved. Funding may be provided in advance of, and to support, adoption of policies or ordinances consistent with this section. A city can request, and the department may award, more than one hundred thousand dollars for applications that demonstrate extraordinary potential to increase housing supply or regulatory streamlining.

(7) A city seeking to develop a housing action plan under subsection (2) of this section is eligible to apply to the department for up to one hundred thousand dollars.

(8) The department shall establish grant award amounts under subsections (6) and (7) of this section based on the expected number of cities that will seek grant assistance, to ensure that all cities can receive some level of grant support. If funding capacity allows, the department may consider accepting and funding applications from cities with a population of less than twenty thousand if the actions proposed in the application will create a significant amount of housing capacity or regulatory streamlining and are consistent with the actions in this section.

(9) In implementing chapter 348, Laws of 2019, cities are encouraged to prioritize the creation of affordable, inclusive neighborhoods and to consider the risk of residential displacement, particularly in neighborhoods with communities at high risk of displacement.

Sec. 2. RCW 43.21C.495 and 2019 c 348 s 4 are each amended to read as follows:

If adopted by April 1, ~~((2024))~~ 2023, amendments to development regulations and other nonproject actions taken by a city to implement RCW 36.70A.600 (1) or (4), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

Sec. 3. RCW 36.70A.620 and 2019 c 348 s 5 are each amended to read as follows:

In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least ~~((four))~~ two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than

one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

Sec. 4. RCW 43.21C.500 and 2019 c 348 s 6 are each amended to read as follows:

Project actions described in this section that pertain to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 are exempt from appeals under this chapter on the basis of the evaluation of or impacts to the following elements of the environment, provided that the appropriate requirements for a particular element of the environment, as set forth in subsections (1) and (2) of this section, are met.

(1) Transportation. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to transportation elements of the environment, so long as the project does not present significant adverse impacts to the state-owned transportation system as determined by the department of transportation and the project is:

(a)(i) Consistent with a locally adopted transportation plan; or
(ii) Consistent with the transportation element of a comprehensive plan; and

(b)(i) A project for which traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

(ii) A project for which traffic or parking impacts are expressly mitigated by an ordinance, or ordinances, of general application adopted by the city or town.

(2) Aesthetics. A project action pertaining to residential, multifamily, or mixed-use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to the aesthetics element of the environment, so long as the project is subject to design review pursuant to adopted design review requirements at the local government level. For purposes of this subsection, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(3) For purposes of this section, "impacts to transportation elements of the environment" include impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

Sec. 5. RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and amended to read as follows:

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

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls,

planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(10) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(11) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(12) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(13) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(14) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(15) "Minerals" include gravel, sand, and valuable metallic substances.

(16) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay ~~((paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services))~~ that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to

entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(17) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(18) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(19) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(20) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(21) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(22) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(23) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(24) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(25) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(26) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(27) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(28) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

NEW SECTION. Sec. 6. The department of ecology shall remove parking as an element of the environment within WAC 197-11-444 and as a component of the environmental checklist within WAC 197-11-960, as those sections existed on the effective date of this section, the next time that the department amends rules implementing chapter 43.21C RCW after the effective date of this section.

Sec. 7. RCW 36.70A.610 and 2019 c 348 s 3 are each amended to read as follows:

(1) The Washington center for real estate research at the University of Washington shall produce a ~~((report every two years))~~ series of reports as described in this section that compiles housing supply and affordability metrics for each city planning under RCW 36.70A.040 with a population of ten thousand or more.

(a) The initial report, completed by October 15, 2020, must be a compilation of objective criteria relating to ~~((development regulations, zoning,))~~ income, employment, housing and rental prices, housing affordability ~~((programs))~~ by housing tenure, and other metrics relevant to assessing housing supply and affordability for all income segments, including the percentage of cost-burdened households ~~((of each ((city subject to the report required by this section)) jurisdiction. This report may also~~

FIFTY FIRST DAY, MARCH 3, 2020

2020 REGULAR SESSION

include city-specific median income data for those cities implementing the multifamily tax exemption program under chapter 84.14 RCW.

(b) The report completed by October 15, 2021, must include an analysis of the private rental housing market for each area outlining the number of units, vacancy rates, and rents by unit type, where possible. This analysis should separate market rate multifamily rental housing developments and other smaller scale market rate rental housing. This analysis should also incorporate data from the Washington state housing finance commission on subsidized rental housing in the area consistent with the first report under this subsection.

(c) The report completed by October 15, 2022, must also include data relating to actions taken by cities under chapter 348, Laws of 2019 as well as detailed information on development regulations, levies and fees, and zoning related to housing development.

(d) The report completed by October 15, 2024, and every two years thereafter, must also include relevant data relating to buildable lands reports prepared under RCW 36.70A.215, where applicable, and updates to comprehensive plans under this chapter.

(2) The Washington center for real estate research shall collaborate with the Washington housing finance commission and the office of financial management to develop the metrics compiled in the ((report)) series of reports under this section.

(3) The ((report)) series of reports under this section must be submitted, consistent with RCW 43.01.036, to the standing committees of the legislature with jurisdiction over housing issues and this chapter."

On page 1, line 1 of the title, after "supply;" strike the remainder of the title and insert "amending RCW 36.70A.600, 43.21C.495, 36.70A.620, 43.21C.500, and 36.70A.610; reenacting and amending RCW 36.70A.030; and creating a new section."

MOTION

Senator Liias moved that the following floor amendment no. 1225 by Senator Liias be adopted:

On page 8, beginning on line 1, strike all of section 4
Renumber the remaining sections consecutively and correct any internal references accordingly.
On page 15, line 30, after "36.70A.620," strike "43.21C.500,"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1225 by Senator Liias on page 8, line 1 to the committee striking amendment.

The motion by Senator Liias carried and floor amendment no. 1225 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability as amended to Substitute House Bill No. 2343.

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

MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 2343 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2343 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2343 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Conway, Ericksen, Hasegawa, Honeyford, Padden, Rivers, Schoesler, Short and Wilson, L.

Excused: Senators McCoy and Sheldon

SUBSTITUTE HOUSE BILL NO. 2343 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2673, by House Committee on Environment & Energy (originally sponsored by Barkis, Griffey, Gildon, Steele, Ybarra, Smith, Chambers, Boehnke, Hoff, Vick, Eslick, Volz, Graham, Jenkin, Klippert, Van Werven, Tharinger and Dufault)

Concerning exemptions for infill development under the state environmental policy act.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2673.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2673 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins,

Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Conway, Ericksen, Fortunato and Rolfes

Excused: Senators McCoy and Sheldon

SUBSTITUTE HOUSE BILL NO. 2673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1755, by Representatives Leavitt, Van Werven, Bergquist, Corry, Ybarra, Volz, Pollet, Dent, Lovick, Doglio, Ormsby and Santos

Allowing regional universities to offer doctorate level degrees in education.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1755.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1755 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators McCoy and Sheldon

HOUSE BILL NO. 1755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:34 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 4, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 4, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Becker.

The Sons of the American Revolution Color Guard consisting of Mr. Art Dolan; Mr. Michael Moore; Mr. Matthew Bendickson; and Mr. Michael Bendickson, presented the Colors. Page Miss Sophia Vernon led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Yosef Schtroks of the Chabad Jewish Center, Olympia.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6697 by Senators O'Ban, Zeiger, Becker, Schoesler, and Wilson, L.

AN ACT Relating to increasing voter participation in the presidential primary; and amending RCW 29A.40.091, 29A.56.040, and 29A.56.050.

Referred to Committee on State Government, Tribal Relations & Elections.

SB 6698 by Senator Ericksen

AN ACT Relating to increasing transparency for renewable energy credit transactions; and adding a new chapter to Title 80 RCW.

Referred to Committee on Environment, Energy & Technology.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5165,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5591,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6028,
SUBSTITUTE SENATE BILL NO. 6029,
SUBSTITUTE SENATE BILL NO. 6037,
SENATE BILL NO. 6038,
SUBSTITUTE SENATE BILL NO. 6048,
SUBSTITUTE SENATE BILL NO. 6051,
SUBSTITUTE SENATE BILL NO. 6052,
SUBSTITUTE SENATE BILL NO. 6061,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6063,
SENATE BILL NO. 6131,
SENATE BILL NO. 6136,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6261,
SENATE BILL NO. 6326,
SENATE BILL NO. 6374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6409,
SUBSTITUTE SENATE BILL NO. 6500,
SUBSTITUTE SENATE BILL NO. 6526,
SENATE BILL NO. 6551,
SUBSTITUTE SENATE BILL NO. 6670,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

MOTION

Senator Frockt moved adoption of the following resolution:

SENATE RESOLUTION
8705

By Senators Frockt and Wagoner

WHEREAS, Justice Rosselle Pekelis, a champion for equality and civil rights, who dedicated her professional life to serving with impartiality and care as a judge on multiple courts of our state's judicial branch, passed away on December 9, 2019, surrounded by family; and

WHEREAS, Her childhood spent in hiding from Nazis taught her the dangers of prejudice and discrimination, lessons that

informed her adult life after she and her family escaped Europe and arrived safely in New York; and

WHEREAS, She decided to pursue law school at the University of Missouri after devoting a decade to raising her three children, overcoming societal resistance to the idea of a mother practicing law at the highest level; and

WHEREAS, She moved her family to Seattle to follow her dreams and began working for the law firm MacDonald Hoague & Bayless, and later Helsell, Fetterman, Martin, Todd & Hokanson; and

WHEREAS, She was appointed to the King County Superior Court by Governor Dixy Lee Ray in 1981, and was appointed to the Court of Appeals by Governor Booth Gardner in 1986, where she issued an opinion that women could not be excused from juries solely based on their gender, cementing her status as a trailblazer for women in law; and

WHEREAS, In 1995, she became just the fourth woman justice and the second Jewish member to serve on the state Supreme Court, where she was regarded with wide respect throughout the legal community for her intelligence and even application of the law in a wide variety of cases; and

WHEREAS, She pushed boundaries for the benefit of all women, showing that regardless of gender, age, or background, what matters is the competence you bring to the bench; and

WHEREAS, In her retirement from the Court, she and other former Washington state Superior Court Judges founded Judicial Dispute Resolution so they could continue to provide highly qualified mediation and arbitration services to Washington citizens; and

WHEREAS, Judicial Dispute Resolution is to this day a successful business, and has donated generously to charity since its inception, demonstrating the values of its founders; and

WHEREAS, She is survived by her husband, Frank Retman, six children, Melissa Standish, Alex Higgins, Jenny Zavatsky, Zach Pekelis Jones, Sonnet Retman, Mischa Retman, and ten grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the distinguished life and public service of Justice Rosselle Pekelis; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to members of Justice Pekelis' immediate family.

Senator Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family, friends and colleagues of Justice Pekelis who were seated in the gallery, including: Mr. Frank Retman, spouse of Justice Pekelis; her children, grandchildren, and in-laws; Mr. Michael Johnston, Supreme Court Commissioner; Mr. Walter Burton; Deputy Commissioner; Ms. Susan Carlson, Supreme Court Clerk; and Mr. Sam Thompson, the Court's Reporter of Decisions.

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION

8707

By Senators Rivers, Wagoner, and Das

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissue; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are nearly one hundred thirteen thousand courageous Americans awaiting a lifesaving organ transplant, with twenty individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every ten minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and to celebrate the lives of the recipients.

Senators Rivers and Takko spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8707.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Mr. Gordon Anderson, organ donor, including Ms. Gena Anderson, his mother, who were seated in the gallery.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

MOTION

Senator Wilson, C. moved that Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, be confirmed as a member of the State Board of Education.

Senator Wilson, C. spoke in favor of the motion.

APPOINTMENT OF HARIUM J. MARTIN-MORRIS

The President declared the question before the Senate to be the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Becker

Harium J. Martin-Morris, Senate Gubernatorial Appointment No. 9163, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

On motion of Senator Rivers, Senator Becker was excused.

MOTION

On motion of Senator Wilson, C., Senator Frockt was excused.

MOTION

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

SECOND READING

HOUSE BILL NO. 2602, by Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, Ramel, Hudgins, Kilduff, Robinson, Irwin, Doglio, Ormsby, Pollet and Macri

Concerning hair discrimination.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2602 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2602.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2602 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato, Holy, Honeyford, Padden, Sheldon, Short, Wagoner and Walsh

Absent: Senator Carlyle

Excused: Senator Becker

HOUSE BILL NO. 2602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mullet, Senator Carlyle was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318, by House Committee on Public Safety (originally sponsored by Orwall, Lovick, Slatter, Morgan, Wylie, Mosbrucker and Pollet)

Advancing criminal investigatory practices.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 5.70.010 and 2015 c 221 s 1 are each amended to read as follows:

(1) In any felony case initially charged as a violent or sex offense, as defined in RCW 9.94A.030, a governmental entity shall preserve any DNA work product that has been secured in connection with the criminal case, including related investigatory reports and records, according to the following guidelines:

(a) Except as provided in (b) of this subsection, where a defendant has been charged and convicted in connection with the case, the DNA work product and investigatory reports and records must be maintained throughout the length of the sentence, including any period of community custody extending through final discharge;

(b) Where a defendant has been convicted and sentenced under RCW 9.94A.507 in connection with the case, the DNA work product and investigatory reports and records must be maintained

for ninety-nine years or until the death of the defendant, whichever is sooner; and

(c) Where no conviction has been made in connection with the case, the DNA work product and investigatory reports and records must be maintained for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(2) Notwithstanding subsection (1) of this section, in any felony case regardless of whether the identity of the offender is known and law enforcement has probable cause sufficient to believe the elements of a violent or sex offense as defined in RCW 9.94A.030 have been committed, a governmental entity shall preserve any DNA work product ~~((including a sexual assault examination kit,))~~ secured in connection with the criminal case and investigatory reports and records for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.

(3) ~~((For purposes of this section:~~

~~(a) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.~~

~~(b) "DNA work product" means (i) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, and DNA extracts from reference samples; or (ii) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement as part of its investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:~~

~~(A) The contents of a sexual assault examination kit;~~

~~(B) Blood;~~

~~(C) Semen;~~

~~(D) Hair;~~

~~(E) Saliva;~~

~~(F) Skin tissue;~~

~~(G) Fingerprints;~~

~~(H) Bones;~~

~~(I) Teeth; or~~

~~(J) Any other identifiable human biological material or physical evidence.~~

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

~~(c) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.~~

~~(d) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.~~

(4)) The failure of a law enforcement agency to preserve DNA work product does not constitute grounds in any criminal proceeding for challenging the admissibility of other DNA work product that was preserved in a case, and any evidence offered may not be excluded by a court on those grounds. The court may not set aside the conviction or sentence or order the reversal of a conviction under this section on the grounds that the DNA work product is no longer available. Unless the court finds that DNA work product was destroyed with malicious intent to violate this section, a person accused of committing a crime against a person has no cause of action against a law enforcement agency for failure to comply with the requirements of this section. If the court

finds that DNA work product was destroyed with malicious intent to violate this section, the court may impose appropriate sanctions. Nothing in this section may be construed to create a private right of action on the part of any individual or entity against any law enforcement agency or any contractor of a law enforcement agency.

NEW SECTION. Sec. 2. A new section is added to chapter 5.70 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening byproducts, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

(i) The contents of a sexual assault examination kit;

(ii) Blood;

(iii) Semen;

(iv) Hair;

(v) Saliva;

(vi) Skin tissue;

(vii) Fingerprints;

(viii) Bones;

(ix) Teeth; or

(x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

(3) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

(4) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

(5) "Screening byproduct" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

(6) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

(7) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

NEW SECTION. Sec. 3. A new section is added to chapter 5.70 RCW to read as follows:

(1)(a) Any unreported sexual assault kit collected on or after the effective date of this section must be transported from the collecting entity to the applicable local law enforcement agency.

(b) By January 1, 2021, unreported sexual assault kits collected prior to the effective date of this section and stored according to the requirements of RCW 70.125.101 must be transported to the applicable local law enforcement agency.

(2)(a) The applicable local law enforcement agency is responsible for conducting the transport of the unreported sexual

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

assault kit from the collecting entity to the agency as required under subsection (1) of this section.

(b) The applicable law enforcement agency shall store and preserve the unreported sexual assault kit for twenty years from the date of collection.

(3) The term "applicable local law enforcement agency" refers to the local law enforcement agency that would have jurisdiction to investigate any related criminal allegations if they were to be reported to law enforcement. The applicable local law enforcement agency is determined through consultation between the collecting entity or, in the case of unreported sexual assault kits stored according to the requirements of RCW 70.125.101, the Washington state patrol, and local law enforcement agencies.

Sec. 4. RCW 70.125.090 and 2019 c 93 s 6 are each amended to read as follows:

(1) When a law enforcement agency receives a sexual assault kit, the law enforcement agency must, within thirty days of its receipt, submit a request for laboratory examination to the Washington state patrol crime laboratory for prioritization for testing by it or another accredited laboratory that holds an outsourcing agreement with the Washington state patrol if:

(a) The law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred; and

(b)(i) Consent for laboratory examination has been given by the victim; or

(ii) The victim is a person under the age of eighteen who is not emancipated pursuant to chapter 13.64 RCW.

(2) Beginning May 1, 2022, when the Washington state patrol receives a request for laboratory examination of a sexual assault kit from a law enforcement agency, the Washington state patrol shall conduct the laboratory examination of the sexual assault kit, and when appropriate, enter relevant information into the combined DNA index system, within forty-five days of receipt of the request. The Washington state patrol crime laboratory must give priority to the laboratory examination of sexual assault kits at the request of a local law enforcement agency for:

(a) Active investigations and cases with impending court dates;

(b) Active investigations where public safety is an immediate concern;

(c) Violent crimes investigations, including active sexual assault investigations;

(d) Postconviction cases; and

(e) Other crimes' investigations and nonactive investigations, such as previously unsubmitted older sexual assault kits or recently collected sexual assault kits that the submitting agency has determined to be lower priority based on their initial investigation.

(3) The requirements to request and complete laboratory examination of sexual assault kits under subsections (1) and (2) of this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination, or the failure of the Washington state patrol to facilitate laboratory examination, within the time periods prescribed under this section does not constitute grounds in any criminal proceeding for challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

((4)) (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply

with the requirements of this section is not grounds for setting aside the conviction or sentence.

((5)) (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

((6)) (7) This section applies ~~((prospectively only and not retroactively. It only applies))~~ to sexual assault examinations performed on or after July 24, 2015.

((7)) (8)(a) Until June 30, 2023, the Washington state patrol shall compile the following information related to the sexual assault kits identified in this section and RCW 70.125.100 (as recodified by this act):

(i) The number of requests for laboratory examination made for sexual assault kits and the law enforcement agencies that submitted the requests; and

(ii) The progress made towards testing the sexual assault kits, including the status of requests for laboratory examination made by each law enforcement agency.

(b) The Washington state patrol shall make recommendations for increasing the progress on testing any untested sexual assault kits.

(c) Beginning in 2015, the Washington state patrol shall report its findings and recommendations annually to the appropriate committees of the legislature and the governor by December 1st of each year.

Sec. 5. RCW 70.125.100 and 2019 c 93 s 7 are each amended to read as follows:

(1) Law enforcement agencies shall submit requests for forensic analysis of all sexual assault kits collected prior to July 24, 2015, and in the possession of the agencies to the Washington state patrol crime laboratory by October 1, 2019, except submission for forensic analysis is not required when: (a) Forensic analysis has previously been conducted; (b) there is documentation of an adult victim or emancipated minor victim expressing that he or she does not want his or her sexual assault kit submitted for forensic analysis; or (c) a sexual assault kit is noninvestigatory and held by a law enforcement agency pursuant to an agreement with a hospital or other medical provider. The requirements of this subsection apply regardless of the statute of limitations or the status of any related investigation.

(2) The Washington state patrol crime laboratory may consult with local law enforcement agencies to coordinate the efficient submission of requests for forensic analysis under this section in conjunction with the implementation of the statewide tracking system under RCW 43.43.545, provided that all requests are submitted and all required information is entered into the statewide sexual assault tracking system by October 1, 2019. The Washington state patrol crime laboratory shall facilitate the forensic analysis of all sexual assault kits submitted under this section by December 1, 2021. The analysis may be conducted by the Washington state patrol laboratory or an accredited laboratory holding a contract or agreement with the Washington state patrol. The Washington state patrol shall process the forensic analysis of sexual assault kits in accordance with the priorities in RCW 70.125.090(2) (as recodified by this act).

(3) The requirements to request and complete laboratory examination of sexual assault kits under this section do not include forensic toxicological analysis. However, nothing in this section limits or modifies the authority of a law enforcement agency to request toxicological analysis of evidence collected in a sexual assault kit.

(4) The failure of a law enforcement agency to submit a request for laboratory examination within the time prescribed under this section does not constitute grounds in any criminal proceeding for

challenging the validity of a DNA evidence association, and any evidence obtained from the sexual assault kit may not be excluded by a court on those grounds.

((4)) (5) A person accused or convicted of committing a crime against a victim has no standing to object to any failure to comply with the requirements of this section, and the failure to comply with the requirements of this section is not grounds for setting aside the conviction or sentence.

((5)) (6) Nothing in this section may be construed to create a private right of action or claim on the part of any individual, entity, or agency against any law enforcement agency or any contractor of any law enforcement agency.

Sec. 6. RCW 43.43.545 and 2019 c 93 s 4 are each amended to read as follows:

(1) The Washington state patrol shall create and operate a statewide sexual assault kit tracking system. The Washington state patrol may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(2) The statewide sexual assault kit tracking system must:

(a) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(b) Designate sexual assault kits as unreported or reported;

(c) Indicate whether a sexual assault kit contains biological materials collected for the purpose of forensic toxicological analysis;

(d) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol bureau of forensic laboratory services, and other entities having custody of sexual assault kits to update and track the status and location of sexual assault kits;

((4)) (e) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

((e)) (f) Use electronic technology or technologies allowing continuous access.

(3) The Washington state patrol may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The Washington state patrol may phase initial participation according to region, volume, or other appropriate classifications. All entities having custody of sexual assault kits shall fully participate in the system no later than June 1, 2018. The Washington state patrol shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor no later than January 1, 2017.

(4) The Washington state patrol shall submit a semiannual report on the statewide sexual assault kit tracking system to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor. The Washington state patrol may publish the current report on its web site. The first report is due July 31, 2018, and subsequent reports are due January 31st and July 31st of each year. The report must include the following:

(a) The total number of sexual assault kits in the system statewide and by jurisdiction;

(b) The total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(c) The number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(d) The total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;

(e) The average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(f) The average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(g) The total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(h) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault kits were added to the system; and

(i) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(5) For the purpose of reports under subsection (4) of this section, a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise having custody of the sexual assault kit.

(6) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, so long as the release was without gross negligence.

(7) The Washington state patrol shall adopt rules as necessary to implement this section.

(8) For the purposes of this section, ~~(, an "unreported sexual assault kit" refers to a sexual assault kit collected from a victim who has consented to the collection of the sexual assault kit but who has not reported the alleged crime to law enforcement);~~

(a) "Reported sexual assault kit" means a sexual assault kit where a law enforcement agency has received a related report or complaint alleging a sexual assault or other crime has occurred;

(b) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination; and

(c) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred.

Sec. 7. RCW 43.43.754 and 2019 c 443 s 3 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(iii) Communication with a minor for immoral purposes (RCW 9A.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (chapter 9A.44 RCW);

(vi) Harassment (RCW 9A.46.020);

(vii) Patronizing a prostitute (RCW 9A.88.110);

(viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);

(ix) Stalking (RCW 9A.46.110);

(x) Indecent exposure (RCW 9A.88.010);

(xi) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

(4) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(5) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, and are serving a term of confinement in a city or county jail facility, the city or county jail facility shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who do not serve a term of confinement in a department of corrections facility, department of children, youth, and families facility, or a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of children, youth, and families facility, the facility

holding the person shall be responsible for obtaining the biological samples as part of the intake process. If the facility did not collect the biological sample during the intake process, then the facility shall collect the biological sample as soon as is practicable. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

~~((6))~~ (d) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall ~~((order))~~: Order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample; or if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

~~((7))~~ (6) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

~~((8))~~ (7) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under this section, to the extent allowed by funding available for this purpose. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((9))~~ (8) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section on the date of conviction; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008;

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008; and

(d) All samples submitted under subsections (2) and (3) of this section.

~~((10))~~ (9) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((11))~~ (10) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis

of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

~~((42))~~ (11) A person commits the crime of refusal to provide DNA if the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

NEW SECTION. Sec. 8. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop a proposal for a case review program. The commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved training and investigatory practices. The proposed program must evaluate whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews that identifies best practices and current gaps in training and assesses the integration of the community resiliency model. The program will include a comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training. The program will also include other randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors.

(2) In designing the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

(3) The commission shall submit a report with a summary of its proposal to the governor and the appropriate committees of the legislature by December 1, 2020.

(4) This section expires July 1, 2021.

NEW SECTION. Sec. 9. The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations.

Sec. 10. RCW 63.21.010 and 1997 c 237 s 1 are each amended to read as follows:

(1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value

of the property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 15 of this act, of the governmental entity where the property was found, and serve written notice upon the officer or designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity.

Sec. 11. RCW 63.21.020 and 1979 ex.s. c 85 s 2 are each amended to read as follows:

The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under section 15 of this act, the appropriate entity, the owner's right to possession of the property; or

(2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess.

Sec. 12. RCW 63.21.030 and 1997 c 237 s 2 are each amended to read as follows:

(1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the ~~((government [governmental]))~~ governmental entity pursuant to RCW 63.21.010, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property.

Sec. 13. RCW 63.21.050 and 2019 c 30 s 1 are each amended to read as follows:

(1) The chief law enforcement officer ~~((or))~~, his or her designated representative, or other designated entity under section 15 of this act to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the ~~((law enforcement agency))~~ governmental entity, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

(2)(a) The office of financial management must adjust the dollar thresholds established in subsection (1)(d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1)(d) and (e) of this section, the chief law enforcement officer ~~((or))~~ his or her designated representative, or other designated entity under section 15 of this act must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection.

Sec. 14. RCW 63.21.060 and 1979 ex.s. c 85 s 6 are each amended to read as follows:

Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, ~~((or))~~ his or her designated representative, or other designated entity under section 16 of this act, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town ~~((or))~~ his or her designated representative, or other entity of the city or town so designated under section 15 of this act. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 63.21 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements

of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring these types of property are directed to the chief law enforcement officer or his or her designated representative.

NEW SECTION. Sec. 16. A new section is added to chapter 63.32 RCW to read as follows:

(1) This chapter does not modify the requirements for a police department to accept found property under chapter 63.21 RCW.

(2) If a city or town designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the retention and disposition requirements under this chapter in the same manner as would be required of a police department; and

(b) The police department is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a police department must be retained or disposed of in accordance with this chapter and other applicable state laws.

NEW SECTION. Sec. 17. A new section is added to chapter 63.40 RCW to read as follows:

(1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under section 15 of this act:

(a) The designated department or governmental entity shall comply with the disposition requirements under this chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws.

NEW SECTION. Sec. 18. RCW 70.125.090 and 70.125.100 are each recodified as sections in chapter 5.70 RCW.

NEW SECTION. Sec. 19. Section 3 of this act takes effect June 30, 2020."

On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 5.70.010, 70.125.090, 70.125.100, 43.43.545, 43.43.754, 63.21.010, 63.21.020, 63.21.030, 63.21.050, and 63.21.060; adding new sections to chapter 5.70 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 63.21 RCW; adding a new section to chapter 63.32 RCW; adding a new section to chapter 63.40 RCW; creating a new section; recodifying RCW 70.125.090 and 70.125.100; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 2318.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 2318 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

On motion of Senator Rivers, Senator Wilson, L. was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2318 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2318 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Excused: Senators Becker and Wilson, L.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2394, by House Committee on Public Safety (originally sponsored by Klippert, Goodman, Davis, Ormsby and Appleton)

Concerning community custody.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then

those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection, whenever))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior sentence or sentences of community ~~((supervision))~~ custody, the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 2. RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW ((9.94A.602)) 9.94A.825 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current

sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

NEW SECTION. Sec. 3. The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole, unless the court pronouncing the current sentence has expressly required such terms to run consecutively. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

NEW SECTION. Sec. 4. The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2020, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2020, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2020.

NEW SECTION. Sec. 5. The department of corrections has the authority to begin implementing this act upon the effective date of this section.

NEW SECTION. Sec. 6. This act applies retroactively and prospectively, regardless of the date of an offender's underlying offense."

On page 1, line 1 of the title, after "custody," strike the remainder of the title and insert "amending RCW 9.94A.589 and 9.94B.050; creating new sections; and prescribing penalties."

MOTION

Senator O'Ban moved that the following floor amendment no. 1231 by Senator O'Ban be adopted:

On page 1, after line 2, insert the following:

"NEW SECTION. Sec. 1. The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 4 of this act."

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

On page 5, after line 32, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The reentry and public safety account is created in the state treasury.

(2) Expenditures from the account may be used only for:

(a) Reducing caseloads of community corrections officers by increasing the number of community corrections officers;

(b) Implementing and expanding evidence-based strategies to increase the effectiveness of community supervision;

(c) Funding medication-assisted treatment in jails; and

(d) Establishing and expanding reentry services for individuals leaving incarceration from prisons and jails.

(3) It is the express intent of the legislature that moneys in the reentry and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the reentry and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the fiscal year beginning July 1, 2020, the state treasurer shall transfer fourteen million eight hundred two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2021, the state treasurer shall transfer fifteen million eight hundred fifty-three thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2022, the state treasurer shall transfer twenty-four million eight hundred forty-two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2023, the state treasurer shall transfer thirty million five hundred ninety-five thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2024, and each subsequent fiscal year, the state treasurer shall transfer twenty-eight million six hundred forty-five thousand dollars from the general fund to the reentry and public safety account.

(b) Moneys transferred to the reentry and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account may be spent only after appropriation.

(6) Moneys appropriated to the reentry and public safety account may not be used to supplant existing funding or levels of service."

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

On page 6, line 6, after "6." strike "This act applies" and insert "Sections 2 and 3 of this act apply"

On page 6, line 11, after "9.94B.050;" insert "adding a new section to chapter 72.09 RCW"

Senators O'Ban and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1231 by Senator O'Ban on page 1, line 2 to the committee striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 1231 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Substitute House Bill No. 2394.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2394 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2394 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Rivers

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2394 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2393, by House Committee on Public Safety (originally sponsored by Goodman, Klippert, Davis, Ormsby and Appleton)

Earning credit for complying with community custody conditions.

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.501 and 2019 c 191 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, or 9.94A.711;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW

46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn supervision compliance credit in accordance with procedures that are developed and adopted by the department.

(a) The supervision compliance credit shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming, or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month in compliance with community custody conditions in accordance with (a) of this subsection, an offender may earn supervision compliance credit of ten days.

(c) Supervision compliance credit is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn supervision compliance credit if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(e) Is serving community custody pursuant to early release under RCW 9.94A.730.

NEW SECTION. Sec. 3. The department of corrections has discretion to implement sections 1 and 2 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn supervision compliance credit pursuant to section 2 of this act until he or she has received an orientation by the department regarding supervision compliance credit."

On page 1, line 2 of the title, after "conditions;" strike the remainder of the title and insert "amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; and creating a new section."

MOTION

Senator O'Ban moved that the following floor amendment no. 1230 by Senator O'Ban be adopted:

On page 1, after line 2, insert the following:

"NEW SECTION. Sec. 1. The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 3 of this act."

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

On page 3, after line 34, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW to read as follows:

(1) The reentry and public safety account is created in the state treasury.

(2) Expenditures from the account may be used only for:

(a) Reducing caseloads of community corrections officers by increasing the number of community corrections officers;

(b) Implementing and expanding evidence-based strategies to increase the effectiveness of community supervision;

(c) Funding medication-assisted treatment in jails; and

(d) Establishing and expanding reentry services for individuals leaving incarceration from prisons and jails.

(3) It is the express intent of the legislature that moneys in the reentry and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the reentry and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the fiscal year beginning July 1, 2020, the state treasurer shall transfer fourteen million eight hundred two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2021, the state treasurer shall transfer fifteen million eight hundred fifty-three thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2022, the state treasurer shall transfer twenty-four million eight hundred forty-two thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2023, the state treasurer shall transfer thirty million five hundred ninety-five thousand dollars from the general fund to the reentry and public safety account. For the fiscal year beginning July 1, 2024, and each subsequent fiscal year, the state treasurer shall transfer twenty-eight million six hundred forty-five thousand dollars from the general fund to the reentry and public safety account.

(b) Moneys transferred to the reentry and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account may be spent only after appropriation.

(6) Moneys appropriated to the reentry and public safety account may not be used to supplant existing funding or levels of service."

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

On page 4, line 7, after "RCW;" strike "and creating a new section" and insert "adding a new section to chapter 72.09 RCW; and creating new sections"

Senator O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1230 by Senator O'Ban on page 1, after line 2 to the committee striking amendment.

The motion by Senator O'Ban did not carry and floor amendment no. 1230 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Substitute House Bill No. 2393.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2393 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2393 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2393 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, Rivers and Wagoner

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2393 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2567, by House Committee on Civil Rights & Judiciary (originally sponsored by Thai, Santos, Ryu, Valdez, Pollet, Davis, Wylie, Gregerson, Slatter, Lekanoff, Ortiz-Self, Frame, Mead and Kloba)

Concerning open courts.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1239 by Senator Short be adopted:

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

On page 6, beginning on line 11, after "(3)" strike all material through "(4)" on line 15

Senators Short, Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1239 by Senator Short on page 6, line 11 to Substitute House Bill No. 2567.

The motion by Senator Short did not carry and floor amendment no. 1239 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Warnick, Schoesler, Padden, Honeyford, Fortunato, Sheldon and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2567.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2567 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Becker

SUBSTITUTE HOUSE BILL NO. 2567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1182, by House Committee on Appropriations (originally sponsored by Santos, Steele, Dolan, Ortiz-Self and Slatter)

Modifying the learning assistance program.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature has continued to reduce flexibility, create additional restrictions, and establish priorities for the use of learning assistance program funds to such an extent that the program may no longer be as effective in promoting student success or serving the original intent as it could be. The legislature finds that it is time to reexamine the learning assistance program requirements in a holistic manner with a goal of restoring flexibility to districts to use the funds in a way that promotes a coordinated system of academic and nonacademic supports that reduce barriers to academic achievement and best serve student success while also balancing local control with local accountability for improvement in student learning.

NEW SECTION. Sec. 2. (1) The office of the superintendent of public instruction shall review the requirements of the learning assistance program and shall make recommendations to the legislature by October 1, 2020, on how to modify the program requirements including, but not limited to, recommendations on:

(a) Appropriate monitoring and reporting requirements;

(b) The types of services and activities that can be supported by the learning assistance program funds, including whether support for all or portions of the Washington integrated student supports protocol established under RCW 28A.300.139 should be included; and

(c) Whether use of a practice or strategy identified on the state menu as required by RCW 28A.165.035 should continue to be a criteria of the program.

(2) This section expires January 1, 2021.

Sec. 3. RCW 28A.165.035 and 2018 c 75 s 7 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

((~~(d)~~)) (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

((~~(e)~~)) (f) Tutoring support for participating students;

((~~(f)~~)) (g) School-wide behavioral health system of supports and interventions for students including social workers, counselors, instructional aides, and other school-based health professionals;

(h) Screening and intervention requirements under RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program, and any staff trainings necessary to implement RCW 28A.320.260;

(i) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

~~((e))~~ (j) Up to ((five)) fifteen percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance program funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1st ~~((; 2015, and update the state menus by each July 1st thereafter))~~ of each year.

(3)(a) ~~((Beginning in the 2016-17 school year, except))~~ Except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) ~~((Beginning in the 2016-17 school year, school))~~ School districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) ~~((Beginning in the 2016-17 school year, school))~~ School districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

~~((4)) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.~~

~~((5)) School districts may use learning assistance program allocations to meet the screening and intervention requirements of RCW 28A.320.260, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of RCW 28A.320.260.))~~

Sec. 4. RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting

academic standards and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall ~~((focus first on addressing))~~ expend a portion of learning assistance program funding to address the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy."

On page 1, line 5 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.165.035 and 28A.165.005; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1182.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1182 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senators Hawkins, Rivers and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1182 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1182 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Becker

SECOND SUBSTITUTE HOUSE BILL NO. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

March 3, 2020

The Senate was called to order at 1:32 p.m. by President Habib.

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2965,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

EHB 2965 by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

AN ACT Relating to the state's response to the novel coronavirus; amending RCW 38.52.105; adding a new section to chapter 74.46 RCW; making appropriations; and declaring an emergency.

MOTION

On motion of Senator Liias, under suspension of the rules Engrossed House Bill No. 2965 was placed on the second reading calendar.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5165,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5591,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6028,
SUBSTITUTE SENATE BILL NO. 6029,
SUBSTITUTE SENATE BILL NO. 6037,
SENATE BILL NO. 6038,
SUBSTITUTE SENATE BILL NO. 6048,
SUBSTITUTE SENATE BILL NO. 6051,
SUBSTITUTE SENATE BILL NO. 6052,
SUBSTITUTE SENATE BILL NO. 6061,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6063,
SENATE BILL NO. 6131,
SENATE BILL NO. 6136,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6261,
SENATE BILL NO. 6326,
SENATE BILL NO. 6374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6409,
SUBSTITUTE SENATE BILL NO. 6500,
SUBSTITUTE SENATE BILL NO. 6526,
SENATE BILL NO. 6551,
SUBSTITUTE SENATE BILL NO. 6670,

MOTION

At 11:52 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF MAIA C. MCCOY

The President declared the question before the Senate to be the confirmation of Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senators Becker and Sheldon

Maia C. McCoy, Senate Gubernatorial Appointment No. 9165, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTIONS

On motion of Senator Rivers, Senator Sheldon was excused.

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

On motion of Senator Rivers, Senators Ericksen and Wilson, L. were excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1191, by House Committee on Education (originally sponsored by Goodman and Frame)

Concerning school notifications.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) A school district superintendent, a designee of the superintendent, or a principal of a school who receives information pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall comply with the notification provisions described in this section.

(2) Upon receipt of information described in subsection (1) of this section, a school district superintendent or a designee of the superintendent must provide the received information to the principal of the school where the student is enrolled or will enroll, or if not known, where the student was most recently enrolled.

(3)(a) Upon receipt of information about a sex offense as defined in RCW 9.94A.030, the principal must comply with the notification requirements in RCW 9A.44.138.

(b) Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9A.1 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the principal, subject to requirements of subsection (4) of this section, has discretion to share the information with a school district staff member if, in the principal's judgment, the information is necessary for:

- (i) The staff member to supervise the student;
- (ii) The staff member to provide or refer the student to therapeutic or behavioral health services; or
- (iii) Security purposes.

(4)(a) Upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance in violation of chapter 69.50 RCW, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member.

(b) If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the school district in accordance with procedures adopted by the district.

(c) The superintendent shall have five business days after receiving an appeal under (b) of this subsection to make a written determination on the matter. Determinations by superintendents under this subsection are final and not subject to further appeal.

(d) A principal may not share adjudication information under this subsection with a school district staff member while an appeal is pending.

(5) Any information received by school district staff under this section is exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994 (20 U.S.C. Sec. 1232g et seq.).

NEW SECTION. Sec. 2. A new section is added to chapter 28A.195 RCW to read as follows:

The administrator of a private school approved under this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.710 RCW to read as follows:

The administrator of a charter public school governed by this chapter must comply with the notification provisions of section 1 of this act that apply to superintendents, designees of superintendents, and principals.

Sec. 4. RCW 28A.320.128 and 2002 c 206 s 1 are each amended to read as follows:

(1) By September 1, ~~((2003))~~ 2020, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm"; and

(b) Procedures for ~~((disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and~~

~~((c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student))~~ complying with the notification provisions in section 1 of this act.

(2) The ~~((superintendent of public instruction))~~ Washington state school directors' association, in consultation with educators and representatives of law enforcement, classified staff, ~~((and))~~ organizations with expertise in violence prevention and intervention, and organizations that provide free legal services for youth, shall adopt, and revise as necessary, a model policy that includes the issues listed in subsection (1) of this section ~~((by January 1, 2003))~~. The model policy shall be ~~((posted on the superintendent of public instruction's))~~ disseminated by the Washington state school directors' association and made available to the public on its web site. ((The)) Each school district~~((s, in drafting their own policies,))~~ shall ~~((review))~~ adopt the model policy required by this subsection unless it has a compelling reason to develop and adopt a different policy that also addresses the issues identified in subsection (1) of this section.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

Sec. 5. RCW 9A.44.138 and 2011 c 337 s 4 are each amended to read as follows:

(1) Upon receiving notice from a registered person pursuant to RCW 9A.44.130 that the person will be attending a school enrolling students in grades kindergarten through twelve or an institution of higher education, or will be employed with an institution of higher education, the sheriff must promptly notify the designated recipient of the school ((district and the school principal)) or institution((s department)) of ((public safety and shall provide that school or department with)) the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) ~~((social security number; (h)))~~ photograph; and ((h)) (h) risk level classification.

(2) ~~((A principal or department))~~ Except as provided in subsection (3) of this section, a designated recipient receiving notice under this ((subsection)) section must disclose the information received from the sheriff as follows:

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(a) If the student is classified as a risk level II or III, the ~~((principal))~~ designated recipient shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the ~~((principal))~~ designated recipient, supervises the student or for security purposes should be aware of the student's record;

(b) If the student is classified as a risk level I, the ~~((principal or department))~~ designated recipient shall provide the information received only to personnel who, in the judgment of the ~~((principal or department))~~ designated recipient, for security purposes should be aware of the student's record.

(3) When the designated recipient is the administrator of a school district, the designated recipient must disclose the information to the principal of the school that the registered person will be attending, whether the school is a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW. The principal must then disclose the information as provided in subsection (2) of this section.

(4) The sheriff shall notify the applicable ~~((school district and school principal or institution's department of public safety))~~ designated recipient whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.

~~((4))~~ (5) Any information received by school or institution personnel under this ~~((subsection))~~ section is ~~((confidential))~~ exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(6) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; (c) the administrator of a private school approved under chapter 28A.195 RCW; or (d) the director of the department of public safety at an institution of higher education.

Sec. 6. RCW 13.04.155 and 2000 c 27 s 1 are each amended to read as follows:

(1) ~~((Whenever a minor enrolled in any common school is))~~ The provisions of this section apply only to persons who:

(a) Were adjudicated in juvenile court or convicted in adult criminal court ~~((, or adjudicated or entered into a diversion agreement with the juvenile court on any))~~ of ~~((the following offenses, the court must notify the principal of the student's school of the disposition of the case, after first notifying the parent or legal guardian that such notification will be made))~~:

~~((a))~~ (i) A violent offense as defined in RCW 9.94A.030;

~~((b))~~ (ii) A sex offense as defined in RCW 9.94A.030;

~~((c))~~ Inhaling toxic fumes under chapter 9.47A RCW;

~~((d))~~ A controlled substances violation under chapter 69.50 RCW;

(e) A liquor violation under RCW 66.44.270; and

(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.

(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court

administrator or a law enforcement agency regarding the student.

(iii) Any crime under chapter 9.41 RCW; or

(iv) Unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW;

(b) Are twenty-one years of age or younger; and

(c) Have not received a high school diploma or its equivalent.

(2)(a) The court must provide written notification of the juvenile court adjudication or adult criminal court conviction of a person described in subsection (1) of this section to the designated recipient of the school where the person:

(i) Was enrolled prior to adjudication or conviction; or

(ii) Has expressed an intention to enroll following adjudication or conviction.

(b) No notification is required if the person described in subsection (1) of this section is between eighteen and twenty-one years of age and:

(i) The person's prior or intended enrollment information cannot be obtained; or

(ii) The person asserts no intention of enrolling in an educational program.

(3) Any information received by a ~~((principal or school personnel))~~ designated recipient under this section is ~~((confidential))~~ exempt from disclosure under chapter 42.56 RCW and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(4) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

Sec. 7. RCW 13.40.215 and 1999 c 198 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest ~~((possible))~~ practicable date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; and

(ii) The sheriff of the county in which the juvenile will reside~~((; and~~

~~((iii))~~ The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time).

(b) ~~((After July 25, 1999, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave.))~~ (i) Except as provided in subsection (2) of this section, at the earliest practicable date, and in no event later than

thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is twenty-one years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a

member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. ~~((Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.))~~

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

Sec. 8. RCW 28A.225.330 and 2013 c 182 s 10 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(2) The school enrolling the student shall request ~~((the school the student previously attended to send))~~ the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~(6) ((When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.~~

~~(7))~~ A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.

Sec. 9. RCW 72.09.730 and 2011 c 107 s 1 are each amended to read as follows:

~~(1) ((At the earliest possible date and in no event later than thirty days before))~~ The provisions of this section apply only to an offender ((is)) released from confinement((; the department

shall provide notice to the school district board of directors of the district in which the offender last attended school if the offender)) who:

(a) Was convicted of a violent offense or sex offense as those terms are defined in RCW 9.94A.030;

(b) Is twenty-one years of age or younger at the time of release((;

~~(b) Has been convicted of a violent offense, a sex offense, or stalking)); and~~

(c) ((Last attended)) Has not received a high school ((in this state)) diploma or its equivalent.

(2) At the earliest practicable date, and in no event later than thirty days before release from confinement, the department must provide written notification of the release of an offender described in subsection (1) of this section to the designated recipient of the school where the offender:

(a) Was enrolled prior to incarceration or detention; or

(b) Has expressed an intention to enroll following his or her release.

(3) If after providing notification as required under subsection (2) of this section, the release of an offender described in subsection (1) of this section is delayed, the department must inform the designated recipient of the modified release date.

(4) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

(5) For the purposes of this section, "designated recipient" means: (a) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (b) the administrator of a charter public school governed by chapter 28A.710 RCW; or (c) the administrator of a private school approved under chapter 28A.195 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 42.56 RCW to read as follows:

Information received by a school district superintendent, a designee of the superintendent, or a principal pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt from disclosure under this chapter."

On page 1, line 1 of the title, after "notifications;" strike the remainder of the title and insert "amending RCW 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 28A.710 RCW; and adding a new section to chapter 42.56 RCW."

MOTION

Senator Padden moved that the following floor amendment no. 1233 by Senator Padden be adopted:

On page 6, line 3, after "under" insert "RCW 9A.36.060, 9A.40.040, 9A.36.090, 9A.48.040, or"

Senators Padden, Holy and Short spoke in favor of adoption of the amendment to the committee striking amendment.

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

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 6, line 3 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 17; Nays, 28; Absent, 0; Excused, 4.

Voting yea: Senators Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Becker, Ericksen, Sheldon and Wilson, L.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1191.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1191 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senators Hawkins, Padden and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1191 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1191 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 1191 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, by House Committee on Health Care & Wellness (originally sponsored by Macri, Dolan, Slatter, Stonier, Robinson, Kilduff, Riccelli, Senn, Goodman, Tharinger, Jinkins, Davis, Cody,

Appleton, Kloba, Ortiz-Self, Valdez, Frame, Pollet, Stanford, Tarleton and Leavitt)

Protecting patient care.

The measure was read the second time.

MOTION

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

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1608 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Fortunato, Honeyford, King, Padden, Short and Wilson, L.

Excused: Senators Becker, Ericksen and Sheldon

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2448, by House Committee on Health Care & Wellness (originally sponsored by Schmick, Chambers and Cody)

Concerning enhanced services facilities.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, the rules were suspended, Substitute House Bill No. 2448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2448.

ROLL CALL

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2448 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

SUBSTITUTE HOUSE BILL NO. 2448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2640, by Representatives Fey, Kirby, Doglio, Fitzgibbon, Orwall, Gregerson, Valdez, Peterson and Ruy

Clarifying that facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings are not essential public facilities under the growth management act.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (6) or (15) or chapter 10.77 or 71.05 RCW.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community

transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 2. This act applies retroactively to land use actions imposed prior to January 1, 2018, as well as prospectively.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "act," strike the remainder of the title and insert "amending RCW 36.70A.200; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 2640.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2640 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Darneille spoke in favor of passage of the bill.

Senators Short and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2640 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2640 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Brown, Fortunato, Hawkins, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Becker, Ericksen and Sheldon

HOUSE BILL NO. 2640 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2614, by House Committee on Labor & Workplace Standards (originally sponsored by Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby)

Concerning paid family and medical leave.

The measure was read the second time.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Substitute House Bill No. 2614 and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2613, by House Committee on Labor & Workplace Standards (originally sponsored by Sells and Mosbrucker)

Granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2613 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban,

Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

SUBSTITUTE HOUSE BILL NO. 2613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, by House Committee on Public Safety (originally sponsored by Pellicciotti, Hudgins, Appleton, Davis, Gregerson, Santos, Frame, Pollet, Fitzgibbon, Thai, Bergquist, Ormsby, Wylie, Pettigrew, Peterson and Riccelli)

Concerning bail jumping.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.170 and 2001 c 264 s 3 are each amended to read as follows:

(1) ~~((Any person having been))~~ A person is guilty of bail jumping if he or she:

(a) Is released by court order or admitted to bail ((with knowledge)), has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required; or

(b)(i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and ((who)) fails to appear or ((who)) fails to surrender for service of sentence as required ((is guilty of bail jumping)); and

(ii)(A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances ~~((in reckless disregard of))~~ by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony; or

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of failure to appear or surrender if he or she:

(a) Is released by court order or admitted to bail;

(b) Has received written notice of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence; and

(c) Fails to appear or fails to surrender for service of sentence as required.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Failure to appear or surrender is:

(a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or

(b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor."

On page 1, line 1 of the title, after "jumping;" strike the remainder of the title and insert "amending RCW 9A.76.170; adding a new section to chapter 9A.76 RCW; and prescribing penalties."

MOTION

Senator Padden moved that the following floor amendment no. 1242 by Senator Padden be adopted:

On page 2, beginning on line 14, strike all of subsection (1) and insert the following:

"(1)(a) A person is guilty of failure to appear or surrender if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required; and

(b)(i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted."

Senators Padden and Pedersen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1242 by Senator Padden on page 2, line 14 to the committee striking amendment.

The motion by Senator Padden carried and floor amendment no. 1242 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1243 by Senator Padden be adopted:

On page 2, line 30, after "A" strike "gross misdemeanor" and insert "class C felony"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1243 by Senator Padden on page 2, line 30 to the committee striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 1243 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Engrossed Substitute House Bill No. 2231.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 2231 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2231 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2231 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Conway, Fortunato, Frockt, Hawkins, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2524, by Representatives Chandler, Blake and Dent

Expanding the scope of agricultural products subject to requirements in chapter 15.83 RCW related to negotiation concerning production or marketing.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.83.010 and 1989 c 355 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiation agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means pears, sweet corn, and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the federal agriculture marketing act of 1929 or in section 1 of 42 Stat. 388.

(5) "Director" means the director of the department of agriculture.

(6) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(7) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date for sweet corn and potatoes, or at least sixty days before the normal harvest date for pears, and concluding within thirty days of the normal planting date for sweet corn and potatoes, or within thirty days of the normal harvest date for pears, to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(8) "Negotiating unit" means a negotiating unit approved by the director under RCW 15.83.020.

(9) "Person" means an individual, partnership, corporation, association, or any other entity.

(10) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(11) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(12) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

Sec. 2. RCW 15.83.020 and 1989 c 355 s 3 are each amended to read as follows:

(1) An association of producers may file an application with the director:

(a) Requesting accreditation to serve as the exclusive negotiating agent on behalf of its producer members who are within a proposed negotiating unit with respect to any qualified commodity;

(b) Describing geographical boundaries of the proposed negotiating unit;

(c) Specifying the number of producers and the quantity of products included within the proposed negotiating unit;

(d) Specifying the number and location of the producers and the quantity of products represented by the association; ~~((and))~~

(e) Agreeing to reimburse the department for all anticipated and uncovered costs incurred by the department for actions necessary to carry out the provisions of this chapter; and

(f) Supplying any other information required by the director.

(2) Within a reasonable time after receiving an application under subsection (1) of this section, the director shall approve or disapprove the application in accordance with this section.

(a) The director shall approve the initial application or renewal if the director determines that:

(i) The association is owned and controlled by producers under the charter documents or bylaws of the association;

(ii) The association has valid and binding contracts with its members empowering the association to sell or negotiate terms of sale of its members' products or to negotiate for compensation for products produced under contract by its members;

(iii) The association represents a sufficient percentage of producers or that its members produce a sufficient percentage of agricultural products to enable it to function as an effective agent for producers in negotiating with a given handler as defined in rules promulgated by the department. In making this finding, the director shall exclude any quantity of the agricultural products contracted by producers with producer-owned and controlled processing cooperatives with its members and any quantity of these products produced by handlers;

(iv) One of the association's functions is to act as principal or agent for its members in negotiations with handlers for prices and other terms of trade with respect to the production, sale, and marketing of the products of its members, or for compensation for products produced by its members under contract; ~~((and))~~

(v) Sufficient resources, including public funds and any funds to be provided by the applicant under reimbursement agreements, will be available to cover department costs for services provided by the department in carrying out the provisions of this chapter,

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

including department costs to defend a decision made by the department under this chapter if such a decision is appealed; and
(vi) Accreditation would not be contrary to the policies established in RCW 15.83.005.

(b) If the director does not approve the application under (a) of this subsection, then the association of producers may file an amended application with the director. The director, within a reasonable time, shall approve the amended application if it meets the requirements set out in (a) of this subsection.

(3) The department shall provide the association an estimate of expenses that may be incurred prior to the department's provision of services.

(4) At the discretion of the director, or upon submission of a timely filed petition by an affected handler or an affected association of producers, the association of producers accredited under this section may be required by the director to renew the application for accreditation by providing the information required under subsection (1) of this section.

Sec. 3. RCW 15.83.030 and 1989 c 355 s 4 are each amended to read as follows:

It shall be unlawful for any handler to engage, or permit any employee or agent to engage, in the following practices:

(1) To refuse to negotiate with an association of producers accredited under RCW 15.83.020 with respect to any qualified commodity: PROVIDED, That the obligation to negotiate does not require either party to agree to a proposal, to make a concession, or to enter into a contract;

(2) To coerce any producer in the exercise of his or her right to contract with, join, refrain from contracting with or joining, belong to an association of producers, or refuse to deal with any producer because of the exercise of that producer's right to contract with, join, or belong to an association or because of that producer's promotion of legislation on behalf of an association of producers;

(3) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of that producer's membership in or contract with an association of producers or because of that producer's promotion of legislation on behalf of an association of producers;

(4) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

(5) To pay or loan money, give anything of value, or offer any other inducement or reward to a producer for refusing or ceasing to belong to an association of producers;

(6) To make knowingly false reports about the finances, management, or activities of associations of producers or handlers; ((or))

(7) To conspire, agree, or arrange with any other person to do, aid, or abet any act made unlawful by this chapter; or

(8) To refuse, in the event that an acceptable price cannot be agreed to between a producer and a processor, to meet with a mutually agreed upon third-party mediator to resolve the price dispute. Any fees associated with the third-party mediation must be borne by the producer."

On page 1, line 3 of the title, after "marketing;" strike the remainder of the title and insert "and amending RCW 15.83.010, 15.83.020, and 15.83.030."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 2524.

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

MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 2524 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2524 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2524 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

HOUSE BILL NO. 2524 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 6515 which had been deferred on a previous legislative day, February 17, 2020.

SECOND READING

SENATE BILL NO. 6515, by Senators Van De Wege, Randall, Mullet, Takko, Lovelett, Liias, Conway, Hasegawa, and Wilson, C.

Adjusting the medicaid payment methodology for skilled nursing facilities.

On motion of Senator O'Ban and without objection, the motion by Senator O'Ban that Second Substitute Senate Bill No. 6515 be not substituted for Senate Bill No. 6515 and the substitute bill be not read the second time was withdrawn.

MOTION

On motion of Senator Van De Wege, Second Substitute Senate Bill No. 6515 was substituted for Senate Bill No. 6515 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following striking floor amendment no. 1234 by Senators O'Ban and Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.51.091 and 1987 c 476 s 24 are each amended to read as follows:

The department shall ~~((make or cause to be made at least one inspection of))~~ inspect each nursing home ~~((prior to license renewal and shall inspect community-based services as part of the licensing renewal survey))~~ periodically in accordance with federal standards under 42 C.F.R. Part 488, Subpart E. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given to the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 2. RCW 18.51.230 and 1981 2nd ex.s. c 11 s 4 are each amended to read as follows:

The department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to RCW 18.51.190, conduct ~~((at least one general inspection prior to license renewal of all nursing homes in the state without providing advance notice of such inspection. Periodically, such inspection shall take place in part between the hours of 7 p.m. and 5 a.m. or on weekends))~~ a periodic general inspection of each nursing home in the state without providing advance notice of such inspection. Such inspections must conform to the federal standards for surveys under 42 C.F.R. Part 488, Subpart E.

Sec. 3. RCW 74.42.360 and 2019 c 12 s 2 are each amended to read as follows:

(1) The facility shall have staff on duty twenty-four hours daily sufficient in number and qualifications to carry out the provisions of RCW 74.42.010 through 74.42.570 and the policies, responsibilities, and programs of the facility.

(2) The department shall institute minimum staffing standards for nursing homes. Beginning July 1, 2016, facilities must provide a minimum of 3.4 hours per resident day of direct care. Direct care staff has the same meaning as defined in RCW 74.42.010. The minimum staffing standard includes the time when such staff are providing hands-on care related to activities of daily living and nursing-related tasks, as well as care planning. The legislature intends to increase the minimum staffing standard to 4.1 hours per resident day of direct care, but the effective date of a standard higher than 3.4 hours per resident day of direct care will be identified if and only if funding is provided explicitly for an increase of the minimum staffing standard for direct care.

(a) The department shall establish in rule a system of compliance of minimum direct care staffing standards by January 1, 2016. Oversight must be done at least quarterly using the centers for medicare and medicaid services' payroll-based journal and nursing home facility census and payroll data.

(b) The department shall establish in rule by January 1, 2016, a system of financial penalties for facilities out of compliance with minimum staffing standards. No monetary penalty may be issued during the implementation period of July 1, 2016, through September 30, 2016. If a facility is found noncompliant during the implementation period, the department shall provide a written notice identifying the staffing deficiency and require the facility to provide a sufficiently detailed correction plan to meet the statutory minimum staffing levels. Monetary penalties begin October 1, 2016. Monetary penalties must be established based on a formula that calculates the cost of wages and benefits for the missing staff hours. If a facility meets the requirements in subsection (3) or (4) of this section, the penalty amount must be based solely on the wages and benefits of certified nurse aides. The first monetary penalty for noncompliance must be at a lower amount than subsequent findings of noncompliance. Monetary penalties established by the department may not exceed two hundred percent of the wage and benefit costs that would have otherwise been expended to achieve the required staffing minimum hours per resident day for the quarter. A facility found out of compliance must be assessed a monetary penalty at the lowest penalty level if the facility has met or exceeded the requirements in subsection (2) of this section for three or more consecutive years. Beginning July 1, 2016, pursuant to rules established by the department, funds that are received from financial penalties must be used for technical assistance, specialized training, or an increase to the quality enhancement established in RCW 74.46.561.

(c) The department shall establish in rule an exception allowing geriatric behavioral health workers as defined in RCW 74.42.010 to be recognized in the minimum staffing requirements as part of the direct care service delivery to individuals who have a behavioral health condition. Hours worked by geriatric behavioral health workers may be recognized as direct care hours for purposes of the minimum staffing requirements only up to a portion of the total hours equal to the proportion of resident days of clients with a behavioral health condition identified at that facility on the most recent semiannual minimum data set. In order to qualify for the exception:

(i) The worker must:

(A) Have a bachelor's or master's degree in social work, behavioral health, or other related areas; or

(B) Have at least three years experience providing care for individuals with chronic mental health issues, dementia, or intellectual and developmental disabilities in a long-term care or behavioral health care setting; or

(C) Have successfully completed a facility-based behavioral health curriculum approved by the department under RCW 74.39A.078;

(ii) Any geriatric behavioral health worker holding less than a master's degree in social work must be directly supervised by an employee who has a master's degree in social work or a registered nurse.

(d)(i) The department shall establish a limited exception to the 3.4 hours per resident day staffing requirement for facilities demonstrating a good faith effort to hire and retain staff.

(ii) To determine initial facility eligibility for exception consideration, the department shall send surveys to facilities anticipated to be below, at, or slightly above the 3.4 hours per resident day requirement. These surveys must measure the hours per resident day in a manner as similar as possible to the centers for medicare and medicaid services' payroll-based journal and cover the staffing of a facility from October through December of 2015, January through March of 2016, and April through June of 2016. A facility must be below the 3.4 staffing standard on all three surveys to be eligible for exception consideration. If the

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

staffing hours per resident day for a facility declines from any quarter to another during the survey period, the facility must provide sufficient information to the department to allow the department to determine if the staffing decrease was deliberate or a result of neglect, which is the lack of evidence demonstrating the facility's efforts to maintain or improve its staffing ratio. The burden of proof is on the facility and the determination of whether or not the decrease was deliberate or due to neglect is entirely at the discretion of the department. If the department determines a facility's decline was deliberate or due to neglect, that facility is not eligible for an exception consideration.

(iii) To determine eligibility for exception approval, the department shall review the plan of correction submitted by the facility. Before a facility's exception may be renewed, the department must determine that sufficient progress is being made towards reaching the 3.4 hours per resident day staffing requirement. When reviewing whether to grant or renew an exception, the department must consider factors including but not limited to: Financial incentives offered by the facilities such as recruitment bonuses and other incentives; the robustness of the recruitment process; county employment data; specific steps the facility has undertaken to improve retention; improvements in the staffing ratio compared to the baseline established in the surveys and whether this trend is continuing; and compliance with the process of submitting staffing data, adherence to the plan of correction, and any progress toward meeting this plan, as determined by the department.

(iv) Only facilities that have their direct care component rate increase capped according to RCW 74.46.561 are eligible for exception consideration. Facilities that will have their direct care component rate increase capped for one or two years are eligible for exception consideration through June 30, 2017. Facilities that will have their direct care component rate increase capped for three years are eligible for exception consideration through June 30, 2018.

(v) The department may not grant or renew a facility's exception if the facility meets the 3.4 hours per resident day staffing requirement and subsequently drops below the 3.4 hours per resident day staffing requirement.

(vi) The department may grant exceptions for a six-month period per exception. The department's authority to grant exceptions to the 3.4 hours per resident day staffing requirement expires June 30, 2018.

(3)(a) Large nonessential community providers must have a registered nurse on duty directly supervising resident care twenty-four hours per day, seven days per week.

(b)(i) The department shall establish a limited exception process ~~((to facilities))~~ for large nonessential community providers that can demonstrate a good faith effort to hire a registered nurse for the last eight hours of required coverage per day. In granting an exception, the department may consider the competitiveness of the wages and benefits offered as compared to nursing facilities in comparable geographic or metropolitan areas within Washington state, the provider's recruitment and retention efforts, and the availability of registered nurses in the particular geographic area. A one-year exception may be granted and may be renewable ~~((for up to three consecutive years))~~; however, the department may limit the admission of new residents, based on medical conditions or complexities, when a registered nurse is not on-site and readily available. If a ~~((facility))~~ large nonessential community provider receives an ~~((exemption))~~ exception, that information must be included in the department's nursing home locator. ~~((After June 30, 2019))~~

(ii) By August 1, 2023, and every three years thereafter, the department, along with a stakeholder work group established by

the department, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for large nonessential community providers that were granted an exception in the three previous fiscal years in comparison to those without an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for large nonessential community providers that were granted an exception in the three previous fiscal years and those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature by December 1st of each year in which a review is conducted. Based on the recommendations outlined in this report, the legislature may take action to end the exceptions process.

(4) Essential community providers and small nonessential community providers must have a registered nurse on duty directly supervising resident care a minimum of sixteen hours per day, seven days per week, and a registered nurse or a licensed practical nurse on duty directly supervising resident care the remaining eight hours per day, seven days per week.

(5) For the purposes of this section, "behavioral health condition" means one or more of the behavioral symptoms specified in section E of the minimum data set.

Sec. 4. RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for

the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMeans" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the centers for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to

FIFTY SECOND DAY, MARCH 4, 2020

the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) ~~The direct care and indirect care components must be rebased ((in even numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation)) effective May 1, 2020, or the month following the effective date of this section, whichever comes last, through June 30, 2020, using 2018 calendar year cost report information.~~

(b) Beginning July 1, 2020, the direct care and indirect care components must be rebased annually. Rates paid shall be established using the most recent adjusted cost report information available. The most recent adjusted cost report information shall be the base year costs.

(c) Beginning July 1, 2020, and annually through June 30, 2023, the department shall modify the direct and indirect care rebased components from the midpoint of the base year to the beginning of the rate year using the most recent calendar year twelve-month average consumer price index for all urban consumers (CPI-U) in the medical expenditure category of nursing homes and adult day services as published by the United States bureau of labor statistics.

(d) Beginning July 1, 2020, the indirect care inflationary rate increase from (c) of this subsection (8) shall be distributed according to the facility's number of outpatient emergency department visits per one thousand long-stay resident days using

2020 REGULAR SESSION

the centers for medicare and medicaid services' five-star quality rating data as the source of measurement.

(i) Facility performance must be evaluated on two metrics:

(A) Performance compared to national benchmarks determined as follows:

(I) A national score of one hundred thirty-five or greater equates to a performance percentage of one hundred twenty-five percent;

(II) A national score of one hundred five or one hundred twenty equates to a performance percentage of one hundred percent;

(III) A national score of seventy-five or ninety equates to a performance percentage of eighty percent;

(IV) A national score of sixty or below equates to a performance percentage of sixty percent; and

(B) Year-over-year improvement determined as follows:

(I) An improvement of up to nine percent over the previous year's score equates to an improvement percentage of sixty percent;

(II) An improvement of greater than nine percent and less than fifteen percent over the previous year's score equates to an improvement percentage of eighty percent; and

(III) An improvement of fifteen percent or greater over the previous year's score equates to an improvement percentage of one hundred percent.

(ii) Facilities must be placed in one of four tiers based on the average of the performance and improvement percentages. The rate increases must be distributed among the four tiers as follows:

(A) Tier one must include an average percentage that is greater than or equal to one hundred percent and qualifies for up to one hundred twenty-five percent of the available rate increase;

(B) Tier two must include an average percentage that is greater than or equal to ninety percent but less than one hundred percent and qualifies for up to one hundred percent of the available rate increase. Facilities with data deemed insufficient by the centers for medicare and medicaid services must be included in tier two;

(C) Tier three must include an average percentage that is greater than or equal to eighty but less than ninety percent and qualifies for up to eighty percent of the available rate increase; and

(D) Tier four must include an average percentage that is less than eighty percent and qualifies for up to sixty percent of the available rate increase.

(e) Any savings generated from (d) of this subsection (8) must be applied to the quality incentive identified in subsection (6) of this section.

(f) The department may adjust the outpatient emergency department visits performance measure in (d) of this subsection (8) to ensure budget neutrality.

(g) Beginning July 1, 2023, a facility specific rate add-on equal to the inflationary adjustment that the facility received for the direct care component in fiscal year 2023 shall be added to the rate.

(h) Beginning July 1, 2023, the funding provided for the inflationary adjustment for the indirect care component from (c) of this subsection (8) must be annually redistributed as specified in (d) of this subsection (8).

(i) The department shall review the calendar year cost reports from 2018 through 2021 and compare medicaid allowable costs in direct care and indirect care to rates paid to determine the impacts of annual inflationary adjustments. Based on its findings, the department shall make recommendations for ongoing inflation to the legislature. This report is due to appropriate committees of the legislature by December 1, 2022.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process

provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

NEW SECTION. Sec. 5. A new section is added to chapter 74.46 RCW to read as follows:

The department, in consultation with the health care authority and stakeholders, shall review the impact of the distribution of the inflationary adjustment for the indirect care component and report its findings and recommendations to the appropriate committees of the legislature by December 1, 2021. To the extent practicable, the department's report must include a comparative analysis of the following metrics before and after the effective date of this section:

- (1) Skilled nursing facility residents' emergency department visits;
- (2) Case mix acuity;
- (3) The number of long-term services and supports medicaid clients that are being served in nursing homes; and
- (4) The number of licensed nursing homes and the number of licensed beds.

NEW SECTION. Sec. 6. Any savings as a result of overappropriations associated with the rebase for fiscal year 2021 shall be utilized for the purposes of this act.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.51.091, 18.51.230, 74.42.360, and 74.46.561; adding a new section to chapter 74.46 RCW; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1234 by Senators O'Ban and Van De Wege to Second Substitute Senate Bill No. 6515.

The motion by Senator Van De Wege carried and striking floor amendment no. 1234 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, O'Ban and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Ericksen and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:51 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Warnick announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:37 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nguyen moved that Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, be confirmed as a member of the Higher Education Facilities Authority.

Senator Nguyen spoke in favor of the motion.

APPOINTMENT OF JEROME O. COHEN

The President declared the question before the Senate to be the confirmation of Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall,

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

Jerome O. Cohen, Senate Gubernatorial Appointment No. 9171, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2965, by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

Concerning the state's response to the novel coronavirus.

The measure was read the second time.

MOTION

Senator Billig moved that the following floor amendment no. 1259 by Senators Billig and Braun be adopted:

On page 1, line 15, after "account" insert "and the sum of twenty five million dollars is appropriated from the general fund-federal"

On page 1, line 17, strike "is" and insert "are"

On page 2, line 1, strike "appropriation" and insert "appropriations"

On page 2, line 2, strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1259 by Senators Billig and Braun on page 1, line 15 to Engrossed House Bill No. 2965.

The motion by Senator Billig carried and floor amendment no. 1259 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1258 by Senators Braun and Billig be adopted:

On page 3, beginning on line 5, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. (1) The department of social and health services is authorized to determine nursing facility payments to adequately resource facilities responding to the novel

coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020. The medicaid payments provided to nursing facilities in response to this state of emergency shall be determined by the department as appropriate to address the immediate safety needs of Washington state citizens and shall not be subject to this chapter's medicaid methodology. Any nursing facility payment made under this section shall not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) This section expires June 30, 2021.

Sec. 5. RCW 50.20.010 and 2019 c 50 s 1 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, does not need to meet the requirements of this subsection (1)(c).

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An

individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

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

On page 1, line 2 of the title, after "38.52.105" strike "; adding a new section to chapter 74.46 RCW;" and insert "and 50.20.010; creating new sections;" and on line 3, after "appropriations;" insert "providing an expiration date;"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1258 by Senators Braun and Billig on page 3, line 5 to Engrossed House Bill No. 2965.

The motion by Senator Braun carried and floor amendment no. 1258 was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed House Bill No. 2965 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Schoesler, Cleveland and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2965 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2965 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frocht, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

ENGROSSED HOUSE BILL NO. 2965 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOMENT OF SILENCE

At the request of the President, the senate rose and observed a moment of silence in memory of the ten persons who have lost their lives due to the coronavirus this week alone.

EDITOR'S NOTE: On February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, proclaiming a state of emergency for all counties as a result of the coronavirus disease 2019 (COVID-19) outbreak and confirmed person-to-person spread of COVID-19 in Washington State.

PERSONAL PRIVILEGE

Senator Rivers: "Thank you Mr. President. I would just also request that we keep in our hearts and prayers the seventy-four people who have lost their lives to the flu this flu season. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2417, by House Committee on Public Safety (originally sponsored by Davis and Peterson)

Concerning individuals serving community custody terms.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, floor amendment no. 1232 by Senator O'Ban on page 1, line 4 to Substitute House Bill No. 2417 was withdrawn.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2417 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frocht, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Walsh, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Conway, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2295, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Griffey, Irwin and Wylie)

Concerning enforcement of small claims court judgments.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2315, by Representatives Orwall, Fitzgibbon and Pellicciotti

Installing, repairing, replacing, and updating mitigation equipment installed within an impacted area.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 53.54.030 and 1993 c 150 s 1 are each amended to read as follows:

For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a

port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Transaction assistance programs, including assistance with real estate fees and mortgage assistance, and other neighborhood remedial programs as compensation for impacts due to aircraft noise and noise associated conditions. Any such programs shall be in connection with properties located within an impacted area and shall be provided upon terms and conditions as the port district shall determine appropriate.

(3) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives damages and conveys an easement for the operation of aircraft, and for noise and noise associated conditions therewith, to the port district.

(4) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(5)(a) An individual property may be provided benefits by the port district under each of the programs described in subsections (1) through (4) of this section. However, an individual property may not be provided benefits under any one of these programs more than once, unless the property ((is));

(i) Is subjected to increased aircraft noise or differing aircraft noise impacts that would have afforded different levels of mitigation, even if the property owner had waived all damages and conveyed a full and unrestricted easement; or

(ii) Contains a soundproofing installation, structure, or other type of sound mitigation equipment product or benefit previously installed pursuant to the remedial program under this chapter by the port district that is determined through inspection to be in need of a repair or replacement.

(b) Port districts choosing to exercise the authority under (a)(ii) of this subsection are required to conduct inspections of homes where mitigation improvements are no longer working as intended. In those properties, port districts must work with a state certified building inspector to determine whether package failure resulted in additional hazards or structural damage to the property.

(6) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(7) A property shall be considered within the impacted area if any part thereof is within the impacted area."

On page 1, line 2 of the title, after "area;" strike the remainder of the title and insert "and amending RCW 53.54.030."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 2315.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2315.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentlemen, if I could have the Senate's attention. If I could have the senators come on to the floor for a special announcement. Senator Muzzall, if you could please stand. Ladies and Gentlemen, we have a birthday and I know we have had a lot of tough news this week and today, but we have a new senator who is spending his birthday in the best possible way, I think he possibly could, with his new friends here in the Washington State Senate. Give him a round of applause, our birthday boy."

The Senate rose and recognized the anniversary of the birth of Senator Muzzall, performing a rendition of "Happy Birthday."

PERSONAL PRIVILEGE

Senator Muzzall: "Thank you all very much. The best birthday gift today was that my bill passed through the House, so, that's good. The second one would be that we just passed another bill by Representative Orwall who . . . she and I went to high school together."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2483, by House Committee on Public Safety (originally sponsored by Van Werven, Goodman and Ormsby)

Clarifying vehicle impoundment and redemption following arrest for driving or being in physical control of a vehicle while under the influence of alcohol or drugs.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2483 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2525, by House Committee on Human Services & Early Learning (originally sponsored by Callan, Corry, Eslick, Springer, Orwall, Ortiz-Self, Shewmake, Goodman, Senn, Caldier, Dent, Leavitt, Davis, Doglio, J. Johnson and Pollet)

Establishing the family connections program.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2525.

ROLL CALL

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 2525 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2619, by Representatives Shewmake, Chapman, Ramel, Springer, Van Werven, Senn, Doglio, Goodman and Tharinger

Increasing early learning access through licensing, eligibility, and rate improvements.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2619.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2619 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1651, by House Committee on Human Services & Early Learning (originally sponsored by Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri,

Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos)

Concerning the rights of clients of the developmental disabilities administration of the department of social and health services. Revised for 2nd Substitute: Identifying rights of persons receiving state developmental disability services.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Substitute House Bill No. 1651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1651.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1651 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:40 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a dinner break.

The Senate was called to order at 7:45 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Mark Mattke, Senate Gubernatorial Appointment No. 9202, be confirmed as a member of the Workforce Training and Education Coordinating Board.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF MARK MATTKE

The President declared the question before the Senate to be the confirmation of Mark Mattke, Senate Gubernatorial Appointment No. 9202, as a member of the Workforce Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Mark Mattke, Senate Gubernatorial Appointment No. 9202, as a member of the Workforce Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Ericksen and Pedersen

Excused: Senators Becker and Sheldon

Mark Mattke, Senate Gubernatorial Appointment No. 9202, having received the constitutional majority was declared confirmed as a member of the Workforce Training and Education Coordinating Board.

MOTION

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2066, by House Committee on Transportation (originally sponsored by Davis, Pellicciotti, Goodman, Appleton, Sutherland, Graham, Klippert, Leavitt and Pollet)

Addressing restrictions on driver's licenses associated with certain criminal offenses.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute House Bill No. 2066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2066.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2066 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser,

King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 2066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783, by House Committee on Local Government (originally sponsored by Griffey, Springer and Walen)

Standardizing fire safety requirements for mobile on-demand gasoline providers.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute House Bill No. 2783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2783.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2783 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, by House Committee on Health Care & Wellness (originally sponsored by Macri, Harris, Cody, MacEwen, Pollet, DeBolt, Springer, Kretz, Appleton, Caldier, Slatter, Vick, Stanford, Fitzgibbon, Riccelli, Robinson, Kloba, Valdez, Ryu, Tharinger, Jinkins, Wylie, Goodman, Bergquist, Doglio, Chambers, Senn, Ortiz-Self, Stonier, Frame, Ormsby and Reeves)

Allowing certain adult family homes to increase capacity to eight beds.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 1216 by Senator O'Ban be adopted:

On page 3, line 12, after "evacuation;" strike "and"

On page 3, line 13, after "(g)" insert "The home attests to not serving individuals who have been judicially determined to meet the definition of sexually violent predator under RCW 71.09.020 or individuals for whom the court has made an affirmative special finding under RCW 71.05.280(3)(b); and

(h)"

On page 3, line 24, after "application;" strike "and"

On page 3, line 25, after "(c)" insert "The home attests to not serving individuals who have been judicially determined to meet the definition of sexually violent predator under RCW 71.09.020 or individuals for whom the court has made an affirmative special finding under RCW 71.05.280(3)(b); and

(d)"

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment. Senator O'Ban demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 3, line 12 to Engrossed Substitute House Bill No. 1023.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Braun, Brown, Conway, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Excused: Senators Becker and Sheldon.

MOTION

Senator O'Ban moved that the following floor amendment no. 1217 by Senator O'Ban be adopted:

On page 3, line 31, after "capacity" insert ", and allow the local jurisdiction to provide any recommendations to the department as to whether or not the department should approve the applicant's request to increase its bed capacity to seven or eight beds"

Senators O'Ban and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1217 by Senator O'Ban on page 3, line 31 to Engrossed Substitute House Bill No. 1023.

The motion by Senator O'Ban carried and floor amendment no. 1217 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute House Bill No. 1023 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1023 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1023 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Ericksen, Fortunato, Honeyford, O'Ban, Warnick and Zeiger

Excused: Senators Becker and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2794, by House Committee on Human Services & Early Learning (originally sponsored by Frame, Davis, Peterson, Lekanoff, Pollet and Santos)

Concerning juvenile record sealing.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.260 and 2015 c 265 s 3 are each amended to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile record pursuant to the requirements of this subsection (~~unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing~~). Although the juvenile record shall be sealed, the social file may be available to any juvenile justice or care agency when an investigation or case involving the juvenile

subject of the records is being prosecuted by the juvenile justice or care agency or when the juvenile justice or care agency is assigned the responsibility of supervising the juvenile. ~~((The contested hearing shall be set no sooner than eighteen days after notice of the hearing and the opportunity to object has been sent to the juvenile, the victim, and juvenile's attorney.))~~ The juvenile respondent's presence is not required at ~~((#))~~ any administrative sealing hearing ~~((pursuant to this subsection))~~.

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

- (i) The respondent's eighteenth birthday;
- (ii) Anticipated ~~((completion))~~ end date of a respondent's probation, if ordered;
- (iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

(c) ~~((A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:~~

~~((#))~~ The court shall not schedule an administrative sealing hearing at the disposition and no administrative sealing hearing shall occur if one of the offenses for which the court has entered a disposition is ~~((not))~~ at the time of commission of the offense:

~~((A))~~ (i) A most serious offense, as defined in RCW 9.94A.030;

~~((B))~~ (ii) A sex offense under chapter 9A.44 RCW; or

~~((C))~~ (iii) A drug offense, as defined in RCW 9.94A.030(~~;~~ and).

~~((#))~~ (d) At the time of the scheduled administrative sealing hearing, the court shall enter a written order sealing the respondent's juvenile court record pursuant to this subsection if the court finds by a preponderance of the evidence that the respondent ~~((has completed the terms and conditions of disposition, including affirmative conditions))~~ is no longer on supervision for the case being considered for sealing and has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under Title 48 RCW))~~ public or private entity providing insurance coverage or health care coverage. In determining whether the respondent is on supervision or owes restitution, the court shall take judicial notice of court records, including records of the county clerk, and, if necessary, sworn testimony from a representative of the juvenile department.

~~((d))~~ Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate. ~~((c))~~ At the time of the administrative sealing hearing, if the court finds the respondent remains on supervision for the case being considered for sealing, then the court shall continue the administrative sealing hearing to a date within thirty days following the anticipated end date of the respondent's supervision. At the next administrative sealing hearing, the court shall again determine the respondent's eligibility for sealing his or her juvenile court record pursuant to (d) of this subsection, and, if necessary, continue the hearing again as provided in this subsection.

(f)(i) During the administrative sealing hearing, if the court finds the respondent is no longer on supervision for the case being considered for sealing, but the respondent has not paid the full amount of restitution owing to the individual victim named in the restitution order, excluding any public or private entity providing insurance coverage or health care coverage, the court shall deny sealing the juvenile court record in a written order that: (A)

Specifies the amount of restitution that remains unpaid to the original victim, excluding any public or private entity providing insurance coverage or health care coverage; and (B) provides direction to the respondent on how to pursue the sealing of records associated with this cause of action.

(ii) Within five business days of the entry of the written order denying the request to seal a juvenile court record, the juvenile court department staff shall notify the respondent of the denial by providing a copy of the order of denial to the respondent in person or in writing mailed to the respondent's last known address in the department of licensing database or the respondent's address provided to the court, whichever is more recent.

(iii) At any time following entry of the written order denying the request to seal a juvenile court record, the respondent may contact the juvenile court department, provide proof of payment of the remaining unpaid restitution to the original victim, excluding any public or private entity providing insurance coverage or health care coverage, and request an administrative sealing hearing. Upon verification of the satisfaction of the restitution payment, the juvenile court department staff shall circulate for signature an order sealing the file, and file the signed order with the clerk's office, who shall seal the record.

(iv) The administrative office of the courts must ensure that sealed juvenile records remain private in case of an appeal and are either not posted or redacted from any clerks papers that are posted online with the appellate record, as well as taking any other prudent steps necessary to avoid exposing sealed juvenile records to the public.

(2) Except for dismissal of a deferred disposition under RCW 13.40.127, the court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon the dismissal of charges with prejudice, subject to the state's right, if any, to appeal the dismissal.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any(~~;~~); resolve the status of any debts owing; and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case, with the exception of identifying information under RCW 13.50.050(13).

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any ~~((insurance provider authorized under~~

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

~~Title 48 RCW~~) public or private entity providing insurance coverage or health care coverage.

(b) The court shall grant any motion to seal records for class B, class C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) The person has paid the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW 13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(c) Effective July 1, 2019, the department of licensing may release information related to records the court has ordered sealed only to the extent necessary to comply with federal law and regulation.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the

sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(d) The Washington state patrol shall ensure that the Washington state identification system provides Washington state criminal justice agencies access to sealed juvenile records information.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

(10) County clerks may interact or correspond with the respondent, his or her parents, restitution recipients, and any holders of potential assets or wages of the respondent for the purposes of collecting an outstanding legal financial obligation after juvenile court records have been sealed pursuant to this section.

(11) Persons and agencies that obtain sealed juvenile records information pursuant to this section may communicate about this information with the respondent, but may not disseminate or be compelled to release the information to any person or agency not specifically granted access to sealed juvenile records in this section.

(12) All criminal justice agencies must not disclose confidential information or sealed records accessed through the Washington state identification system or other means, and no information can be given to third parties other than Washington state criminal justice agencies about the existence or nonexistence of confidential or sealed records concerning an individual.

Sec. 2. RCW 10.97.050 and 2012 c 125 s 2 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency, except as provided under RCW 13.50.260. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

- (a) An indication of to whom (agency or person) criminal history record information was disseminated;
- (b) The date on which the information was disseminated;
- (c) The individual to whom the information relates; and
- (d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

(8) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550.

NEW SECTION. Sec. 3. (1) The department of children, youth, and families and the office of the superintendent of public instruction shall develop policies and procedures that prevent any information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(2) By November 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families and the office of the superintendent of public instruction shall provide a report to the appropriate committees of the legislature and the governor describing the actions, policies, and procedures in place to prevent information from being included on a student transcript indicating that a student received credit while confined in a detention facility as defined under RCW 13.40.020, institution as defined under RCW 13.40.020, juvenile correctional facility under alternative administration operated by a consortium of

counties under RCW 13.04.035, community facility as defined under RCW 72.05.020, or correctional facility as defined under RCW 70.48.020.

(3) This section expires June 30, 2021.

NEW SECTION. Sec. 4. This act applies to all juvenile record sealing hearings commenced on or after the effective date of this section, regardless of when the underlying hearing was scheduled or the underlying record was created. To this extent, this act applies retroactively, but in all other respects it applies prospectively."

On page 1, line 1 of the title, after "sealing;" strike the remainder of the title and insert "amending RCW 13.50.260 and 10.97.050; creating new sections; and providing an expiration date."

MOTION

Senator Kuderer moved that the following floor amendment no. 1223 by Senator Kuderer be adopted:

On page 9, after line 28, insert the following:

"NEW SECTION. Sec. 5. Sections 1, 2, and 4 of this act take effect January 1, 2021."

On page 9, line 31, after "sections;" insert "providing an effective date;"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1223 by Senator Kuderer on page 9, after line 28 to the committee striking amendment.

The motion by Senator Kuderer carried and floor amendment no. 1223 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation as amended to Substitute House Bill No. 2794.

The motion by Senator Kuderer carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2794 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, O'Ban and Darneille spoke in favor of passage of the bill.

Senators Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2794 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2794 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña,

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

Salomon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Schoesler, Short, Warnick and Wilson, L.

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2794 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2017, by House Committee on Appropriations (originally sponsored by Frame, Dolan, Fitzgibbon, Stanford, Kilduff, Macri, Ryu, Valdez, Tarleton and Pollet)

Concerning collective bargaining for administrative law judges.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1281 by Senator Short be adopted:

On page 2, after line 29, insert the following:

"(5) Notwithstanding RCW 41.80.100:

(a) The employer must only deduct exclusive bargaining representative dues from the wages of an administrative law judge of the office of administrative hearings and transmit the same to the exclusive bargaining representative upon receipt of an authorization from the administrative law judge that:

(i) Is made in writing;

(ii) Is dated and signed with the administrative law judge's legally valid signature;

(iii) Clearly and specifically acknowledges and waives the administrative law judge's constitutional right to not pay any union dues or fees; and

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

(b) When an administrative law judge of the office of administrative hearings provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(c) The employer must maintain all copies of dues deductions authorizations and cancellations provided by an administrative law judge of the office of administrative hearings for at least three years after the judge has ceased to be employed in the bargaining unit."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1281 by Senator Short on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator Short did not carry and floor amendment no. 1281 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1282 by Senator Short be adopted:

On page 2, after line 29, insert the following:

"(5) The employer must make bargaining proposals made in the course of collective bargaining with the exclusive bargaining representative of administrative law judges of the office of administrative hearings available to the public by:

(a) Posting bargaining proposals online within two business days of their transmission to or receipt from the exclusive bargaining representative; or

(b) Fulfilling requests for exchanged bargaining proposals within two business days."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1282 by Senator Short on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator Short did not carry and floor amendment no. 1282 was not adopted by rising vote.

MOTION

Senator King moved that the following floor amendment no. 1286 by Senator King be adopted:

On page 2, after line 29, insert the following:

"(5) Notwithstanding RCW 41.80.135, no employee organization may be certified as the exclusive bargaining representative of the statewide bargaining unit of administrative law judges of the office of administrative hearings unless it receives the votes of a majority of administrative law judges of the office of administrative hearings in a secret ballot election administered by the commission pursuant to RCW 41.80.080."

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

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1286 by Senator King on page 2, after line 29 to Substitute House Bill No. 2017.

The motion by Senator King did not carry and floor amendment no. 1286 was not adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Substitute House Bill No. 2017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2017 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen,

Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

SUBSTITUTE HOUSE BILL NO. 2017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2691, by Representatives Valdez, Ryu, Frame, Doglio, Dolan, Slatter, Lovick, Ortiz-Self, Fitzgibbon, Davis, Pollet and Macri

Concerning the scope of collective bargaining for language access providers.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.030 and 2019 c 280 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under

chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10)(a) "Language access provider" means any independent contractor who provides spoken language interpreter services, whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers(~~(-or)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019; or

(iii) For state agencies(~~(-or)~~) who provided these services on or after January 1, (~~(2016, and before July 1, 2018)~~) 2019.

(b) "Language access provider" does not mean a manager or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, in a correctional facility created under RCW 70.48.095, or in a detention facility created under chapter 13.40 RCW that is located

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

in a county with a population over one million five hundred thousand, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

Sec. 2. RCW 41.56.510 and 2018 c 253 s 8 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to:

(i) Economic compensation, such as the manner and rate of payments including tiered payments; (ii) professional development and training; (iii) labor-management committees; ~~((and))~~ (iv) grievance procedures; (v) health and welfare benefits; and (vii) other economic matters. Retirement benefits are not subject to collective bargaining. By such obligation neither party

may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of children, youth, and families, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of July 1, 2018. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The obligation of any state agency to comply with federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.030 and 41.56.510."

MOTION

Senator King moved that the following floor amendment no. 1287 by Senator King be adopted:

On page 5, beginning on line 9, after "procedures;" strike all material through "matters" on line 10 and insert "and (v) health and welfare benefits"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1287 by Senator King on page 5, line 9 to House Bill No. 2691.

The motion by Senator King did not carry and floor amendment no. 1287 was not adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1288 by Senator King be adopted:

On page 7, after line 29, insert the following:
"(12) By December 1, 2020, the department of social and health services, the department of children, youth, and families, the department of labor industries, the health care authority, and the

department of enterprise services must report to the legislature on the following:

(a) Each agency's current process for procuring spoken language interpreters and whether the changes in Chapter 253, Laws of 2018 have been implemented;

(b) If Chapter 253, Laws of 2018 has not been fully implemented by an agency, the barriers to implementation the agency has encountered and recommendations for removing the barriers to implementation;

(c) The impacts of the changes to the bargaining units for language access providers in Chapter 253, Laws of 2018; and

(d) Recommendations on how to improve the procurement and accessibility of language access providers."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1288 by Senator King on page 7, after line 29 to House Bill No. 2691.

The motion by Senator King carried and floor amendment no. 1288 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to House Bill No. 2691.

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

MOTION

On motion of Senator Saldaña, the rules were suspended, House Bill No. 2691 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Walsh and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2691 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2691 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Muzzall, Padden, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2691 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2449, by Representatives Griffey and Gregerson

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

Concerning water-sewer district commissioner compensation.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.150 and 2019 c 198 s 1 are each amended to read as follows:

(1) Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate up to the daily compensation maximum amount provided in subsection (3) of this section for each day or portion of a day spent in actual attendance at official meetings or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed the annual compensation maximum amount provided in subsection (3) of this section per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3)(a) For purposes of the references in subsection (1) of this section, the daily compensation maximum amount is one hundred twenty-eight dollars and the annual compensation maximum amount is twelve thousand two hundred eighty-eight dollars. However, for any metropolitan park district with facilities including an aquarium, a wildlife park, and a zoo, accredited by a nationally recognized accrediting agency, the annual compensation maximum amount is twenty-four thousand five hundred seventy-six dollars.

(b) The dollar thresholds established in this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning (~~(July 1, 2023))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may

receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 2. RCW 36.57A.050 and 2018 c 154 s 1 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public

transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 3. RCW 53.12.260 and 2011 c 152 s 1 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ninety dollars, as adjusted for inflation by the office of financial management in subsection (4) of this section, per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed eight thousand six hundred forty dollars in a year, as adjusted for inflation by the office of financial management in subsection (4) of this section, or ten thousand eight hundred dollars in any year, as adjusted for inflation by the office of financial management in subsection (4) of this section, for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month, as adjusted for inflation by the office of

financial management in subsection (4) of this section; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (4) of this section.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(37): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of ~~((RCW 53.12.260))~~ this section and RCW 53.12.265.

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 4. RCW 54.12.080 and 2010 c 58 s 1 are each amended to read as follows:

(1) Commissioners of public utility districts shall receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand eight hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand three hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year.

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(c) Commissioners of other districts shall receive a salary of six hundred dollars per month, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each commissioner.

(2) In addition to salary, all districts shall provide for the payment of per diem compensation to each commissioner at a rate of ninety dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section, for each day or portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed twelve thousand six hundred dollars, as adjusted for inflation by the office of financial management in subsection (6) of this section. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage.

(6) The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(7) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 5. RCW 57.12.010 and 2008 c 31 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall

annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner shall not exceed eight thousand six hundred forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 6. RCW 68.52.220 and 2013 c 167 s 9 are each amended to read as follows:

(1) The affairs of the cemetery district must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ninety dollars for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed eight thousand six hundred forty dollars per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or

months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or period of months for which it is made. The board must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17A RCW.

(3) The initial cemetery district commissioners must assume office immediately upon their election and qualification. Staggering of terms of office must be accomplished as follows: (a) The person elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes is elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners must assume office immediately after they are elected and qualified but their terms of office must be calculated from the first day of January after the election.

(4) Thereafter, commissioners are elected to six-year terms of office. Commissioners must serve until their successors are elected and qualified and assume office as provided in RCW ((29A.20.040)) 29A.60.280.

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 7. RCW 70.44.050 and 2008 c 31 s 2 are each amended to read as follows:

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year

shall not exceed eight thousand six hundred forty dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 8. RCW 85.05.410 and 2007 c 469 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ninety dollars for actual attendance at official meetings of the district and for each day or part thereof, or in performance of other official services or duties on behalf of the district and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 9. RCW 85.06.380 and 2007 c 469 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election

and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ((July 1, 2008)) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 10. RCW 85.08.320 and 2007 c 469 s 10 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every

five years, beginning (~~(July 1, 2008)~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 11. RCW 85.24.080 and 2007 c 469 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed eight thousand six hundred forty dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~(July 1, 2008)~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar

threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 12. RCW 85.38.075 and 2007 c 469 s 15 are each amended to read as follows:

The members of the governing body may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed eight thousand six hundred forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning (~~(July 1, 2008)~~) January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 13. RCW 86.09.283 and 2007 c 469 s 12 are each amended to read as follows:

The board of directors may each receive up to ninety dollars per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

agents and employees of the district. Compensation for the directors shall not exceed eight thousand six hundred forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 14. RCW 86.15.055 and 2015 c 165 s 1 are each amended to read as follows:

(1) In a zone with supervisors elected pursuant to RCW 86.15.050, the supervisors may, as adjusted in accordance with subsection (4) of this section, each receive up to one hundred fourteen dollars per day or portion of a day spent in actual attendance at official meetings of the governing body or in performance of other official services or duties on behalf of the zone. The compensation for supervisors in office on January 1, 2015, is fixed at one hundred fourteen dollars per day. The board of county commissioners shall fix any such compensation to be paid to the initial supervisors during their initial terms of office. The supervisors shall fix the compensation to be paid to the supervisors thereafter. Compensation for the supervisors shall not exceed ten thousand nine hundred forty-four dollars in one calendar year.

(2) A supervisor is entitled to reimbursement for reasonable expenses actually incurred in connection with performance of the duties of a supervisor, including subsistence and lodging, while away from the supervisor's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

(3) Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed

with the supervisors as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2018))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state and including all items, must be used for the adjustments of inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

Sec. 15. RCW 87.03.460 and 2009 c 145 s 2 are each amended to read as follows:

(1) In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The total amount of such additional compensation received by a director may not exceed eight thousand six hundred forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

(2) Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~((July 1, 2008))~~ January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(4) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may

receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 36.57A.050, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 85.38.075, 86.09.283, 86.15.055, and 87.03.460."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 2449.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2449 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2449 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2449 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker and Sheldon

HOUSE BILL NO. 2449, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1888, by House Committee on Appropriations (originally sponsored by Hudgins and Valdez)

Protecting employee information from public disclosure.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device; ~~((and))~~

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

- (a) The date of the request;
- (b) The nature of the requested record relating to the employee;
- (c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and
- (d) That the employee may seek to enjoin release of the records under RCW 42.56.540."

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.56.250."

MOTION

Senator Short moved that the following floor amendment no. 1279 by Senator Short be adopted:

On page 3, line 10, after "must" strike "state" and insert "include"

On page 3, line 12, after "(b)" strike "The nature of the requested record relating to the employee" and insert "A copy of the request"

On page 3, line 13, after "(c)" strike "That" insert "A statement that"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1279 by Senator Short on page 3, line 10 to Second Substitute House Bill No. 1888.

The motion by Senator Short did not carry and floor amendment no. 1279 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1276 by Senator Ericksen be adopted:

On page 3, after line 17, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

At the request of a nonprofit organization, an agency must arrange to distribute written material to its employees on behalf of the nonprofit organization, subject to the following conditions:

- (1) The agency may either distribute the written material to employees at work or arrange to send the written material to employees' home mailing addresses via postal mail.
- (2) The agency must not disclose any information exempt from public inspection and copying under RCW 42.56.250 to the nonprofit organization.

- (3) The nonprofit organization must:
 - (a) Be registered with the secretary of state;
 - (b) Create the written material;
 - (c) Use the written material to inform public employees about constitutional, legal, or civil rights; and
 - (d) Pay for or reimburse the agency for all costs involved in distributing or mailing the written material.
- (4) The written material must not:
 - (a) Solicit contributions;
 - (b) Promote commercial goods or services;
 - (c) Support or oppose political candidates or ballot measures;
- or
- (d) Contain content that is threatening, violent, or obscene.
- (5) The agency may decline to distribute or send more than four pieces of written material per calendar year to its employees on behalf of any nonprofit organization so requesting."

On page 3, beginning on line 19, after "insert" strike "and reenacting and amending RCW 42.56.250" and insert "reenacting and amending RCW 42.56.250; and adding a new section to chapter 42.56 RCW"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1276 by Senator Ericksen on page 3, after line 17 to Second Substitute House Bill No. 1888.

The motion by Senator Ericksen did not carry and floor amendment no. 1276 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1280 by Senator Short be adopted:

On page 3, after line 17, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

No agency may disclose, provide, or otherwise release any of the following information for employees or volunteers of a public agency to a labor union without the employee's or volunteer's voluntary, written authorization:

- (1) Dates of birth;
- (2) Residential telephone numbers;
- (3) Personal wireless telephone numbers;
- (4) Personal email addresses;
- (5) Social security numbers;
- (6) Identocard numbers; and
- (7) Emergency contact information."

On page 3, line 19, after "insert" strike "and reenacting and amending RCW 42.56.250" and insert "reenacting and amending RCW 42.56.250; and adding a new section to chapter 42.56 RCW"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1280 by Senator Short on page 3, after line 17 to Second Substitute House Bill No. 1888.

The motion by Senator Short did not carry and floor amendment no. 1280 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Second Substitute House Bill No. 1888.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, Second Substitute House Bill No. 1888 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Schoesler, Ericksen, Short, Braun, Padden and Fortunato spoke against passage of the bill.

MOTION

On motion of Senator Brown, Senator Walsh was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1888 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1888 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Ericksen, Fortunato, Honeyford, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Becker, Sheldon and Walsh

SECOND SUBSTITUTE HOUSE BILL NO. 1888, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2803, by House Committee on Finance (originally sponsored by Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet)

Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 1285 by Senator Braun be adopted:

On page 1, line 5 of the title, after "January" insert "and February"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1285 by Senator Braun on page 1, line 5 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1285 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1278 by Senator Short be adopted:

On page 3, line 22, after "(3)" insert "If revenues are transferred from the budget stabilization account under Article VII, section 12(d)(ii) of the state Constitution, the amounts paid to a tribe under subsection (2)(a) through (d) of this section must be reduced by twenty-five percent for the two fiscal years subsequent to the fiscal year in which the transfer occurs.

(4)"

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

Senator Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1278 by Senator Short on page 3, line 22 to Substitute House Bill No. 2803.

The motion by Senator Short did not carry and floor amendment no. 1278 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1277 by Senator Short be adopted:

On page 4, line 13, after "compacting tribe" insert "or the governor"

Senator Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1277 by Senator Short on page 4, line 13 to Substitute House Bill No. 2803.

The motion by Senator Short did not carry and floor amendment no. 1277 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1284 by Senator Braun be adopted:

On page 4, beginning on line 18, after "transactions" strike all material through "administration" on line 22 and insert "and the state may deduct one percent of the taxes to be paid to offset administrative expenses incurred by the department"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of floor amendment no. 1284 by Senator Braun on page 4, line 18 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1284 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1270 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that a compacting tribe will pay prevailing wage rates through local collective bargaining as determined by the department of labor and industries"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1270 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1270 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1271 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that tribal businesses and tribal employees of a compacting tribe must fully contribute and participate in the family and medical leave program under Title 50A RCW and the long-term services and supports trust program under chapter 50B.04 RCW"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1271 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1271 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1272 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that a compacting tribe will comply with all state human health ambient water quality standards under chapter 173-201A WAC and seek permits from state and local permitting authorities"

Senators Ericksen and Schoesler spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1272 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1272 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1273 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that a business operating within the Indian reservation of a compacting tribe is subject to state and local permitting requirements in lieu of any tribal permitting requirements"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1273 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1273 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1274 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that any city or county that includes any portion of a compact covered area may impose impact fees to offset the cost of public services provided by the city or county to businesses operating within a compact covered area"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1274 by Senator Ericksen on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1274 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1275 by Senator Ericksen be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that a compacting tribe will provide predictive scheduling for tribal employees, which includes: Advance notice of work schedules; reasonable additional compensation for work schedule changes; sufficient rest between work shifts; and adequate record retention to establish compliance, which must be for a minimum of three years"

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1275 by Senator Ericksen on page 4, line 33 to Substitute House Bill No. 2803.

The motion by Senator Ericksen did not carry and floor amendment no. 1275 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1283 by Senator Braun be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) Terms specifying that a compact does not take effect until either (i) a federal appellate court rules that the state and local governments are prohibited from collecting sales and use taxes and business and occupation taxes on qualified transactions, or (ii) the state attorney general, following oral argument at the United States supreme court, advises the state that it is more than likely not going to prevail on the issue of whether state and local governments can validly impose sales and use and business and occupation taxes on qualified transactions"

Senator Braun spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1283 by Senator Braun on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1283 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1290 by Senator Braun be adopted:

On page 4, line 31, after "area;" strike "and"

On page 4, line 33, after "terms" insert "; and"

(j) An agreement that payments will cease during any fiscal year in which the total payments to all compacting tribes would exceed one hundred twenty-five million dollars for that fiscal year"

Senators Braun, King and Ericksen spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1290 by Senator Braun on page 4, line 31 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1290 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1289 by Senator Braun be adopted:

On page 4, line 32, after "compact" insert "not to exceed ten years"

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1289 by Senator Braun on page 4, line 32 to Substitute House Bill No. 2803.

The motion by Senator Braun did not carry and floor amendment no. 1289 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1269 by Senator Schoesler be adopted:

On page 7, after line 28, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.17A RCW to read as follows:

No tribe negotiating a compact with the governor or the department of revenue under section 2 of this act may make a contribution to any candidate for governor or any political or incidental committee which makes expenditures in support of or in opposition to any candidate for governor from the period beginning when the compact is being negotiated up to and including the next gubernatorial election."

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

On page 1, line 8 of the title, after "RCW;" insert "adding a new section to chapter 42.17A RCW;"

Senators Schoesler and Ericksen spoke in favor of adoption of the amendment.

Senators Liias and Frockt spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 7, line 28 to Substitute House Bill No. 2803.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Senators Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Becker, Sheldon and Walsh.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Braun: "Thank you Mr. President. I would contend that Substitute House Bill No. 2803 violates Senate Rule No. 25, which requires the subject of the bill to be expressed in its title. I would like to make comments on this."

President Habib: "Senator Braun has objected to the scope of the bill under the title pursuant to rule no. 25. Remarks, Senator Braun."

Senator Braun: "Thank you, Mr. President. So, the title of this bill is very narrow and very specifically requires that the bill be consistent with the provisions in an MOU [Memorandum Of Understanding] among the State, the Tulalip tribe and Snohomish County. Again, the title requires that the bill match the MOU, but

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

the bill does not do this. The MOU says revenue sharing beyond the first \$500,000 won't take place until the fifth year but the bill allows revenue sharing beyond the first \$500,000 to take place earlier, specifically in less than four years after the signing of the compact. Therefore, the bill is inconsistent with the MOU referenced in the title. That means that Substitute House Bill No. 2803 violates Rule No. 25 because the title refers to a measure that follows the MOU and it doesn't follow the MOU. I don't know how to be more clear than that. I request that you hold that this bill violates Rule No. 25 and is not properly before us."

Senator Liias: "Thank you, Mr. President. If I could read the title of the bill, I guess I don't have to ask permission because it is from the bill. Mr. President it says in part that it authorizes the Governor to enter into compact with Indian tribes, addressing certain retail sales tax ...entered into by the State, Tulalip tribe and Snohomish County in January 2020 and including other terms necessary for the Department of Revenue to administer any such compact. Mr. President, in February of 2020, the Department of Revenue reached a clarification with the Tulalip tribes to the MOU that was signed in January 2020 and under the provisions of the title which say 'a memorandum of understanding entered into in January 2020 which took place and the title says including other terms necessary for the Department of Revenue to administer any such compact pursuant to that February 2020 clarification the bill before us is embraced in the title and I believe that this point is not well taken."

President Habib: "Okay, I'm not, there is already a point of order before us Senator Erickson, so unless you have a...it is not a motion for one thing, thank you though for your opinion. There's, frankly, the President, it is not even required to allow for there to be point and counterpoint but I've done that because I think that is the right way to have at least one representative from each side. Senator Liias, I'm going to, I'm not familiar enough with the title and the content of this bill, despite having stood through God knows how many amendments tonight, I'm still not familiar enough, so I'm not in a position to make a ruling on it right at this moment. So, I'm going to ask that you and, Senator Liias and Senator Short, come up to the bar for one moment just to talk about the timing of this very briefly before we continue."

MOTION

At 10:44 p.m. the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:45 p.m. by President Habib.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Substitute House Bill No. 2803 and the bill held its place on the third reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1251, by House Committee on State Government & Tribal Relations (originally sponsored by Tarleton, Hudgins and Wylie)

Concerning security breaches of election systems or election data including by foreign entities.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that public confidence in state elections systems and election data are of paramount consideration to the integrity of the voting process. The legislature also finds that recent events have revealed an intentional and persistent effort by foreign entities to influence election systems and other cyber networks. Therefore, the legislature intends to review the state's electoral systems and processes and take appropriate measures to identify whether foreign entities were responsible for the intrusions.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state must annually consult with the Washington state fusion center, state chief information officer, and each county auditor to identify instances of security breaches of election systems or election data.

(2) To the extent possible, the secretary of state must identify whether the source of a security breach, if any, is a foreign entity, domestic entity, or both.

(3) By December 31st of each year, the secretary of state must submit a report to the governor, state chief information officer, Washington state fusion center, and the chairs and ranking members of the appropriate legislative committees from the senate and house of representatives that includes information on any instances of security breaches identified under subsection (1) of this section and options to increase the security of the election systems and election data, and to prevent future security breaches. The report, and any related material, data, or information provided pursuant to subsection (1) of this section or used to assemble the report, may only be distributed to, or otherwise shared with, the individuals specifically mentioned in this subsection (3).

(4) For the purposes of this section:

(a) "Foreign entity" means an entity that is not organized or formed under the laws of the United States, or a person who is not domiciled in the United States or a citizen of the United States.

(b) "Security breach" means a breach of the election system or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person.

Sec. 3. RCW 29A.12.070 and 2003 c 111 s 307 are each amended to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing ((~~an~~));

(1) An acceptance test sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county; and

(2) A vulnerability test conducted by a federal or state public entity which includes participation by local elections officials."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 29A.12.070;

adding a new section to chapter 29A.12 RCW; and creating a new section."

MOTION

Senator Zeiger moved that the following floor amendment no. 1257 by Senator Zeiger be adopted:

On page 2, after line 20, insert the following:

"**Sec. 4.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. ~~((Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.))~~

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

Sec. 5. RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 2011 c 10 s 41 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature

on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ~~((Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.))~~

Sec. 6. RCW 29A.60.235 and 2018 c 218 s 9 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received ~~((by mail, email, or facsimile))~~;
- (o) The number of overseas and service ballots counted ~~((by mail, email, or facsimile))~~;
- (p) The number of overseas and service ballots rejected ~~((by mail, email, or facsimile))~~;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) ~~((The number of nonoverseas and nonservice ballots received by email or facsimile;~~
- ~~(s)))~~ The number of nonoverseas and nonservice ballots that were rejected for(~~(i) Failing to send an original or hard copy of the ballot by the certification deadline; or~~
- ~~(ii) Any other~~) any reason, including the reason for rejection;
- ~~((+))~~ ~~(s)~~ The number of voters credited with voting;
- ~~((+))~~ ~~(t)~~ The number of replacement ballots requested;
- ~~((+))~~ ~~(u)~~ The number of replacement ballots issued;
- ~~((+))~~ ~~(v)~~ The number of replacement ballots received;
- ~~((+))~~ ~~(w)~~ The number of replacement ballots counted;
- ~~((+))~~ ~~(x)~~ The number of replacement ballots rejected; and
- ~~((+))~~ ~~(y)~~ Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, and overseas ballots(~~(—and ballots transmitted electronically)~~). The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 2, line 22, after "29A.12.070" insert ", 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.40.110"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1257 by Senator Zeiger on page 2, after line 20 to the committee striking amendment.

The motion by Senator Zeiger did not carry and floor amendment no. 1257 was not adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Substitute House Bill No. 1251.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1251 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Braun spoke in favor of passage of the bill. Senator Zeiger spoke on passage of the bill.

MOTION

On motion of Senator Mullet, Senators Conway and McCoy were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1251 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1251 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Becker, Conway, McCoy, Sheldon and Walsh

SUBSTITUTE HOUSE BILL NO. 1251, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, by House Committee on Appropriations (originally sponsored by Tarleton, Pollet and Doglio)

Concerning state reimbursement of election costs.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.410 and 2013 c 11 s 10 are each amended to read as follows:

Every county, city, town, and district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330.

Whenever any county, city, town, or district, or the state holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, or the state as appropriate.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, ~~((or))~~ district, state, or federal election.

In recovering such election expenses, including a reasonable ~~((pro-ration))~~ proration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, or the secretary of state as appropriate. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly

notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 2. RCW 29A.04.420 and 2019 c 161 s 2 are each amended to read as follows:

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held ~~((in an odd-numbered year))~~ under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election~~((~~

~~((2) The state shall reimburse counties for))~~ for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091~~((, for all elections))~~.

~~((3))~~ (2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

~~((4))~~ (3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

~~((5))~~ (4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 3. RCW 29A.04.216 and 2013 c 11 s 7 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington ~~((in the odd-numbered year))~~, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 4. RCW 29A.04.430 and 2003 c 111 s 148 are each amended to read as follows:

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay ~~((interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of))~~ within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for

this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

Sec. 5. RCW 29A.64.081 and 2004 c 271 s 181 are each amended to read as follows:

The canvassing board shall determine the expenses for conducting a recount of votes.

~~((The))~~ (1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expense claim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.

(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

Sec. 6. RCW 29A.32.210 and 2013 c 11 s 38 are each amended to read as follows:

~~((At least ninety days before))~~ Before any primary or general election, or ~~((at least forty days before))~~ any special election held under RCW 29A.04.321 or 29A.04.330, ~~((the legislative authority of any county or first class or code city may adopt an ordinance authorizing the publication and distribution of))~~ each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures ~~((within that jurisdiction and may, if specified in the ordinance, include information on))~~ and candidates within that jurisdiction. ~~((If both a county and a first class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first class or code city. If no agreement can be reached between the county and first class or code city, the county and first class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections.))~~ The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

NEW SECTION. Sec. 7. This act takes effect July 1, 2021."

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 29A.04.410, 29A.04.420,

FIFTY SECOND DAY, MARCH 4, 2020

2020 REGULAR SESSION

29A.04.216, 29A.04.430, 29A.64.081, and 29A.32.210; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2421.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2421 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2421 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2421 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Padden

Excused: Senators Becker, Conway, McCoy, Sheldon and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Liias announced a meeting of the Committee on State Government, Tribal Relations & Elections at 8:00 a.m., Thursday, March 6.

Senator Carlyle announced a brief meeting of the Committee on Environment, Energy & Technology at 8:45 a.m., Thursday, March 6.

MOTION

At 11:08 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 5, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SENATE JOURNAL
SIXTY-SIXTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2020 Regular Session
Convened January 13, 2020
Adjourned Sine Die March 12, 2020

Volume 2



Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of Washington

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Karen Keiser, *President Pro Tempore*
Senator Steve Conway, *Vice President Pro Tempore*
Brad Hendrickson, *Secretary of the Senate*

SENATE CAUCUS OFFICERS

2020

DEMOCRATIC CAUCUS

Majority Leader Andy Billig
Majority Caucus Chair John McCoy
Majority Floor Leader Marko Liias
Majority Whip Mark Mullet
Majority Deputy Leader Manka Dhingra
Majority Deputy Leader Rebecca Saldaña
Majority Caucus Vice Chair Bob Hasegawa
Majority Assistant Floor Leader Patty Kuderer
Majority Assistant Whip Claire Wilson

REPUBLICAN CAUCUS

Republican Leader Mark Schoesler
Republican Caucus Chair Randi Becker
Republican Floor Leader Shelly Short
Republican Whip Ann Rivers
Republican Caucus Deputy Leader Sharon Brown
Republican Caucus Vice Chair Judy Warnick
Republican Assistant Floor Leader Brad Hawkins
Republican Assistant Whip Ron Muzzall

=====

Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

TABLE OF CONTENTS

VOLUME 1

Regular Session, First Day, January 13, 2020 through, Fifty-Second Day, March 4, 2020.....	1-851
---	-------

VOLUME 2

Regular Session, (continued) Fifty-Third Day, March 5, 2020 through Sixtieth Day, March 12, 2020.....	852-1808
--	----------

VOLUME 3

Roster of Members and Committee Assignments	1809-1816
Roster of Staff and Other Employees	1817-1827
Governor's Messages	
Senate Bills Signed After Adjournment	1828-1838
Veto and Partial Vetoes on Senate Bills.....	1839-1848
Gubernatorial Appointments.....	1849-1851
Proclamations by the Governor in response to the COVID-19 pandemic (through October 31, 2020).....	1852-2425
Bills, Memorials and Resolutions	
Passed by Both Houses	2426-2433
History of Bills and Other Measures	2434-2464
Other Senate Actions	2465-2470
Reports to the Legislature	2471-2483
General Index.....	2484-2652

*This page intentionally
left blank*

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 5, 2020

The Senate was called to order at 9:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Karissa Broderson and Miss Claire Cook, presented the Colors. Page Miss Rosario Fernandez led the Senate in the Pledge of Allegiance. The prayer was offered by Imam Abdullah Ly of the Islamic Center, Olympia.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 4, 2020
SGA 9157 JACK S ENG, reappointed on March 14, 2018, for the term ending June 17, 2023, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 4, 2020

SGA 9195 LISA VAN DER LUGT, appointed on July 1, 2018, for the term ending at the governors pleasure, as Director of the Office of Minority and Women's Business Enterprises - Agency Head. Reported by Committee on Labor & Commerce

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña; Stanford; Walsh and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8694

By Senators Liias, Randall, Wilson, C., Salomon, Cleveland, Stanford, Saldaña, Dhingra, Conway, Pedersen, Takko, Das, Mullet, Frock, Keiser, Van De Wege, Lovelett, Darneille, Hobbs, Nguyen, Kuderer, Hasegawa, McCoy, Billig, Sheldon, Hunt, Wellman, and Wagoner

WHEREAS, 2019 saw a large rise in violence targeting transgender people, especially transgender women of color, across this country; and

WHEREAS, While each case differs, it is clear that this violence has been founded on transphobia and specifically targeted towards transgender people because of their identity; and

WHEREAS, Dana Martin (31, she/her), Ashanti Carmon (27, she/her), Claire Legato (23, she/her), Muhlaysia Booker (23, she/her), Paris Cameron (20, she/her), Chynal Lindsey (26, she/her), Chanel Scurlock (23, she/her), Zoe Spears (23, she/her), Brooklyn Lindsey (32, she/her), Tracy Single (22, she/her), Kiki Fantroy (21, she/her), and many more transgender women were killed in 2019; and

WHEREAS, Nikki Kuhnhausen, a proud seventeen-year old trans woman from Vancouver, Washington, lived a life filled with empathy and love for others; and

WHEREAS, Nikki was, according to her mother, a "rainbow of light" who loved her friends and family unconditionally with all her heart and always made everyone smile even when they were feeling down; and

WHEREAS, Nikki radiated pure love and energy, approaching everyone and everything with a positive mindset to promote a world without barriers and to ensure the betterment of those around her; and

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

WHEREAS, Nikki had many aspirations in life, such as to win America's Next Top Model, and to be a hair and make-up artist; and

WHEREAS, Nikki was always confident in who she was even from a young age and taught others to be themselves, to be proud of who they are, and not hide because of what others think; and

WHEREAS, Even when Nikki was in preschool, she was always the most cheerful in the room, especially when she was able to wear beaded heels, and knew from a very young age how to be herself; and

WHEREAS, Nikki's compassion even spread to strangers she encountered on the street: Giving them her jacket when they needed one, bringing food and water, washing their clothes, and welcoming them into her home; and

WHEREAS, Nikki, through her genuine care for the community, worked hard to make sure others never went without the things they needed in life and would never think twice or ask for anything in return; and

WHEREAS, Nikki had a history of helping others struggling with their gender identity, even one time spending over five hours talking to a young girl who was struggling with her own gender identity; and

WHEREAS, Nikki was not only admired for her great compassion, but also her great strength and bravery, especially in the face of extreme adversity such as when she was the victim of a hateful targeted assault in 2018, in which she survived six gunshot wounds; and

WHEREAS, In June of 2019, Nikki's life was suddenly taken when she was brutally murdered in a violent incident believed to be linked to the disclosure of her gender identity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate mourn the loss of Nikki Kuhnhausen, remember her for the many lives she touched, and condemn the disgusting and hateful actions that took her life; and

BE IT FURTHER RESOLVED, That the Washington State Senate condemn the continuing acts of violence against the transgender community, especially transgender women of color, throughout the United States and call upon all Washingtonians to join in rejecting these hateful actions that are contrary to our state's core values of respect, nondiscrimination, and nonviolence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family members and friends of Nikki Kuhnhausen.

Senators Liias and Cleveland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

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

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovelett moved that Susan Sharpe, Senate Gubernatorial Appointment No. 9217, be confirmed as a member of the Western Washington University Board of Trustees.

Senator Lovelett spoke in favor of the motion.

APPOINTMENT OF SUSAN SHARPE

The President declared the question before the Senate to be the confirmation of Susan Sharpe, Senate Gubernatorial Appointment No. 9217, as a member of the Western Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Susan Sharpe, Senate Gubernatorial Appointment No. 9217, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 7; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Carlyle, Conway, Ericksen, Frockt, Padden, Sheldon and Van De Wege

Susan Sharpe, Senate Gubernatorial Appointment No. 9217, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

MOTIONS

On motion of Senator Rivers, Senators Ericksen, Padden and Sheldon were excused.

On motion of Senator Wilson, C., Senators Carlyle, Conway, Frockt and Van De Wege were excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Deborah Cook, Senate Gubernatorial Appointment No. 9219, be confirmed as a member of the Human Rights Commission.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF DEBORAH COOK

The President declared the question before the Senate to be the confirmation of Deborah Cook, Senate Gubernatorial Appointment No. 9219, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Deborah Cook, Senate Gubernatorial Appointment No. 9219, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short,

Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Carlyle, Conway, Ericksen, Padden, Sheldon and Van De Wege

Deborah Cook, Senate Gubernatorial Appointment No. 9219, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Charles McFadden, Senate Gubernatorial Appointment No. 9222, be confirmed as a member of the Big Bend Community College Board of Trustees.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF CHARLES MCFADDEN

The President declared the question before the Senate to be the confirmation of Charles McFadden, Senate Gubernatorial Appointment No. 9222, as a member of the Big Bend Community College Board of Trustees.

The Secretary called the roll on the confirmation of Charles McFadden, Senate Gubernatorial Appointment No. 9222, as a member of the Big Bend Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Carlyle, Conway, Padden and Sheldon

Charles McFadden, Senate Gubernatorial Appointment No. 9222, having received the constitutional majority was declared confirmed as a member of the Big Bend Community College Board of Trustees.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Doglio and Hudgins)

Concerning the labeling of disposable wipes products.

The measure was read the second time.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Engrossed Substitute House Bill No. 2565 and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2701, by Representatives Ormsby, Eslick and Riccelli

Concerning inspection and testing of fire and smoke control systems and dampers.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout sections 2 through 5 of this act.

(1) "Combination fire and smoke damper" has the same meaning as provided in the International Fire Code as of January 1, 2020.

(2) "Fire damper" means a device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame.

(3) "Hospital" has the same meaning as provided in RCW 70.41.020.

(4) "Local authority" means a fire department or code official with the authority to conduct inspections and issue infractions in a jurisdiction.

(5) "Smoke control system" means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce pressure differences across smoke barriers to inhibit smoke movement.

(6) "Smoke damper" means a device installed in ducts and air transfer openings designed to resist the passage of smoke.

NEW SECTION. Sec. 2. (1) At a minimum, owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems must:

(a) Have all newly installed fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems tested and inspected within twelve months of installation;

(b) Have all fire dampers, smoke dampers, and combination fire and smoke dampers tested and inspected at least once every four years, or every six years for hospitals, regardless of the date of initial installation; and

(c) Have all smoke control systems tested and inspected at least once every six to twelve months, as required by the applicable national fire protection association standard.

(2) All owners of buildings subject to this act must maintain full inspection and testing reports on the property and make such reports available for inspection upon request by the local authority.

(3) Fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems must be installed, inspected, tested, and maintained in accordance with this act, manufacturers' guidelines, and the applicable industry standards.

(4) A building owner who fails to comply with the requirements of this section may be issued a civil infraction by the local authority in accordance with section 5 of this act.

NEW SECTION. Sec. 3. (1) Inspections and tests under this section must be performed by a contractor or engineer with the following qualifications:

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(a) For inspection and testing of fire dampers, smoke dampers, and combination fire and smoke dampers, such inspector must have a current and valid certification to inspect and test fire dampers, smoke dampers, and combination fire and smoke dampers and hold certification from the international certification board as a fire life safety 1 or fire and smoke damper technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(b) For inspection and testing of smoke control systems, such inspector must have a current and valid certification from the international certification board as a fire life safety 2 or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(2) A building engineer or other person knowledgeable with the building system must be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

(3) If an inspection reveals compliance with the requirements of this section, the inspector shall issue a certificate of compliance, which includes the name of the inspector and the inspector's employer; the name of the building owner and address of the property; the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(4) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, combination fire and smoke dampers, or smoke control systems, the inspector shall prepare a deficiency report for the building owner identifying the nature of the deficiency and the reasons for noncompliance. The building owner shall, within one hundred twenty days of the date of the inspection, take necessary steps to ensure the defective equipment is replaced or repaired and reinspected to ensure that the deficiency is corrected and is in compliance with the requirements of all applicable standards pursuant to this act. The authority having jurisdiction shall have the authorization to extend the compliance period. The building owner shall provide documentation of when and how the deficiencies were corrected. If the building owner does not correct the deficiency within one hundred twenty days of the date of the inspection, the local authority may issue a citation as described in section 5 of this act.

(5) In addition to identifying the location and nature of a deficiency, the report shall contain the name of the inspector and the inspector's employer; the name of the building owner; address of the property; the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(6) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable.

NEW SECTION. Sec. 4. The state building code council shall work in conjunction with the director of fire protection to coordinate the implementation and enforcement of sections 2 and 3 of this act.

NEW SECTION. Sec. 5. (1) If a building owner has not complied with the testing schedule under section 2 of this act, or has not received a certificate of compliance within one hundred twenty days of an inspection under section 4 of this act that revealed a deficiency, then the building owner has committed a violation and may be issued a citation by the local authority. A violation of this section is a civil infraction, subject to all applicable local fees and other remedies for noncompliance. The monetary penalties in subsection (3) of this section apply when

other penalties are not required by the local authority having jurisdiction.

(2) The authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued pursuant to section 3 of this act or the citation has been dismissed.

(3) After the issuance of an initial citation, additional citations may be issued if the violations are not corrected:

(a) If the violations are not corrected within one hundred twenty days of the initial citation, a second citation may be issued with a monetary penalty of five cents per square foot of occupied space;

(b) If the violations are not corrected within two hundred forty days of the initial citation, a third citation may be issued with an additional monetary penalty of ten cents per square foot of occupied space and shall require mandatory in-person attendance by the building's head facilities manager at a four-hour fire life safety course given by the international certification board or equivalent provider of fire life safety programs accredited by the American national standards institute; and

(c) After the issuance of a citation pursuant to (b) of this subsection, additional citations may be issued every sixty days until any and all prior violations are resolved and all penalties imposed are satisfied. Each citation issued under this subsection (3)(c) shall assess a penalty of ten cents per square foot of occupied space.

(4) Revenue from the penalties in subsection (2) of this section shall be forwarded to the state treasurer for deposit in the fire service training account under RCW 43.43.944.

Sec. 6. RCW 43.43.944 and 2012 c 173 s 1 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The primary purpose of the account is firefighter training for both volunteer and career firefighters. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;

(c) Twenty percent of all moneys received by the state on fire insurance premiums; ~~(and)~~

(d) Revenue from penalties established under section 5 of this act; and

(e) General fund—state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated for: (a) Fire service training; (b) school fire prevention activities within the Washington state patrol; and (c) the maintenance, operations, and capital projects of the state fire training academy. However, expenditures for purposes of (b) and (c) of this subsection may only be made to the extent that these expenditures do not adversely affect expenditures for the purpose of (a) of this subsection. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 19.27 RCW and codified with the subchapter heading of "fire and smoke control systems testing."

NEW SECTION. Sec. 8. This act takes effect July 1, 2021."

On page 1, line 2 of the title, after "dampers;" strike the remainder of the title and insert "amending RCW 43.43.944; adding new sections to chapter 19.27 RCW; prescribing penalties; and providing an effective date."

EFFECT: Amends reference to "fire control systems" to "smoke control systems" as applied to minimum testing and inspection requirements.

Requires that a building engineer or other person knowledgeable with the building system be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

Authorizes the authority having jurisdiction to extend the one hundred twenty day compliance period for smoke damper, fire damper, combination fire and smoke damper, or smoke control system deficiencies revealed through inspections.

Specifies that the monetary penalties for noncompliance apply when other penalties are not required by the local authority having jurisdiction.

Provides that the authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued or the citation has been dismissed.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 2701.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2701 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2701 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2701 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senators Carlyle, Padden and Sheldon

HOUSE BILL NO. 2701, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 2565 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Doglio and Hudgins)

Concerning the labeling of disposable wipes products.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute House Bill No. 2565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Rivers spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2565.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2565 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Holy, Honeyford, Schoesler, Short, Walsh and Wilson, L.

Excused: Senators Carlyle, Padden and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405, by House Committee on Appropriations (originally sponsored by Duerr, Barkis, Fitzgibbon, Shewmake, Hoff, Kloba, Corry, Gildon, Ybarra, Jenkin, Pollet and Doglio)

Concerning commercial property assessed clean energy and resilience.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the efficiency and resiliency of buildings in Washington is essential for ensuring the health and safety of residents, employees, and

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

tenants; for using water and energy more efficiently; and for economic development of our communities. Buildings in Washington have significant needs for resiliency retrofits, including seismic improvements, stormwater management, flood mitigation, wildfire and wind resistance, and for clean energy and energy efficiency improvements, but these improvements often have high up-front capital costs.

(2) This chapter authorizes the establishment of a commercial property assessed clean energy and resiliency ("C-PACER") program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and of multifamily residential properties with five or more dwelling units can obtain low-cost, long-term financing for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency projects. These improvements are repaid by a voluntary assessment on the property, secured by a county lien, and assigned to a capital provider for all the administrative aspects of billing, collecting, and enforcing the lien and without the accumulation of cost to the county and without the creation of a personal debt obligation to the property owner. The obligation is instead carried by the property and remains with the property until repaid, regardless of any potential transfer of property ownership. After the adoption of a C-PACER program, a county's role is limited to the approval of an assessment and recordation of a C-PACER lien, and administration of the C-PACER program which may be contracted out to a private third party.

(3) The legislature declares that the establishment and operation of a C-PACER program under this chapter serves important public health and safety interests. A qualified improvement as defined in section 2 of this act provides benefit to the public, either in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk. Accordingly, the governing body of a county is authorized to determine that it is convenient and advantageous to adopt a program under this chapter.

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

(1) "Assessment" means the voluntary agreement of a property owner to allow a county to place an annual assessment on their property to repay C-PACER financing.

(2) "Capital provider" means any private entity, their designee, successor, and assigns that makes or funds C-PACER financing under this chapter.

(3) "C-PACER financing" means an investment from a capital provider to a property owner to finance or refinance a qualified project as described under this chapter.

(4) "C-PACER lien" means the lien recorded at the county on the eligible property to secure the voluntary annual assessment, which remains on the property until paid in full.

(5) "Eligible property" means privately owned commercial, industrial, or agricultural real property or multifamily residential real property with five or more dwelling units. Eligible property may be owned by any type of business, corporation, individual, or nonprofit organization permitted by state law.

(6) "Financing agreement" means the contract under which a property owner agrees to repay a capital provider for the C-PACER financing including, but not limited to, details of any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to treatment of prepayment and partial payment of the C-PACER financing.

(7) "Program" means a C-PACER program established under this chapter.

(8) "Program administrator" means the party designated by a county or the department of commerce to administer a C-PACER program. This may be the department of commerce, the county itself, or a third party, provided that the administration procedures used conform to the requirements of this chapter.

(9) "Program guidebook" means a comprehensive document that illustrates the applicable region for a program and establishes any appropriate guidelines, specifications, underwriting and approval criteria, and any standard application forms consistent with the administration of a program and not detailed in this chapter.

(10) "Project application" means an application submitted to a program to demonstrate that a proposed project qualifies for C-PACER financing and for a C-PACER lien.

(11) "Qualified improvement" means a permanent improvement affixed to real property and intended to: (a) Decrease energy consumption or demand through the use of efficiency technologies, products, or activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy, including but not limited to a product, device, or interacting group of products or devices on the customer's side of the meter that generates electricity, provides thermal energy, or regulates temperature; (b) decrease water consumption or demand and address safe drinking water through the use of efficiency technologies, products, or activities that reduce or support the reduction of water consumption, allow for the reduction in demand, or reduce or eliminate lead from water which may be used for drinking or cooking; or (c) increase resilience, including but not limited to seismic retrofits, flood mitigation, stormwater management, wildfire and wind resistance, energy storage, and microgrids.

(12) "Qualified project" means a project approved by the program administrator, involving the installation or modification of a qualified improvement, including new construction or the adaptive reuse of eligible property with a qualified improvement.

(13) "Region" means a geographical area as determined by a county pursuant to section 4 of this act.

NEW SECTION. Sec. 3. (1)(a) The department of commerce may establish a voluntary statewide C-PACER program that counties may choose to participate in. A county may establish a separate voluntary countywide C-PACER program, provided that it conforms to the requirements of this chapter.

(b) A C-PACER program shall be managed efficiently and transparently, including by:

(i) Making any services that the program may choose to offer to property owners, such as estimating energy savings, overseeing project development, or evaluating alternative equipment installations, priced separately and open to purchase by the property owner from qualified third-party providers;

(ii) Making any properties participating in the program available to receiving impartial terms from all interested and qualifying third-party capital providers;

(iii) Allowing financial underwriting and evaluation to be performed by capital providers; and

(iv) Working in a collaborative working group process with capital providers and other stakeholders to develop the program guidebook and any other relevant documents or forms.

(2) The program shall establish uniform statewide criteria for which projects qualify due to their public benefit for participation in C-PACER programs including, but not limited to, criteria for measuring or determining if investments in energy will reduce greenhouse gas emissions; be effective for reducing energy demand or replacing nonrenewable energy with renewable energy; will be appropriate to meet seismic risks for each region

of the state and type of structure; will reduce stormwater or pollution to be significant public benefit; or will reduce the risk of wildfire, flooding, or other natural or human-caused disaster, including how to determine if the public benefit in reduced public risk and emergency response qualifies for inclusion in C-PACER programs.

(3) The program must prepare a program guidebook that must include at minimum:

(a) A sample form bilateral or triparty agreement or agreements, as appropriate, between a county, the property owner, and the capital provider which details the agreement between the county and the property owner to have an assessment placed on the qualified property as repayment for C-PACER financing; an agreement by the county to place a lien on the property to secure the obligation to repay; the obligation of the property owner to repay the C-PACER financing to the capital provider; and an assignment of the C-PACER lien by the county to the capital provider;

(b) A statement that the period of the financing agreement will not exceed the useful life of the qualified project, or weighted average life if more than one qualified improvement is included in the qualified project, that is the basis for the financing agreement;

(c) A description of the application process and eligibility requirements for participation in the program;

(d) A statement explaining the lender consent requirement provided in section 8 of this act;

(e) A statement explaining the review requirement provided by section 4 of this act;

(f) A description of marketing and participant education services to be provided for the program;

(g) A statement specifying that the county has no liability as a result of the agreement; and

(h) A program guidebook need not be completed and adopted prior to accepting and approving applications by a program, so long as the program complies with the provisions of this chapter.

(4) The program administrator must make the program guidebook available for public inspection on the county's or department of commerce's web site.

(5) A county or the department of commerce may contract out the responsibilities of program administration, including the responsibilities of this section, to a public, quasi-public, or private third-party entity.

(6) Any county program guidebook established prior to a statewide program may subsequently include or incorporate by reference any aspect of a statewide program guidebook; however, upon development of a statewide program guidebook with a form agreement or agreements developed pursuant to subsection (3)(a) of this section, the form agreement or agreements shall be required to be used by all county programs from the time that the first C-PACER lien is recorded under the statewide program, or the department of commerce may incorporate by reference any portion of any county program guidebooks, including a form agreement or agreements, as its program guidebook.

(7) The department of commerce may provide grants to counties to assist in the design and implementation of C-PACER programs under this chapter.

NEW SECTION. Sec. 4. (1) A program must establish a C-PACER application and review process to review and evaluate project applications for C-PACER financing, and prescribe the form and manner of the application. At a minimum, an applicant must demonstrate:

(a) That the project provides a benefit to the public, in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk;

(b) For an existing building: (i) Where energy or water usage improvements are proposed, certification by a licensed professional engineer, or other professional listed in the program guidebook, stating that the proposed qualified improvements will either result in more efficient use or conservation of energy or water, the reduction of greenhouse gas emissions, or the addition of renewable sources of energy or water, or (ii) where resilience improvements are proposed, certification by a licensed professional engineer stating that the qualified improvements will result in improved resilience;

(c) For new construction, certification by a licensed professional engineer stating that the proposed qualified improvements will enable the project to exceed the energy efficiency or water efficiency or renewable energy or renewable water or resilience requirements of the current building code.

(2) The program may charge an application fee to cover the costs of establishing and conducting the application review process.

(3) Upon the denial of an application, the program administrator must provide an opportunity for an adjudicative proceeding subject to the applicable provisions of chapter 34.05 RCW.

(4) After an approved project is completed, an applicant must provide the program written verification, as defined in the program guidebook, stating that the qualified project was properly completed and is operating as intended.

(5) No later than one year after the governing body of a county establishes a program under this chapter, it must begin accepting applications and approving applications.

(6) The department of commerce may adopt rules to implement the voluntary statewide program.

NEW SECTION. Sec. 5. (1) To adopt a program under this chapter, the governing body of a county must take the following actions:

(a) Adopt a resolution or ordinance that includes:

(i) A statement that financing qualified projects, repaid by voluntary assessments on property benefited by C-PACER improvements, is in the public interest for safety, health, and other common good reasons;

(ii) A description of the region in which the program is offered, which:

(A) May include the entire county, which may include both unincorporated and incorporated territory; and

(B) Must be located wholly within the county's jurisdiction; and

(iii) A statement of the time and place for a public hearing on the proposed program; and

(b) Hold a public hearing at which the public may comment on the proposed program.

(2) A county may designate more than one region. If multiple regions are designated, the regions may be separate, overlapping, or coterminous.

(3) The resolution or ordinance adopted by a county under this section may incorporate the department of commerce program guidebook or any amended versions of that program guidebook, as appropriate, by reference.

(4) A county adopting a C-PACER program pursuant to this chapter may narrow the definition of "qualified improvements" to be consistent with the county's climate goals.

(5) Any combination of counties may agree to jointly implement a program under this chapter. If two or more counties implement a program jointly, a single public hearing held jointly by the cooperating counties is sufficient to satisfy the requirements of this chapter.

(6) If a county elects to join the statewide program administered by the department of commerce, it may adopt a

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

resolution or ordinance in accordance with the requirements of the department.

(7) In lieu of establishing a voluntary statewide program, the department of commerce may produce a program guidebook for reference and use by county programs.

NEW SECTION. Sec. 6. (1) A county shall record each C-PACER lien in the real property records of the county in which the property is located.

(2) The recording under subsection (1) of this section must contain:

- (a) The legal description of the eligible property;
- (b) The name of each property owner;
- (c) The date on which the lien was created;
- (d) The principal amount of the lien;
- (e) The terms and length of the lien; and
- (f) A copy of the voluntary assessment agreement between the county and the property owner.

(3) The county shall also record the assignment of the C-PACER lien from the county to the appropriate capital provider.

NEW SECTION. Sec. 7. (1) The C-PACER lien amount plus any interest, penalties, and charges accrued or accruing on the C-PACER lien:

(a) Takes precedence over all other liens or encumbrances except a lien for taxes imposed by the state, a local government, or a junior taxing district on real property, which liens for taxes shall have priority over such benefit C-PACER lien, provided existing mortgage holders, if any, have provided written consent described in section 8 of this act; and

(b) Is a first and prior lien, second only to a lien for taxes imposed by the state, a local government, or a junior taxing district against the real property on which the C-PACER lien is imposed, from the date on which the notice of the C-PACER lien is recorded until the C-PACER lien, interest, penalties, and charges accrued or accruing are paid.

(2) The C-PACER lien runs with the land, and that portion of the C-PACER lien that has not yet become due is not accelerated or eliminated by foreclosure of the C-PACER lien or any lien for taxes imposed by the state, a local government, or junior taxing district against the real property on which the C-PACER lien is imposed.

(3) Delinquent installments due on a C-PACER lien incur interest and penalties as specified in the financing agreement.

(4) After the C-PACER lien is recorded as provided in this section, the voluntary assessment and the C-PACER lien may not be contested on the basis that the improvement is not a qualified improvement or that the project is not a qualified project.

(5) Collection and enforcement of delinquent C-PACER liens or C-PACER financing installment payments, including foreclosure, shall remain the responsibility of the capital provider.

(6) The C-PACER lien shall be enforced by the capital provider at any time after one year from the date of delinquency in the same manner that the collection of delinquent real property taxes is enforced by the county under chapter 84.64 RCW, including the provisions of RCW 84.64.040, excepting that a sworn declaration by the capital provider or assignee attesting to the assessment delinquency of at least one year shall be used in lieu of the certificate required under RCW 84.64.050.

(7) The capital provider may sell or assign, for consideration, any and all liens received from the participating county. The capital provider or their assignee shall have and possess the same powers and rights at law or in equity to enforce the C-PACER lien in the same manner as described in subsection (6) of this section.

NEW SECTION. Sec. 8. (1) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to a record owner of any eligible property,

the capital provider must receive written consent from any holder of a lien, mortgage, or security interest in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

(2) Before a capital provider may enter into a financing agreement to provide C-PACER financing of a qualified project to the record owner of any multifamily residential real property with five or more dwelling units, the program administrator must also receive written consent from any and all holders of affordable housing covenants, restrictions, or regulatory agreements in the real property that the property may participate in the program and that the C-PACER lien will take precedence over all other liens except for a lien for taxes as described in section 7 of this act.

NEW SECTION. Sec. 9. The C-PACER financing through a program established under this chapter may include:

(1) The cost of materials and labor necessary for installation or modification of a qualified improvement;

(2) Permit fees;

(3) Inspection fees;

(4) Lender's fees;

(5) Program application and administrative fees;

(6) Project development and engineering fees;

(7) Third-party review fees, including verification review fees;

(8) Capitalized interest;

(9) Interest reserves;

(10) Escrow for prepaid property taxes and insurance; or

(11) Any other fees or costs that may be incurred by the property owner incident to the installation, modification, or improvement on a specific or pro rata basis.

NEW SECTION. Sec. 10. The proposed C-PACER financing for a qualified project may authorize the property owner to:

(1) Purchase directly the related equipment and materials for the installation or modification of a qualified improvement; and

(2) Contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of a qualified improvement.

NEW SECTION. Sec. 11. A county that adopts a program and designates a program region under this chapter may not:

(1) Make the issuance of a permit, license, or other authorization from the county to a person who owns property in the region contingent on the person entering into a written contract to repay the financing of a qualified project under this chapter; or

(2) Otherwise compel a person who owns property in the region to enter into a written contract to repay the financing of a qualified project under this chapter.

NEW SECTION. Sec. 12. The members of the governing body of a county, employees of a county, and board members, executives, and employees under this chapter are not personally liable as a result of exercising any rights or responsibilities granted under this chapter.

NEW SECTION. Sec. 13. A county may not enforce any privately financed debt under this chapter. Neither the state nor any county may use public funds to fund or repay any loan between a capital provider and property owner. No section under this chapter shall be interpreted to pledge, offer, or encumber the full faith and credit of a local government, nor shall any local government pledge, offer, or encumber its full faith and credit for any lien amount through a program.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 2 of the title, after "resilience;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

MOTION

Senator Lovelett moved that the following floor amendment no. 1298 by Senator Lovelett be adopted:

On page 4, line 16, after "uniform" strike "statewide"

On page 7, line 33, after "located." insert "The lien and release shall be prepared in conformity with chapter 65.04 RCW."

On page 7, line 37, after "(b)" strike "The name of each property owner" and insert "The assessor's parcel number of the property;

(c) The grantor's name, which must be the same as the property owner on the assessment agreement;

(d) The grantee's name, which must be the county in which the property is located"

Reletter the remaining subsections consecutively and correct any internal references accordingly

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

"(4) The lien holder or assignee will record a release upon discharge of the lien. The lien holder may also record a partial release."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1298 by Senator Lovelett on page 4, line 16 to the committee striking amendment.

The motion by Senator Lovelett carried and floor amendment no. 1298 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology as amended to Engrossed Second Substitute House Bill No. 2405.

The motion by Senator Lovelett carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute House Bill No. 2405 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2405 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2405 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford and Wilson, L.

Excused: Senators Padden and Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2405 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2755, by Representatives Schmick, Caldier and Cody

Concerning transparency regarding the cost of air ambulance services.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed House Bill No. 2755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2755.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2755 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Padden and Sheldon

ENGROSSED HOUSE BILL NO. 2755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Environment & Energy (originally sponsored by Peterson, Fitzgibbon, Stanford, Tarleton, Ortiz-Self, Lekanoff, Doglio, Macri and Pollet)

Ensuring compliance with the federal clean water act by prohibiting certain discharges into waters of the state.

The measure was read the second time.

MOTION

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

Senator Fortunato moved that the following floor amendment no. 1246 by Senator Fortunato be adopted:

On page 3, line 9, after "RCW;" strike "or"
On page 3, line 12, after "permit" insert "; or
(f) Mining any claim recognized under federal mining law"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1246 by Senator Fortunato on page 3, line 9 to Engrossed Substitute House Bill No. 1261.

The motion by Senator Fortunato did not carry and floor amendment no. 1246 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 1299 by Senator Becker be adopted:

On page 10, after line 19, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 90.48 RCW to read as follows:

Beginning January 1, 2021, any general or individual waste discharge permit or national pollution discharge elimination system permit issued or renewed by the department for any publicly owned wastewater treatment plant that directly discharges to Puget Sound must require that opioids and other pollution derived from opioids are removed or neutralized to the maximum extent that is technologically feasible.

NEW SECTION. Sec. 6. A new section is added to chapter 70.146 RCW to read as follows:

A public body that is subject to the provisions of section 5 of this act is ineligible to receive a grant or loan under this chapter if the public body is responsible for a water pollution control facility that does not comply with the terms of a permit relating to the reduction of opioid pollution.

NEW SECTION. Sec. 7. A new section is added to chapter 70.150 RCW to read as follows:

A public body that is subject to the provisions of section 5 of this act is ineligible to receive a grant or loan under this chapter if the public body is responsible for a water pollution control facility that does not comply with the terms of a permit relating to the reduction of opioid pollution.

NEW SECTION. Sec. 8. A new section is added to chapter 90.48 RCW to read as follows:

(1) A public body that is subject to the provisions of section 5 of this act is ineligible to receive a grant or loan under this chapter if the public body is responsible for a water pollution control facility that does not comply with the terms of a permit relating to the reduction of opioid pollution.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Public body" has the same meaning as defined in RCW 70.146.020.

(b) "Water pollution control facility" has the same meaning as defined in RCW 70.146.020.

NEW SECTION. Sec. 9. A new section is added to chapter 90.50A RCW to read as follows:

A public body that is subject to the provisions of section 5 of this act is ineligible to receive a grant or loan under this chapter if the public body is responsible for a water pollution control facility

that does not comply with the terms of a permit relating to the reduction of opioid pollution."

On page 1, beginning on line 3 of the title, after "77.55.011;" strike all material through "RCW;" on line 4 and insert "adding new sections to chapter 90.48 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 70.150 RCW; adding a new section to chapter 90.50A RCW;"

Senator Becker spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1299 by Senator Becker on page 10, after line 19 to Engrossed Substitute House Bill No. 1261.

The motion by Senator Becker did not carry and floor amendment no. 1299 was not adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Short, Ericksen, Becker and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Short, Wagoner and Wilson, L.

Excused: Senators Padden and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The senate resumed consideration of Substitute House Bill No. 2614 which had been deferred on the previous legislative day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2614, by House Committee on Labor & Workplace Standards (originally sponsored by Robinson, Doglio, Sells, Lekanoff, Tharinger and Ormsby)

Concerning paid family and medical leave.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50A.05.010 and 2019 c 13 s 1 are each amended to read as follows:

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

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

((2)) (3) "Commissioner" means the commissioner of the department or the commissioner's designee.

((3)) (4) "Department" means the employment security department.

((4)) (5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

((5)) (6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

((6)) (7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

((7)) (8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; ((e))

((iii)) (iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW;

(v) Individuals when serving as a member of a statutory board, commission, council, committee, or other similar group classified as a class two, three, four, or five group under RCW 43.03.230, 43.03.240, 43.03.250, or 43.03.265;

(vi) Individuals when serving as an elected commissioner, with a per diem of two hundred fifty dollars or less per day, of a:

(A) Fire protection district under RCW 52.14.010, or a governing board member of a regional fire protection service authority under RCW 52.26.080;

(B) Water-sewer district under RCW 57.12.010;

(C) Cemetery district under RCW 68.52.220;

(D) Public hospital district under chapter 70.44 RCW;

(E) Special district under chapter 85.38 RCW;

(F) Park and recreation district or a joint park and recreation district under chapter 36.69 RCW; or

(G) Port district under Title 53 RCW;

(vii) Volunteer firefighters compensated on per diem or nominal sum basis consistent with the definition of volunteer contained in 29 C.F.R. Sec. 553.101, 553.104, and 553.106, as it exists on the effective date of this section;

(viii) Individuals when serving as an elected director, with a per diem of two hundred fifty dollars or less per day, of a:

(A) Weed district under chapter 17.04 RCW or an intercounty weed district under chapter 17.06 RCW;

(B) Irrigation district under chapter 87.03 RCW or an irrigation and rehabilitation district under chapter 87.84 RCW; or

(C) School district under chapter 28A.315 RCW;

(ix) Individuals when serving as an appointed director, with a compensation limit of no more than one thousand dollars per year, of an air pollution control authority under chapter 70.94 RCW;

(x) Individuals when serving as an elected supervisor, with a per diem of two hundred fifty dollars or less per day, of a conservation district under chapter 89.08 RCW.

~~((8))~~ (9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

~~((9))~~ (10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; or

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through ~~((9))~~ (11), as they existed on October 19, 2017, for family members as defined in subsection ~~((40))~~ (11) of this section.

~~((40))~~ (11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee.

~~((44))~~ (12) "Grandchild" means a child of the employee's child.

~~((42))~~ (13) "Grandparent" means a parent of the employee's parent.

~~((43))~~ (14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

~~((44))~~ (15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

~~((45))~~ (16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

~~((46))~~ (18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

~~((47))~~ (19) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

~~((48))~~ (20) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

~~((49))~~ (21)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same

intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

((20)) (22)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control

that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

who is pregnant may be unable to report to work because of severe morning sickness.

~~((21))~~ (23) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

~~((22))~~ (24) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

~~((23))~~ (25) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

~~((24))~~ (26) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

(27) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee ~~((since the beginning of))~~ within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

~~((25))~~ (28) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

Sec. 2. RCW 50A.10.010 and 2019 c 13 s 19 are each amended to read as follows:

(1) For benefits payable beginning January 1, 2020, any self-employed person, including a sole proprietor, independent contractor, partner, or joint venturer, may elect coverage under this title for an initial period of not less than three years and subsequent periods of not less than one year immediately following a period of coverage. Those electing coverage under this section must elect coverage for both family leave and medical leave and are responsible for payment of one hundred percent of all premiums assessed to an employee under RCW 50A.10.030. The self-employed person must file a notice of election in writing with the department, in a manner as required by the department in rule. The self-employed person is eligible for family and medical leave benefits after working eight hundred twenty hours in the state during the qualifying period following the date of filing the notice.

(2) A self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of each period of coverage, or at such other times as the commissioner may adopt by rule, by filing a notice of withdrawal in writing with the commissioner, such withdrawal to take effect not sooner than thirty days after filing the notice with the commissioner.

(3) The department may cancel elective coverage if the self-employed person fails to make required payments or file reports. The department may collect due and unpaid premiums and may levy an additional premium for the remainder of the period of coverage. The cancellation shall be effective no later than thirty days from the date of the notice in writing advising the self-employed person of the cancellation.

(4) Those electing coverage are considered employers or employees where the context so dictates.

(5) For the purposes of this section, "independent contractor" means an individual excluded from employment under RCW 50A.05.010~~((7))~~ (8)(b) ~~((ii) and)~~ (iii) and (iv).

(6) In developing and implementing the requirements of this section, the department shall adopt government efficiencies to improve administration and reduce costs. These efficiencies may include, but are not limited to, requiring that payments be made in a manner and at intervals unique to the elective coverage program.

(7) The department shall adopt rules for determining the hours worked and the wages of individuals who elect coverage under this section and rules for enforcement of this section.

Sec. 3. RCW 50A.10.040 and 2019 c 13 s 22 are each amended to read as follows:

(1) An employer may file an application with the department for a conditional waiver for the payment of family and medical leave premiums, assessed under RCW 50A.10.030, for any employee who ~~((is))~~:

(a) ~~((Physically based))~~ Primarily performs work outside of the state;

(b) Is employed in the state on a limited or temporary work schedule; and

(c) Is not expected to be employed in the state for eight hundred twenty hours or more in a ~~((qualifying))~~ period of four consecutive completed calendar quarters.

(2) ~~((The department must approve an application that has been signed by))~~ Both the employee and employer must sign the application verifying their belief that the conditions in ~~((this))~~ subsection (1) of this section will be met ~~((during the qualifying period)).~~

(3) If the ~~((employee exceeds the eight hundred twenty hours or more in a period of four consecutive complete calendar quarters))~~ department finds any of the conditions in subsection (1) of this section are no longer satisfied, or were not satisfied at any point after a conditional waiver was approved and is in effect, the department will consider the conditional waiver ~~((expires))~~ expired and the employer and employee will be responsible for their shares of all premiums that would have been paid during this period had the waiver not been granted. Upon payment of the missed premiums, the employee will be credited for the hours worked and will be eligible for benefits under this title as if the premiums were originally paid.

Sec. 4. RCW 50A.15.020 and 2019 c 13 s 3 are each amended to read as follows:

(1)~~((a))~~ Beginning January 1, 2020, family and medical leave are available and benefits are payable to a qualified employee under this section.

(a) Following a waiting period consisting of the first seven consecutive calendar days, benefits are payable when family or medical leave is required. However, no waiting period is required for leave for the birth or placement of a child, or for leave because of any qualifying exigency as defined under RCW 50A.05.010(10)(c). The waiting period begins the previous Sunday of the week when an otherwise eligible employee takes leave for the minimum claim duration under subsection (2)(c) of this section. Eligible employees may satisfy the waiting period requirement while simultaneously receiving paid time off for any part of the waiting period.

(b) Benefits may continue during the continuance of the need for family ~~((and))~~ or medical leave, subject to the maximum and minimum weekly benefits, duration, and other conditions and limitations established in this title. ~~((Successive periods of family and medical leave caused by the same or related injury or sickness~~

~~are deemed a single period of family and medical leave only if separated by less than four months.))~~

(2) The weekly benefit shall be prorated by the percentage of hours on leave compared to the number of hours provided as the typical workweek hours as defined in RCW 50A.05.010.

(a) The benefits in this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(b) Hours on leave claimed for benefits under this title, if not a multiple of one hour, shall be reduced to the next lower multiple of one hour.

(c) The minimum claim duration payment is for eight consecutive hours of leave.

(3)(a) The maximum duration of paid family leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks.

(b) The maximum duration of paid medical leave may not exceed twelve times the typical workweek hours during a period of fifty-two consecutive calendar weeks. This leave may be extended an additional two times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(c) An employee is not entitled to paid family and medical leave benefits under this title that exceeds a combined total of sixteen times the typical workweek hours. The combined total of family and medical leave may be extended to eighteen times the typical workweek hours if the employee experiences a serious health condition with a pregnancy that results in incapacity.

(4) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is: (a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

(5)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family ~~((and))~~ or medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

Sec. 5. RCW 50A.15.060 and 2019 c 13 s 8 are each amended to read as follows:

(1) An employee is not entitled to paid family or medical leave benefits under this title:

(a) For any absence occasioned by the willful intention of the employee to bring about injury to or the sickness of the employee or another, or resulting from any injury or sickness sustained in the perpetration by the employee of an illegal act;

(b) For any family or medical leave commencing before the employee becomes qualified for benefits under this title;

(c) For an employee who is on suspension from his or her employment; or

(d) For any period of time during which an employee works for remuneration or profit.

(2) An employer may offer supplemental benefit payments to an employee on family or medical leave in addition to any paid family or medical leave benefits the employee is receiving.

~~((Supplemental benefit payments include, but are not limited to, vacation, sick, or other paid time off.))~~

(a) Supplemental benefit payments are not considered remuneration under RCW 50A.05.010(21) and the department will not prorate or reduce an employee's weekly benefit amount due to the receipt of supplemental benefit payments.

(b) The choice to receive supplemental benefit payments lies with the employee. Nothing in this section shall be construed as requiring an employee to receive or an employer to provide supplemental benefit payments.

(3) An individual is disqualified for benefits for any week he or she has knowingly and willfully made a false statement or representation involving a material fact or knowingly and willfully failed to report a material fact and, as a result, has obtained or attempted to obtain any benefits under the provisions of this title. An individual disqualified for benefits under this subsection (3) for the:

(a) First time is disqualified for an additional twenty-six weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of fifteen percent of the amount of benefits overpaid or deemed overpaid;

(b) Second time is also disqualified for an additional fifty-two weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of twenty-five percent of the amount of benefits overpaid or deemed overpaid;

(c) Third time and any time thereafter is also disqualified for an additional one hundred four weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of fifty percent of the amount of benefits overpaid or deemed overpaid.

(4) All penalties collected under this section must be deposited in the family and medical leave enforcement account created under RCW 50A.05.080.

Sec. 6. RCW 50A.15.080 and 2019 c 13 s 10 are each amended to read as follows:

(1) If ~~((an))~~ the department determines an employee is qualified for benefits and that the employee owes child support obligations ~~((under RCW 50A.15.040 and)), the department ~~((determines that the employee is qualified for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.))~~ shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.~~

(2) For the purposes of this section, "child support obligations" means only those obligations that are being enforced pursuant to a plan described in section 454 of the social security act which has been approved by the secretary of health and human services under Title IV-D of the social security act (42 U.S.C. Sec. 651 et seq.).

(3) Consistent with ~~((RCW 50A.15.040(1)(e)))~~ chapter 50A.25 RCW, the department may verify child support obligations with the department of social and health services.

Sec. 7. RCW 50A.15.100 and 2019 c 13 s 38 are each amended to read as follows:

(1) Leave from employment under this title is in addition to leave from employment during which benefits are paid or are payable under Title 51 RCW or other applicable federal or state industrial insurance laws.

(2) ~~((An))~~ An employee is disqualified from receiving family or medical leave benefits under this title for any week in which ~~((an))~~ the employee is ~~((eligible to receive benefits))~~ receiving, has

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

received, or will receive compensation, as determined by the governing state or federal agency under:

- (a) Title 50 ~~((or 54))~~ RCW ~~((or 54))~~;
- (b) RCW 51.32.060;
- (c) RCW 51.32.090; or
- (d) Any other applicable federal ~~((or state))~~ unemployment compensation, industrial insurance, or disability insurance laws ~~((the employee is disqualified from receiving family or medical leave benefits under this title))~~.

Sec. 8. RCW 50A.25.070 and 2019 c 13 s 76 are each amended to read as follows:

(1) The department may enter into data-sharing contracts and may disclose records and information deemed confidential to state or local government agencies under this chapter only if permitted under subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; and

(j) To the consolidated technology services agency for the purpose of enterprise technology support.

Sec. 9. RCW 50A.30.010 and 2019 c 13 s 56 are each amended to read as follows:

(1) An employer may apply to the commissioner for approval of a voluntary plan for the payment of either family leave benefits or medical leave benefits, or both. The application must be submitted on a form and in the manner as prescribed by the commissioner in rule. The fee for the department's review of each application for approval of a voluntary plan is two hundred fifty dollars.

(2) The benefits payable as indemnification for loss of wages under any voluntary plan must be separately stated and designated separately and distinctly in the plan from other benefits, if any.

(3) Neither an employee nor his or her employer are liable for any premiums for benefits covered by an approved voluntary plan.

(4) An employee may only receive payment of benefits for family leave, medical leave, or both from one approved plan at a time. An employee who qualifies for benefits and is simultaneously covered by more than one plan under this title will receive benefits under the plan for which the employee has worked the most hours during the employee's qualifying period. The commissioner must adopt rules to allow benefits or prevent duplication of benefits to employees simultaneously covered by one or more approved voluntary plans and the state program.

(5) The commissioner must approve any voluntary plan as to which the commissioner finds that there is at least one employee in employment and all of the following exist:

(a) The benefits afforded to the employees must be at least equivalent to the benefits the employees are entitled to as part of the state's family and medical leave program, including but not limited to the duration of leave. The employer must offer at least one-half of the length of leave as provided in RCW 50A.15.020(3) with pay and provide a monetary payment in an amount equal to or higher than the total amount of monetary benefits the employee would be entitled to receive as part of the state-run program. The employer may offer the same duration of leave and monetary benefits as offered under the state program.

(b) The sick leave an employee is entitled to under RCW 49.46.210 is in addition to the employer's provided benefits and is in addition to any family ~~((and))~~ or medical leave benefits.

(c) The plan is available to all of the eligible employees of the employer employed in this state, including future employees.

(d) The employer has agreed to make ~~((the))~~ all required payroll deductions ((required, if any, and transmit the proceeds to the department for any portions not collected for the voluntary plan)), including that:

(i) In the case of plan termination or withdrawal, the employer must remit to the department all required moneys under RCW 50A.30.045 and 50A.30.065(3); and

(ii) If the employer has an approved voluntary plan for either medical leave or family leave but not both, the employer is still obligated to remit to the department premiums owed to the state plan for the portions not covered by the employer's approved voluntary plan.

(e) The plan will be in effect for a period of not less than one year and, thereafter, continuously unless the commissioner finds that the employer has given notice of withdrawal from the plan in a manner specified by the commissioner in rule. The plan may be withdrawn by the employer on the date of any law increasing the benefit amounts or the date of any change in the rate of employee premiums, if notice of the withdrawal from the plan is transmitted to the commissioner not less than thirty days prior to the date of that law or change. If the plan is not withdrawn, it must be amended to conform to provide the increased benefit amount or change in the rate of the employee's premium on the date of the increase or change.

(f) The amount of payroll deductions from the wages of an employee in effect for any voluntary plan may not exceed the maximum payroll deduction for that employee as authorized under RCW 50A.10.030. The deductions may not be increased on other than an anniversary of the effective date of the plan, except to the extent that any increase in the deductions from the wages of an employee do not exceed the maximum rate authorized under the state program.

(g) The voluntary plan provides that an employee of an employer with a voluntary plan for either family leave or medical leave, or both, is eligible for the plan benefits if the employee meets the requirements of RCW 50A.15.010 and has worked at least three hundred forty hours for the employer during the twelve months immediately preceding the date leave will commence.

(h) The voluntary plan provides that an employee of an employer with a voluntary plan for either family leave or medical leave, or both, who takes leave under the voluntary plan is entitled to the employment protection provisions contained in RCW 50A.35.010 if the employee has worked for the employer for at least nine months and nine hundred sixty-five hours during the twelve months immediately preceding the date leave will commence.

(i) The voluntary plan provides that the employer maintains the employee's existing health benefits as provided under RCW 50A.35.020.

(6)(a) The department must conduct a review of the expenses incurred in association with the administration of the voluntary plans during the first three years after implementation and report its findings to the legislature.

(b) The review must include an analysis of the adequacy of the fee in subsection (1) of this section to cover the department's administrative expenses related to reviewing and approving or denying the applications and administering appeals related to voluntary plans. The review must include an estimate of the next year's projected administrative costs related to the voluntary plans. The legislature shall adjust the fee in subsection (1) of this section as needed to ensure the department's administrative expenses related to the voluntary plans are covered by the fee.

(c) If the current receipts from the fee in subsection (1) of this section are inadequate to cover the department's administrative expenses related to the voluntary plans, the department may use funds from the family and medical leave insurance account under RCW 50A.05.070 to pay for these expenses.

Sec. 10. RCW 50A.30.035 and 2017 3rd sp.s. c 5 s 25 are each amended to read as follows:

An employer with a voluntary plan must provide a notice prepared by or approved by the commissioner regarding the voluntary plan consistent with the provisions of RCW ~~((50A.04.075))~~ 50A.20.020.

Sec. 11. RCW 50A.40.010 and 2019 c 13 s 15 are each amended to read as follows:

(1) It is unlawful for any employer to:

(a) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any valid right provided under this title; or

(b) Discharge or in any other manner discriminate against any employee for opposing any practice made unlawful by this title.

(2) It is unlawful for any person to discharge or in any other manner discriminate against any employee because the employee has:

(a) Filed any complaint, or has instituted or caused to be instituted any proceeding, under or related to this title;

(b) Given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(c) Testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this title.

(3) As provided in RCW 50A.40.020 and 50A.40.030, the department will investigate allegations of unlawful acts and determine damages, as necessary.

Sec. 12. RCW 50A.40.020 and 2019 c 13 s 17 are each amended to read as follows:

(1) An employee who alleges one or more unlawful acts under RCW 50A.40.010 have occurred may file a complaint with the department. The department may not investigate any alleged

violation of RCW 50A.40.010 that occurred more than three years before the date the employee filed the complaint.

(2) Upon receipt of a complaint ((by an employee)) under subsection (1) of this section, the commissioner shall investigate to determine if ((there has been compliance with RCW 50A.40.010 and the related rules. The department will issue a determination including the findings of the investigation and whether a violation may have occurred. Determinations are appealable under chapter 50A.50 RCW. If the investigation indicates that a violation may have occurred, a hearing may be held if requested by an interested party in accordance with chapter 34.05 RCW. The commissioner must issue a written determination including the commissioner's findings after the hearing. A judicial appeal from the commissioner's determination may be taken in accordance with chapter 34.05 RCW)) a violation occurred and the amount of any liquidated damages, unless the employee terminates the complaint under section 16 of this act.

(3) Upon completing an investigation, the commissioner shall issue a determination, unless the complaint is otherwise resolved upon agreement by all parties and in compliance with section 16(6) of this act or withdrawn under section 16(5) of this act. If the department determines a violation occurred, the department may order the employer to pay liquidated damages under RCW 50A.40.030.

Sec. 13. RCW 50A.40.030 and 2019 c 13 s 18 are each amended to read as follows:

(1) Any employer who violates RCW 50A.40.010 is liable for damages ((equal to:

(1) The amount of:

((a))).

(2) Damages are owed to the employee and must be paid by the employer to the employee directly.

(3)(a) Damages include:

(i) Any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

((b)) (ii) In a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to wages or salary for the employee for up to sixteen weeks, or eighteen weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity.

((2)(a) The interest on the amount described in subsection (1) of this section calculated at the prevailing rate; and))

(b) Any employer who violates RCW 50A.40.010 is also liable for interest accrued on the damages assessed in this subsection.

(4) For a willful violation, the employer is also liable for an additional amount as liquidated damages equal to the sum of the amount described in subsection ((4)) (3)(a) of this section and the interest described in ((this)) subsection ((2)) (3)(b) of this section. For purposes of this section, "willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute. All liquidated damages are owed to the employee and must be paid to the employee directly.

(5) Interest in this section is calculated at the prevailing rate.

Sec. 14. RCW 50A.50.010 and 2018 c 141 s 3 are each amended to read as follows:

(1) Any aggrieved ((person)) party may file an appeal from any determination or redetermination with the commissioner within thirty days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to the ((person's)) party's last known address. If an appeal with respect to any determination is pending as of the date when a

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

redetermination is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

(2) Any appeal from a determination of denial of benefits shall be deemed to be an appeal as to all weeks subsequent to the effective date of the denial for which benefits have already been denied. If no appeal is taken from any determination, or redetermination, within the time allowed by the provisions of this section for appeal, the determination or redetermination, as the case may be, shall be conclusively deemed to be correct except as provided in respect to reconsideration by the commissioner of any determination.

(3) Upon receipt of a notice of appeal, the commissioner shall request the assignment of an administrative law judge under chapter 34.12 RCW to conduct a hearing in accordance with chapter 34.05 RCW and issue a proposed order.

Sec. 15. RCW 26.23.060 and 2019 c 13 s 66 are each amended to read as follows:

(1) The division of child support may issue a notice of payroll deduction:

(a) As authorized by a support order that contains a notice clearly stating that child support may be collected by withholding from earnings, wages, or benefits without further notice to the obligated parent; or

(b) After service of a notice containing an income-withholding provision under this chapter or chapter 74.20A RCW.

(2) The division of child support shall serve a notice of payroll deduction upon a responsible parent's employer or upon the employment security department for the state in possession of or owing any benefits from the unemployment compensation fund to the responsible parent pursuant to Title 50 RCW or from the paid family and medical leave program under Title 50A RCW:

(a) In the manner prescribed for the service of a summons in a civil action;

(b) By certified mail, return receipt requested;

(c) By electronic means if there is an agreement between the secretary and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means; or

(d) By regular mail to a responsible parent's employer unless the division of child support reasonably believes that service of process in the manner prescribed in (a) or (b) of this subsection is required for initiating an action to ensure employer compliance with the withholding requirement.

(3) Service of a notice of payroll deduction upon an employer or employment security department requires the employer or employment security department to immediately make a mandatory payroll deduction from the responsible parent's unpaid disposable earnings or ~~((unemployment compensation))~~ benefits paid by the employment security department. The employer or employment security department shall thereafter deduct each pay period the amount stated in the notice divided by the number of pay periods per month. The payroll deduction each pay period shall not exceed fifty percent of the responsible parent's disposable earnings.

(4) A notice of payroll deduction for support shall have priority over any wage assignment, garnishment, attachment, or other legal process.

(5) The notice of payroll deduction shall be in writing and include:

(a) The name and social security number of the responsible parent;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and

frequencies as may be necessary to facilitate processing of the payroll deduction;

(c) A statement that the total amount withheld shall not exceed fifty percent of the responsible parent's disposable earnings;

(d) The address to which the payments are to be mailed or delivered; and

(e) A notice to the responsible parent warning the responsible parent that, despite the payroll deduction, the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as defined in RCW 74.20A.320.

(6) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(7) An employer or employment security department that receives a notice of payroll deduction shall make immediate deductions from the responsible parent's unpaid disposable earnings and remit proper amounts to the Washington state support registry within seven working days of the date the earnings are payable to the responsible parent.

(8) An employer, or the employment security department, upon whom a notice of payroll deduction is served, shall make an answer to the division of child support within twenty days after the date of service. The answer shall confirm compliance and institution of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer or receives ~~((unemployment compensation benefits))~~ benefit payments from the employment security department, whether the employer or employment security department anticipates paying earnings or ~~((unemployment compensation))~~ benefits and the amount of earnings or benefit payments. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known. If the responsible parent is no longer receiving ~~((unemployment compensation benefits))~~ benefit payments from the employment security department, the answer shall state the present employer's name and address, if known.

The returned answer or a payment remitted to the division of child support by the employer constitutes proof of service of the notice of payroll deduction in the case where the notice was served by regular mail.

(9) The employer may deduct a processing fee from the remainder of the responsible parent's earnings after withholding under the notice of payroll deduction, even if the remainder is exempt under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursement made to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(10) The notice of payroll deduction shall remain in effect until released by the division of child support, the court enters an order terminating the notice and approving an alternate arrangement under RCW 26.23.050, or until the employer no longer employs the responsible parent and is no longer in possession of or owing any earnings to the responsible parent. The employer shall promptly notify the office of support enforcement when the employer no longer employs the parent subject to the notice. For the employment security department, the notice of payroll deduction shall remain in effect until released by the division of child support or until the court enters an order terminating the notice.

(11) The division of child support may use uniform interstate withholding forms adopted by the United States department of

health and human services to take withholding actions under this section whether the responsible parent is receiving earnings or unemployment compensation in this state or in another state.

NEW SECTION. Sec. 16. A new section is added to chapter 50A.40 RCW to read as follows:

(1) If the department issues a determination under RCW 50A.40.020 that an employer owes liquidated damages, the employer must, within thirty calendar days, either pay all damages owed or file an appeal as provided in this title. Thereafter, all parties owed moneys may initiate collection action against the employer by filing a warrant with the clerk of any county within the state.

(a) The warrant may include all damages awarded to the employee plus reasonable attorneys' fees for the collection action, reasonable expert witness fees, and other reasonable costs of the action.

(b) For purposes of this section, thirty calendar days begins the day the determination is issued.

(2) The department is not responsible for collection action against an employer that has defaulted the payment of an award established under RCW 50A.40.030.

NEW SECTION. Sec. 17. A new section is added to chapter 50A.40 RCW to read as follows:

(1) A private action to recover damages under RCW 50A.40.030 may be brought against any employer by any one or more employees for and on behalf of:

- (a) The employee or employees; or
- (b) The employees and other employees similarly situated.

(2) Any action under subsection (1) of this section must be filed with a court of competent jurisdiction within the state. Any private action for an alleged violation of RCW 50A.40.010 must be commenced within three years of the date of the alleged violation.

(3) In an action under subsection (1) of this section the court shall, in addition to any judgment awarded to a prevailing plaintiff, award reasonable attorneys' fees, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) A private right of action is only available to an employee who either has not filed a complaint with the department, has withdrawn a filed complaint under subsection (5) of this section, or has resolved a complaint under subsection (6) of this section.

(5) An employee who has filed a complaint with the department under RCW 50A.40.020 may elect to withdraw the complaint by providing written notice to the department within ten business days after filing the complaint with the department. Withdrawing a complaint terminates the department's administrative action.

(6) A complaint may be resolved upon agreement by all parties. Resolution of a complaint must be communicated to the department prior to the department's issuance of a determination. Resolution of a complaint terminates the department's administrative action.

(7) In the event the department's administrative action is terminated under subsection (5) or (6) of this section:

(a) The department will immediately discontinue its investigation and any action against the employer; and

(b) The determination, if already issued, along with any related findings of fact and conclusions of law, and any payments or offers of payment made by the employer including interest, are not admissible in any court action or other judicial or administrative proceeding.

(8) Nothing in this section shall be construed to limit or affect:

(a) Except as provided in subsection (4) of this section, the right of any employee to pursue any judicial, administrative, or other action available with respect to an employer;

(b) The right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under RCW 50A.40.020; or

(c) The right of the department to pursue any judicial, administrative, or other action available with respect to an employer in the absence of a complaint.

NEW SECTION. Sec. 18. A new section is added to chapter 50A.05 RCW to read as follows:

(1) In the discharge of the duties imposed by this title, the appeal tribunal and any duly authorized representative of the commissioner shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with any dispute or the administration of this title. It shall be unlawful for any person, without just cause, to fail to comply with subpoenas issued pursuant to the provisions of this section.

(2)(a) Any authorized representative of the commissioner may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in the county where the subpoenaed person resides or is found, or the county where the subpoenaed records or documents are located, or in Thurston county. The application must:

- (i) State that an order is sought pursuant to this subsection;
- (ii) Adequately specify the records, documents, or testimony; and

(iii) Declare under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the department's authority and that the subpoenaed documents or testimony are reasonably related to an investigation within the department's authority.

(b) Where the application under this subsection is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the department to subpoena the records or testimony.

(c) Any authorized representative of the commissioner may seek approval and a court may issue an order under this subsection without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation.

(3) Subsection (2) of this section is intended to comply with the holdings of *State v. Miles*, 160 Wn.2d 236 (2007) and *State v. Reeder*, 184 Wn.2d 805 (2015), and Article I, section 7 of the state Constitution. These provisions collectively require judicial review of investigative subpoenas under certain circumstances. The department is not required to receive court approval under subsection (2) of this section unless otherwise required by law.

NEW SECTION. Sec. 19. A new section is added to chapter 50A.10 RCW to read as follows:

(1) Any employee exempt from the rights and responsibilities of this title under RCW 50A.05.090 may elect coverage. Elective coverage lasts until the collective bargaining agreement, under RCW 50A.05.090, is reopened, renegotiated by the parties, or expired. An employee who elects coverage under this section must elect coverage for both family leave and medical leave and are responsible for payment of one hundred percent of all premiums assessed to an employee under RCW 50A.10.030. An employer may elect to pay all or any portion of the employee's premium for family leave or medical leave benefits, or both. The employee must file a notice of election in writing with the department and their employer, in a manner as prescribed by the department in rule.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

SECOND READING

(2) To be eligible for benefits, an employee electing coverage under this section must have worked at least eight hundred twenty hours during the qualifying period. If the employee's qualifying period includes any quarter prior to the election of coverage, the department will request the employee's qualifying period wages and hours from the employer. The employer must provide the wages and hours to the department within ten calendar days.

(3) For employee's electing coverage under this section, the employer must collect the premiums and any surcharges provided under RCW 50A.10.030 through payroll deductions and remit the amounts collected to the department as part of the employer requirements under RCW 50A.20.030(1).

(4) This section takes effect July 1, 2020.

NEW SECTION. Sec. 20. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "leave;" strike the remainder of the title and insert "amending RCW 50A.05.010, 50A.10.010, 50A.10.040, 50A.15.020, 50A.15.060, 50A.15.080, 50A.15.100, 50A.25.070, 50A.30.010, 50A.30.035, 50A.40.010, 50A.40.020, 50A.40.030, 50A.50.010, and 26.23.060; adding new sections to chapter 50A.40 RCW; adding a new section to chapter 50A.05 RCW; adding a new section to chapter 50A.10 RCW; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Substitute House Bill No. 2614.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2614 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2614 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2614 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Muzzall, Padden, Schoesler, Short and Wilson, L.

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 2614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588, by House Committee on Local Government (originally sponsored by Pollet, Leavitt, Valdez, Senn, Duerr, Ryu, Frame, Boehnke, Hudgins and Kraft)

Improving openness, accountability, and transparency of special purpose districts.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.230 and 1995 c 301 s 12 are each amended to read as follows:

(1) As used in this section:

(a) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, special districts as defined in RCW 85.38.010, lake and beach management districts, conservation districts, and irrigation districts.

(b) "Unauditable" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

(2) The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: ~~((4))~~ (a) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; ~~((2))~~ (b) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; ~~((3))~~ (c) a classified statement of all receipts and expenditures by any public institution; and ~~((4))~~ (d) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

(3)(a)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the legislative authority of a county if any special purpose districts, located wholly or partially within the county, have been determined to be unauditale. If the boundaries of the special purpose district are located within more than one county, the state auditor must notify all legislative authorities of the counties within which the boundaries of the special purpose district lie.

(ii) If a county has been notified as provided in (a)(i) of this subsection (3), the special purpose district and the county auditor, acting on behalf of the special purpose district, are prohibited from issuing any warrants against the funds of the special purpose district until the district has had its report certified by the state auditor.

(iii) Notwithstanding (a)(ii) of this subsection (3), a county may authorize the special purpose district and the county auditor to issue warrants against the funds of the special purpose district:

(A) In order to prevent the discontinuation or interruption of any district services;

(B) For emergency or public health purposes; or

(C) To allow the district to carry out any district duties or responsibilities.

(b)(i) On or before December 31, 2020, and on or before December 31st of each year thereafter, the state auditor must search available records and notify the state treasurer if any special purpose districts have been determined to be unauditale.

(ii) If the state treasurer has been notified as provided in (b)(i) of this subsection (3), the state treasurer may not distribute any local sales and use taxes imposed by a special purpose district to the district until the district has had its report certified by the state auditor.

Sec. 2. RCW 36.96.010 and 1999 c 153 s 50 are each amended to read as follows:

((As used in this chapter.)) The definitions in this section apply throughout this chapter unless the context requires otherwise:

(1) "Special purpose district" means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts;

(2) "Governing authority" means the commission, council, or other body which directs the affairs of a special purpose district;

(3) "Inactive" means that a special purpose district ~~((other than a public utility district.))~~ is characterized by ~~((either))~~ any of the following criteria:

(a) Has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period; ~~((or))~~

(b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period; or

(c) The special purpose district has been determined to be unauditale by the state auditor;

(4) "Unauditale" means a special purpose district that the state auditor has determined to be incapable of being audited because the special purpose district has improperly maintained, failed to

maintain, or failed to submit adequate accounts, records, files, or reports for an audit to be completed.

((A public utility district is inactive when it is characterized by both criteria (a) and (b) of this subsection.))

Sec. 3. RCW 36.96.030 and 1979 ex.s. c 5 s 3 are each amended to read as follows:

(1) Upon receipt of notice from the county auditor as provided in RCW 36.96.020, the county legislative authority within whose boundaries all or the greatest portion of such special purpose district lies shall hold one or more public hearings on or before September 1st of the same year to determine whether or not such special purpose district or districts meet ~~((either))~~ any of the criteria for being "inactive" as provided in RCW 36.96.010 ~~((= PROVIDED, That if such a special purpose district is a public utility district, the county legislative authority shall determine whether or not the public utility district meets both criteria of being "inactive" as provided in RCW 36.96.010))~~. In addition, at any time a county legislative authority may hold hearings on the dissolution of any special purpose district that appears to meet the criteria of being "inactive" and dissolve such a district pursuant to the proceedings provided for in RCW 36.96.030 through 36.96.080.

(2) Notice of such public hearings shall be given by publication at least once each week for not less than three successive weeks in a newspaper that is in general circulation within the boundaries of the special purpose district or districts. Notice of such hearings shall also be mailed to each member of the governing authority of such special purpose districts, if such members are known, and to all persons known to have claims against any of the special purpose districts. Notice of such public hearings shall be posted in at least three conspicuous places within the boundaries of each special purpose district that is a subject of such hearings. Whenever a county legislative authority that is conducting such a public hearing on the dissolution of one or more of a particular kind of special purpose district is aware of the existence of an association of such special purpose districts, it shall also mail notice of the hearing to the association. In addition, whenever a special purpose district that lies in more than one county is a subject of such a public hearing, notice shall also be mailed to the legislative authorities of all other counties within whose boundaries the special purpose district lies. All notices shall state the purpose, time, and place of such hearings, and that all interested persons may appear and be heard.

Sec. 4. RCW 36.96.070 and 2001 c 299 s 13 are each amended to read as follows:

Any moneys or funds of the dissolved special purpose district and any moneys or funds received by the board of trustees from the sale or other disposition of any property of the dissolved special purpose district shall be used, to the extent necessary, for the payment or settlement of any outstanding obligations of the dissolved special purpose district. Any remaining moneys or funds shall be used to pay the county legislative authority for all costs and expenses incurred in the dissolution and liquidation of the dissolved special purpose district. Thereafter, any remaining moneys, funds, or property shall become that of the county in which the dissolved special purpose district was located. However, if the territory of the dissolved special purpose district was located within more than one county, the remaining moneys, funds, and personal property shall be apportioned and distributed to each county in the proportion that the geographical area of the dissolved special purpose district within the county bears to the total geographical area of the dissolved special purpose district, and any remaining real property or improvements to real property shall be transferred to the county within whose boundaries it lies. A county to which real property or improvements to real property are transferred under this section may, but does not have an

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

obligation to, use the property or improvements for the purposes for which the dissolved special purpose district used the property or improvements and the county does not assume the obligations or liabilities of the dissolved special purpose district as a result of the transfer unless the county expressly assumes such obligations or liabilities through the adoption of a resolution.

NEW SECTION. Sec. 5. A new section is added to chapter 36.96 RCW to read as follows:

A county that dissolves a special purpose district under this chapter may impose a separate regular property tax levy or a special assessment as provided in section 6 of this act if that county assumes responsibility of the services previously provided by the special purpose district.

NEW SECTION. Sec. 6. A new section is added to chapter 84.55 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, if a county dissolves a special purpose district under chapter 36.96 RCW, the county may impose a separate property tax levy or special assessment on the property lying within the former boundaries of the dissolved special purpose district beginning in the first calendar year following dissolution if:

(a) The county assumes responsibility of the services previously provided by the special purpose district; and

(b) The property tax levy or special assessment does not exceed any legally authorized property tax levy rate or special assessment for the dissolved special purpose district.

(2) If a county discontinues providing the services of a dissolved special purpose district for which the county imposed a separate property tax levy or special assessment as provided in subsection (1) of this section, the county must cease imposing that property tax levy or special assessment beginning in the first calendar year after the discontinuation of the provision of services by the county.

(3) For purposes of RCW 84.52.010 and 84.52.043, a property tax levy authorized by a county under this section is subject to the same provisions as the county's general property tax levy.

(4) The limitation in RCW 84.55.010 does not apply to the first property tax levy imposed under this section.

(5) For purposes of this section, "special assessment" means any special assessment, benefit assessment, or rates and charges imposed by a special purpose district."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 43.09.230, 36.96.010, 36.96.030, and 36.96.070; adding a new section to chapter 36.96 RCW; and adding a new section to chapter 84.55 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to Engrossed Substitute House Bill No. 2588.

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

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute House Bill No. 2588 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2588 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2588 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Lovelett and Wagoner

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2008, by Representatives Hudgins, Gregerson and Tarleton

Concerning alternate methods of ballot security.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 1222 by Senators O'Ban and Zeiger be adopted:

On page 1, line 14, after "~~removed.~~" insert "For presidential primaries, the county auditor shall include an additional envelope so that the voter's declaration and party preference under RCW 29A.56.040(4) remain private during transit."

Senators O'Ban, Zeiger and Schoesler spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

MOTION

On motion of Senator Liias, the senate deferred further consideration of Engrossed House Bill No. 2008 and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2230, by Representatives Gregerson, Stokesbary, Entenman, Walsh, Sullivan, Leavitt, Gildon, Ormsby, Santos, Lekanoff and Pollet

Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.

The measure was read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 1300 by Senator Rivers be adopted:

On page 2, after line 26, insert the following:

"Sec. 2. RCW 82.29A.055 and 2014 c 207 s 8 are each amended to read as follows:

(1) Property owned exclusively by a federally recognized Indian tribe that is exempt from property tax under RCW 84.36.010 is subject to payment in lieu of leasehold excise taxes, if:

(a) The tax exempt property is used exclusively for economic development, as defined in RCW 84.36.010;

(b) There is no taxable leasehold interest in the tax exempt property;

(c) The property is located outside of the tribe's reservation; and

(d) The property is not otherwise exempt from taxation by federal law.

(2) The amount of the payment in lieu of leasehold excise taxes must be determined jointly and in good faith negotiation between the tribe that owns the property and the county and any city in which the property is located. However, the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property. If the tribe and the county and any city cannot agree to terms on the amount of payment in lieu of taxes, the department may determine the rate, provided that the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.

(3) Payment must be made by the tribe to the county. The county treasurer must distribute all such money collected solely to the local taxing districts, including cities, in the same proportion that each local taxing district would have shared if a leasehold excise tax had been levied."

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

On page 1, line 3 of the title, after "84.36.010" insert "and 82.29A.055"

Senators Rivers and Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1300 by Senator Rivers on page 2, after line 26 to House Bill No. 2230.

The motion by Senator Rivers carried and floor amendment no. 1300 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2230 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2230 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2230 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator McCoy

Excused: Senator Sheldon

HOUSE BILL NO. 2230, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1347, by Representatives Barkis, Kirby, Volz, Vick and Springer

Concerning vehicle reseller permits.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1347.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

HOUSE BILL NO. 1347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265, by House Committee on Environment & Energy (originally sponsored by Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson and Pollet)

Eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam.

The measure was read the second time.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 2265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Short, Becker and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2265.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2265 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh and Wilson, C.

Voting nay: Senators Becker, Brown, Holy, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Kretz, Springer, Chandler, Chapman, Dent and Shewmake)

Concerning drought preparedness and response.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.83B RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Drought condition" means that the water supply for a geographic area, or for a significant portion of a geographic area, is below seventy-five percent of normal and the water shortage is likely to create undue hardships for water users or the environment.

(3) "Normal" water supply, for the purpose of determining drought conditions, means the median amount of water available to a geographical area, relative to the most recent thirty-year base period used to define climate normals.

Sec. 2. RCW 43.83B.400 and 1989 c 171 s 1 are each amended to read as follows:

~~((It is the intent of))~~ The legislature ~~((to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.))~~ recognizes that drought and water shortages can place a significant hardship on Washington communities, farms, and the natural environment. Rising temperatures due to climate change may cause water supply shortages to be more frequent and severe in the future. Therefore, the ability to respond to drought and water shortage emergencies is critical to the long-term prosperity of our state. It is the intent of the legislature to provide the department with the authority to effectively and efficiently take actions when a drought emergency occurs to alleviate hardship on water users and our natural environment.

The legislature also recognizes that effective emergency drought response is predicated on building resiliency and preparedness before water shortages occur. Therefore, it is also the intent of the legislature that the department assist water users by supporting measures to strengthen the resiliency and preparedness of water users to drought conditions in the long term.

Sec. 3. RCW 43.83B.405 and 1989 c 171 s 2 are each amended to read as follows:

(1) Whenever it appears to the department, based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that drought conditions may develop, the department may issue a drought advisory. The drought advisory should seek to increase the awareness and readiness of affected water users and may recommend voluntary actions to alleviate drought impacts.

(2)(a) Whenever it appears to the department ((of ecology)), based on the definitions of drought condition and normal water supply set forth in section 1 of this act, that a drought condition either exists or is forecast to occur within the state or portions thereof, the department ((of ecology)) is authorized to issue orders of drought emergency, pursuant to adopted rules ((previously adopted)), to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420. ((The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates.))

(b) Prior to the issuance of an order of drought emergency, the department shall ((a)):

(i) Consult with ((and obtain the views of)) the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to ((RCW 43.83B.410(4)), and

((b)) section 7 of this act and consult with affected federally recognized tribes;

(ii) Consider input from local water users, including nursery and landscape professionals, in the determination of undue hardship under section 1(2) of this act; and

(iii) Obtain the written approval of the governor.

(c) Upon issuance of an order of drought emergency, the department shall notify the public of the order consistent with rules adopted by the department.

(d) Orders of drought emergency issued under ((this section)) (a) of this subsection shall be deemed orders for the purposes of chapter 34.05 RCW.

(e) A person may petition the department to declare a drought emergency for the state or portions of the state. The department may review a petition, but any order of drought emergency issued after receipt of a petition must be based on the definitions of drought condition and normal water supply set forth in section 1 of this act, and must be issued according to the procedure set forth in this section. The department must not rely exclusively on information presented in a petition when determining whether to issue an order of drought emergency.

((2)) (3)(a) Any order issued under subsection ((4)) (2) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

((3)) (b) The provisions of ((subsection (2) of)) this section do not preclude the issuance of more than one order under subsection ((4)) (2) of this section for different areas of the state, or sequentially for the same area, as the need arises ((for such an order or orders)).

Sec. 4. RCW 43.83B.410 and 1989 c 171 s 3 are each amended to read as follows:

Upon the issuance of an order of drought emergency under RCW 43.83B.405(2), the department ~~((of ecology is empowered to))~~ may:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize temporary or permanent associated physical works ~~((which may be either temporary or permanent))~~. The department shall prioritize the approval of emergency withdrawal authorizations in order to address those most affected by the water deficit to ensure the survival of irrigated crops, the state's fisheries, and the provision of water for small communities.

(b) The termination date for ((the authority to make such an)) emergency withdrawals may not be later than the termination date of the order issued under RCW 43.83B.405(2) ((under which the power to authorize the withdrawal is established)).

(c) The department ((of ecology)) may issue ((such)) emergency withdrawal authorizations only when, after investigation and after providing appropriate federal, state, and local governmental bodies and affected federally recognized tribes an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary ~~((A))~~ to ~~((assure))~~ ensure the maintenance of fisheries requirements~~((s))~~ and ~~((B))~~ to protect federal and state interests including, among others, power generation, navigation, and existing water rights~~((s))~~.

((B)) (d) All emergency withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in

~~((A)) (c)(iii) of this subsection. ((Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses."))~~

(e) As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, ~~((or))~~ point of diversion, or point of withdrawal, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of ~~((A))~~ notice of newspaper publication of these sections or ~~((B))~~ the state environmental policy act~~((s))~~ under chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department ~~((of ecology))~~. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in ~~((State of Washington, Department of Ecology v. Acquavella, Yakima county superior court number 77-2-01484-5))~~ a general adjudication under RCW 90.03.210 or any similar proceeding where the existence of a water right is at issue~~((s))~~;

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter~~((s))~~;

(4) ~~((Revise the drought contingency plan previously developed by the department; and~~

~~((5)) Acquire needed emergency drought-related equipment;~~

(5) Enter into agreements with applicants receiving emergency withdrawal authorizations established under this section to recover the costs, or a portion thereof, of mitigation for emergency withdrawal authorizations, provided that mitigation is done to protect instream flows, federally regulated flows, or senior water rights. The department may establish the specifics of cost recovery by rule, based on the amount of water used in the emergency withdrawal, which shall not exceed the cost of mitigation; and

(6) Enter into interagency agreements as authorized under chapter 39.34 RCW to partner in emergency drought response.

Sec. 5. RCW 43.83B.415 and 1989 c 171 s 4 are each amended to read as follows:

(1)(a) The department ~~((of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or~~

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.

(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under RCW 43.83B.400 and 43.83B.405.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's drought contingency plan.)) is authorized to issue grants to eligible public entities to reduce current or future hardship caused by water unavailability stemming from drought conditions. No single entity may receive more than twenty-five percent of the total funds available. The department is not obligated to fund projects that do not provide sufficient benefit to alleviating hardship caused by drought or water unavailability. Projects must show substantial benefit from securing water supply, availability, or reliability relative to project costs.

(b) Except for projects for public water systems serving economically disadvantaged communities, the department may only fund up to fifty percent of the total eligible cost of the project. Money used by applicants as a cash match may not originate from other state funds.

(c) For the purposes of this chapter, eligible public entities include only:

- (i) Counties, cities, and towns;
- (ii) Water and sewer districts formed under chapter 57.02 RCW;
- (iii) Public utility districts formed under chapter 54.04 RCW;
- (iv) Port districts formed under chapter 53.04 RCW;
- (v) Conservation districts formed under chapter 89.08 RCW;
- (vi) Irrigation districts formed under chapter 87.03 RCW;
- (vii) Watershed management partnerships formed under RCW 39.34.200; and
- (viii) Federally recognized tribes.

(2) Grants may be used to develop projects that enhance the ability of water users to effectively mitigate for the impacts of water unavailability arising from drought. Project applicants must demonstrate that the projects will increase their resiliency, preparedness, or ability to withstand drought conditions when they occur. Projects may include, but are not limited to:

- (a) Creation of additional water storage;
- (b) Implementation of source substitution projects;
- (c) Development of alternative, backup, or emergency water supplies or interties;
- (d) Installation of infrastructure or creation of educational programs that improve water conservation and efficiency or promote use of reclaimed water;

(e) Development or update of local drought contingency plans if not already required by state rules adopted under chapter 246-290 WAC;

(f) Mitigation of emergency withdrawals authorized under RCW 43.83B.410(1);

(g) Projects designed to mitigate for the impacts of water supply shortages on fish and wildlife; and

(h) Emergency construction or modification of water recreational facilities.

(3) During a drought emergency order pursuant to RCW 43.83B.405(2), the department shall prioritize funding for projects designed to relieve the immediate hardship caused by water unavailability.

Sec. 6. RCW 43.83B.430 and 2016 sp.s. c 36 s 933 are each amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and ~~((funds transferred from the state emergency water projects revolving account))~~ all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. Moneys in the account may be spent only after appropriation. ~~((Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. For the 2015-2017 fiscal biennium, the account may also accept revenue collected from emergency drought well-related water service contracts and may be used for drought response.))~~

NEW SECTION. Sec. 7. A new section is added to chapter 43.83B RCW to read as follows:

In collaboration with affected governments, the department may revise the existing drought contingency plan. The department shall notify interested parties of any updates to the drought contingency plan.

NEW SECTION. Sec. 8. A new section is added to chapter 43.83B RCW to read as follows:

(1) The department shall initiate a pilot program in a selected basin or basins to explore the cost, feasibility, and benefits of entering into long-term water right lease agreements. The purpose of the agreements is to alleviate water supply conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival. Under this program, the department is authorized to negotiate and enter into contractual agreements before a drought emergency is declared under RCW 43.83B.405(2) that identify projects, measures, sources of water, and other resources that may be accessed during times of water shortage. Water right changes executed under agreement under this section are subject to the requirements of RCW 90.03.380.

(2) The department shall submit a report to the legislature by December 31, 2024, on the results of the pilot program. The department shall include a summary of the contracts entered into pursuant to this section and recommendations to the legislature.

(3) This section expires June 30, 2025.

NEW SECTION. Sec. 9. The following sections are decodified:

(1) RCW 43.83B.005 (Transfer of duties to the department of health);

(2) RCW 43.83B.200 (Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account-water supply facilities—Use);

(3) RCW 43.83B.210 (Loans or grants from department of ecology—Authorized—Limitations);

(4) RCW 43.83B.300 (Legislative findings—General obligation bonds authorized—Issuance, terms—Appropriation required);

(5) RCW 43.83B.345 (Rates of charges for water—Payment into bond redemption fund—Grants and loans—Contracts);

(6) RCW 43.83B.360 (State emergency water projects revolving account—Proceeds from sale of bonds);

(7) RCW 43.83B.380 (Appropriations to department of health—Authorized projects—Conditions); and

(8) RCW 43.83B.385 (Appropriations to department of ecology—Authorized projects—Findings).

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 43.83B.220 (Contractual agreements) and 2009 c 549 s 5159, 1989 c 11 s 17, & 1975 1st ex.s. c 295 s 5; and

(2) RCW 43.83B.336 (Civil penalties)."

On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 43.83B.400, 43.83B.405, 43.83B.410, 43.83B.415, and 43.83B.430; adding new sections to chapter 43.83B RCW; decodifying RCW 43.83B.005, 43.83B.200, 43.83B.210, 43.83B.300, 43.83B.345, 43.83B.360, 43.83B.380, and 43.83B.385; repealing RCW 43.83B.220 and 43.83B.336; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Substitute House Bill No. 1622.

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

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 1622 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, Ericksen, Honeyford and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1622 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1622 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from St. Brendan Catholic School, Bothell, who were seated in the gallery, guests of Senator Stanford.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, by House Committee on Education (originally sponsored by Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet and Santos)

Establishing a task force on improving institutional education programs and outcomes.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

NEW SECTION. Sec. 2. (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee

FIFTY THIRD DAY, MARCH 5, 2020

with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health

needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session.

(7) This section expires June 30, 2021.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

MOTION

Senator Wellman moved that the following floor amendment no. 1250 by Senator Wellman be adopted:

On page 2, after line 34, insert the following:

"(c) The task force must meet no less than six times prior to reporting its findings and recommendations as required in subsection (6) of this section."

On page 4, beginning on line 8, after "(4)" strike all material through "research." on line 10 and insert "Staff support for the task force must be provided by the office of the superintendent of public instruction, with additional support provided by the department of children, youth, and families and the department of corrections."

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1250 by Senator Wellman on page 2, after line 34 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Wellman carried and floor amendment no. 1250 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 2116.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2116 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:18 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 1:36 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5144,
SUBSTITUTE SENATE BILL NO. 5867,
SENATE BILL NO. 6034,
SENATE BILL NO. 6096,

SECOND SUBSTITUTE SENATE BILL NO. 6139,
SENATE BILL NO. 6170,

SUBSTITUTE SENATE BILL NO. 6208,

SUBSTITUTE SENATE BILL NO. 6210,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,

SENATE BILL NO. 6218,

SENATE BILL NO. 6229,

SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6286,

SECOND SUBSTITUTE SENATE BILL NO. 6309,

ENGROSSED SENATE BILL NO. 6421,

SUBSTITUTE SENATE BILL NO. 6483,

SENATE BILL NO. 6493,

SUBSTITUTE SENATE BILL NO. 6495,

SUBSTITUTE SENATE BILL NO. 6663,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 4, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2804,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 5, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5165,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5591,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6028,

SUBSTITUTE SENATE BILL NO. 6029,

SUBSTITUTE SENATE BILL NO. 6037,

SENATE BILL NO. 6038,

SUBSTITUTE SENATE BILL NO. 6048,

SUBSTITUTE SENATE BILL NO. 6051,

SUBSTITUTE SENATE BILL NO. 6052,

SUBSTITUTE SENATE BILL NO. 6061,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6063,

SENATE BILL NO. 6131,

SENATE BILL NO. 6136,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6261,

SENATE BILL NO. 6326,

SENATE BILL NO. 6374,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6378,

SUBSTITUTE SENATE BILL NO. 6409,

SUBSTITUTE SENATE BILL NO. 6500,

SUBSTITUTE SENATE BILL NO. 6526,

SENATE BILL NO. 6551,

SUBSTITUTE SENATE BILL NO. 6670,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Saldaña moved that Guadalupe Gamboa, Senate Gubernatorial Appointment No. 9373, be confirmed as a member of the Human Rights Commission.

Senator Saldaña spoke in favor of the motion.

APPOINTMENT OF GUADALUPE GAMBOA

The President declared the question before the Senate to be the confirmation of Guadalupe Gamboa, Senate Gubernatorial Appointment No. 9373, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of Guadalupe Gamboa, Senate Gubernatorial Appointment No. 9373, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Carlyle

Excused: Senator Sheldon

Guadalupe Gamboa, Senate Gubernatorial Appointment No. 9373, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2409, by House Committee on Labor & Workplace Standards (originally sponsored by Kilduff, Pollet, Sells, Gregerson, Valdez and Ormsby)

Concerning industrial insurance employer penalties, duties, and the licensing of third-party administrators.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser and without objection, the committee striking amendment by the Committee on Labor & Commerce to Substitute House Bill No. 2409 was withdrawn.

MOTION

Senator Keiser moved that the following floor amendment no. 1302 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.48.010 and 1985 c 347 s 2 are each amended to read as follows:

Every employer shall be liable for the penalties described in this title and may also be liable if an injury or occupational disease has been sustained by a worker prior to the time he or she has secured the payment of such compensation to a penalty in a sum not less than fifty percent nor more than one hundred percent of the cost for such injury or occupational disease. Any employer who has failed to secure payment of compensation for his or her workers covered under this title may also be liable to a maximum penalty in a sum of ~~((five hundred))~~ one thousand dollars or in a sum double the amount of premiums incurred prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

Sec. 2. RCW 51.48.017 and 2010 c 8 s 14011 are each amended to read as follows:

~~((#))~~ (1) Every time a self-insurer unreasonably delays or refuses to pay benefits as they become due ~~((there shall be paid by))~~, the self-insurer ~~((upon order of the director an additional amount equal to five hundred dollars or twenty-five percent of the amount then due, whichever is greater, which shall accrue for the benefit of the claimant and shall be paid to him or her with the benefits which may be assessed under this title.))~~ shall pay a penalty not to exceed the greater of one thousand dollars or twenty-five percent of: (a) The amount due or (b) each underpayment made to the claimant. For purposes of this section, "the amount due" means the total amount of payments due at the time of the calculation of the penalty.

(2) In making the determination of the penalty amount, the department shall weigh at least the following factors: The amount of any payment delayed, employer communication of the basis for or calculation of the payment, history or past practice of underpayments by the employer, department orders directing the payment, and any required adjustments to the amount of the payment.

(3) The director shall issue an order determining whether there was an unreasonable delay or refusal to pay benefits and the penalty amount owed within thirty days upon the request of the claimant. Such an order shall conform to the requirements of RCW 51.52.050.

(4) The penalty shall accrue for the benefit of the claimant and shall be paid to the claimant with the benefits which may be assessed under this title.

(5) This section applies to all requests for penalties made after September 1, 2020.

Sec. 3. RCW 51.48.030 and 1986 c 9 s 8 are each amended to read as follows:

(1) Every employer who fails to keep and preserve the records required by this title or fails to make the reports provided in this title shall be subject to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars or two hundred percent of the quarterly tax for each such offense, whichever is greater. Any employer who fails to keep and preserve the records adequate to determine taxes due shall be forever barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department based on any period for which such records have not been kept and preserved.

(2) The department may waive penalties for first-time or de minimis violations of this section. Any penalty that is waived under this section may be reinstated and imposed in addition to any additional penalties associated with a subsequent violation or failure within a year to correct the previous violation as required by the department.

Sec. 4. RCW 51.48.040 and 2003 c 53 s 282 are each amended to read as follows:

(1) The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the persons employed, and such other information as may be necessary for the department and its management under this title.

(2) Refusal on the part of the employer to submit his or her books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars for each offense and the individual who personally gives such refusal is guilty of a misdemeanor.

(3) Any employer who fails to allow adequate inspection in accordance with the requirements of this section is subject to having its certificate of coverage revoked by order of the department and is forever barred from questioning in any proceeding in front of the board of industrial insurance appeals or any court, the correctness of any assessment by the department based on any period for which such records have not been produced for inspection.

Sec. 5. RCW 51.48.060 and 2004 c 65 s 14 are each amended to read as follows:

Any physician or licensed advanced registered nurse practitioner who fails, neglects or refuses to file a report with the director, as required by this title, within five days of the date of treatment, showing the condition of the injured worker at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured worker, as required by this title, shall be subject to a civil penalty determined by the director but not to exceed ~~((two))~~ five hundred ~~((fifty))~~ dollars.

Sec. 6. RCW 51.48.080 and 1985 c 347 s 7 are each amended to read as follows:

Every person, firm or corporation who violates or fails to obey, observe or comply with any statutory provision of this act or rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed ~~((five hundred))~~ one thousand dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 51.48 RCW to read as follows:

(1) The penalties payable pursuant to this chapter shall be adjusted for inflation every three years, beginning July 1, 2023, based upon changes in the consumer price index during that time period.

(2) For purposes of this section, "consumer price index" means, for any calendar year, that year's average consumer price index for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(3) During the last quarter of the year preceding the scheduled inflationary adjustment, the department will gather stakeholder comment on the anticipated adjustment.

NEW SECTION. Sec. 8. A new section is added to chapter 51.14 RCW to read as follows:

(1) Self-insured employers may elect to have their claims administered by a third party or they may elect to self-administer their claims. Third-party administrators given the responsibility of administering the claims of workers by an employer shall be licensed by the department. All employer claims administrators given the responsibility of administering the claims of workers shall maintain certification established by the department.

(2) The department shall adopt rules to administer this section. The rules for licensing third-party administrators must:

(a) Incorporate the department's rules for self-insurers in effect as of March 2020;

(b) Include criteria for determining appropriate penalties for violation of their responsibilities and duties, including managing claims, engaging in the department's management of claims, coordinating proper employment of injured workers during the pendency of the worker's claim, making requests of the department in individual cases, or participating in appeals involving a worker's benefits in a way that furthers the purpose of this title;

(c) Consider recognized and approved claim processing practices within the industrial insurance industry, and the industrial insurance laws and rules of this state;

(d) Consider similar licensure rules under the insurance laws and rules of this state; and

(e) Include requirements for maintaining a license, and any penalties for violation of those licensing requirements.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act take effect September 1, 2020.

NEW SECTION. Sec. 10. Section 8 of this act takes effect July 1, 2021."

On page 1, line 2 of the title, after "administrators;" strike the remainder of the title and insert "amending RCW 51.48.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; adding a new section to chapter 51.48 RCW; adding a new section to chapter 51.14 RCW; prescribing penalties; and providing effective dates."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1302 by Senator Keiser to Substitute House Bill No. 2409.

The motion by Senator Keiser carried and floor amendment no. 1302 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2409 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Mullet spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2409 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2409 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban,

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Brown, Ericksen, Honeyford, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 2409 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well I think it's time for me to tell everyone that I'm going to retire and this will be my last session. I still will be a senator until a new person takes over but it's time for me to spend more time with my husband. And you know, I really hesitate to say this, but when my husband and I, when I was a stewardess, I used to always, and now you know I can't carry a tune, I always used to sing, *"Leaving on a jet plane don't know when I'll be back again."* Now you know I can't carry a tune. However, he used to kind of look at me and laugh a little bit because you can tell I can't carry a tune but, that's kind of how it's felt, Mr. President. And members of this committee or this group, for the last twelve years, when ten years of that I only had weekend visitation rights, is what I called it. So, my husband's here. On the outside, here in the wings. And, can you wave Bob? And he's been a biggest Rock of Gibraltar that anyone could have. Of course, when I go home and he doesn't agree with what I think I also hear that and sometimes it's not so great, but, I just have to say, we sold our house out in Eatonville in 2018. We closed in October. And, I have to say part of the reason that we sold it is that the house was too big and too much land for us to take care of and continue to do this. But, another thing - and why I've stood up so much for the seniors in the state of Washington - is we were faced, every month, with a five-hundred dollar tax bill for our property taxes alone. And we got talking one day and said, 'Why is it that? After we've paid taxes on everything we've done here are we going to continue to pay five hundred dollars a month in our retirement?' And so, we decided to make that hard decision and sell and we did. But I'm saying this because if it affects me like this, it affects so many people in the state of Washington. And I think we really have to look at the seniors that have paid property taxes all their lives and we need to do something more to say thank you to them, Mr. President. I'd like to not only thank my husband but I'd like to say thank you to Tiffani, my executive secretary. Tiffani, if you will raise your hand? And she has been the backbone in my office, and she has held everything together. And without her for the last eight years, I wouldn't have made it and been able to do the amount of things that I have. This is probably been the neatest experience for me. Something I never would have expected to do when they asked me. Actually, it was our malpractice insurance carrier that, for the company that I worked for, asked if I'd ever thought about running for political office and I looked at this gal right in the eye and my immediate answer was, 'Are you kidding me? I hate politics.' And, I still hate it when we are clashing. And, I like it more when we have a bill out here that we're not party line and that we have come together and taken the time to really, really try to get each other to understand what's involved and do the job that we should for

the state of Washington. If I had one druther, Mr. President, I would take this aisle and I would get rid of it. I would say Republican, Democrat, Republican, Democrat, Democrat, Republican whatever, and have them sit side-by-side and talk to each other more intimately about every single thing that we do here. And, I really think that this aisle is a great divide that we shouldn't have in place. So, I would like to call out a couple people that I think are pretty special down here. And unfortunately, Tim Sheldon is not here today, but Tim Sheldon, to me, is the epitome of a statesman. Whether you get upset that he came over and is in the Republican Caucus or whether somebody goes to the other caucus, he stands up for his district, for the people in his district, in a way that none of us can understand and respect to the point that this man is a good person. I'd also like to call out Christine Rolfes because she has been what I would call a classy lady. She has done what I think has been an amazing job in the in the Senate here. The way she treats everybody, with such respect and kindness, is really, well warranted and I want to say thank you very much. Then I want to reach out to John Braun. John Braun, when he came, when he came was a little bit intimidating because I asked him if he had a file cabinet for memory because he could remember every single thing anybody said. And I've learned to appreciate what John Braun is brought to this institution. His, his ability to look through and get to the crux of what it is and look at it from both the policy portion, but how does that policy affect the budget and what we do to the individual. There's many more I can call out, but I'd really like to call out Kathleen Lawrence, Jim Troyer, Jeannie Gorrell. Jeannie and Kathleen, my first year, every time somebody would ask me to sign onto a bill they'd run up and say 'Nooo!' or 'Yes' because I had never been in politics. I had no idea how to read a bill even. And so, they were such a great help. And, Lieutenant Governor Cyrus Habib, I want to pick on you a little bit here, while I'm doing it. I have enjoyed you. I look at what you do and what your abilities are up there, absolutely amazing, and I want to thank you for your service. I do want to tell you, though, that you talk to freakin' fast. And I always, when I was telling Senator Short behind me, I always think of an auction, a car auction and a cattle auction. And I can't do that that fast but, Mr. President, I really have a lot of respect for what you do. You need to vote for us a little bit more though, Ok? I just, I have to say this is been the neatest experience in my life. The best thing that I have ever done. Something that I have so much to thank the people of my district for. For electing me the first time and for reelecting me again and a third time and actually putting their trust and their faith and what I would do would be to represent them and I think I have. I know I didn't make everybody happy all of the time but I listened to everybody that I could and took their, their thoughts into consideration. So it will be a sad day but, Mr. President if you'll indulge me, I have a t-shirt that I found in Wyoming and I think it's really fun and I want this to go up."

President Habib: "Yes. Please proceed."

Senator Becker: "I, 'I am not fake news.' And there's a store in Wyoming that sells all sorts of fun ones but we will be moving to Wyoming later this year. I'll be back for committee days and ... but we bought a house up on top of the hill that, there were sixty elk in the field the other day. And we bought a side-by-side and I can tell you I'm crazier than my husband in that he goes slow I go fast and with that I would like to bid everybody a fond farewell. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Becker and I'm going to ask I know that we have some some plans for how to as the Senate always does for for departing members I know we have some plans for how to recognize you further So I going to ask that the floor leader the majority floor leader let us know about that before we continue."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President, I know that we have forty-eight points of personal privilege now in response to that, so we do have, of course, a deadline ahead of us so I would like to reserve some time next week to be able to thank Senator Becker for her work. I, I've heard maybe there are a couple of other, at least one other, member that is leaving. She's looking at me over her glasses. So, we will save some time next week, for sure, to really, all of us, show our appreciation. And I've already pledged my contribution to her 'Becker for Wyoming State Senate' campaign. So, I'm onboard Mr. President with, with that. This is certainly hard news and we have treasured our time with Senator Becker and look forward to having a couple hours to roast her next week."

REMARKS BY THE PRESIDENT

President Habib: "But fair warning, Wyoming is one of the three states with no lieutenant governor. So, so Senator Becker is that why you're moving there? I don't know. Thank you, thank you all."

The Senate resumed consideration of Substitute House Bill No. 2803 which had been deferred the previous legislative day.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2803, by House Committee on Finance (originally sponsored by Tarleton, Robinson, Sells, Lekanoff, Gregerson, Chapman, Orwall, Peterson, Tharinger and Pollet)

Authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact.

The bill was read on Third Reading.

RULING BY THE PRESIDENT

President Habib: "In ruling upon the point of order raised by Senator Braun as to whether Substitute House Bill 2803 violates Senate Rule 25 by including provisions not reflected in the bill's title, the President finds and rules as follows.

While the President will give deference to a title chosen by a bill's sponsor, it is incumbent upon the President to enforce Rule 25 which is the title limitation adopted by this body. These are your rules.

Previous rulings on this matter have provided some guidance on the Senate's standards for an adequate title, explaining that, "it is not required that the title be perfectly precise, but it should adequately describe the scope and purpose of the law being changed as to cause a reader following a particular issue to determine if further inquiry into the text of the bill is necessary."

Therefore, the President will 'examine a title to determine not its legal import, but whether or not it sufficiently describes the subject of the bill itself.'

The title of SHB 2803 is as follows: "An act relating to authorizing the governor to enter into compacts with Indian tribes addressing certain state retail sales tax, certain state use tax, and certain state business and occupation tax revenues, as specified in a memorandum of understanding entered into by the state, Tulalip tribes, and Snohomish county, in January 2020, and including other terms necessary for the department of revenue to administer any such compact."

The specific point of contention is whether certain provisions found in the bill are actually "as specified" in the January 2020 MOU.

The January MOU in question contains a provision that prohibits sharing of retail sales and use tax revenue derived from existing development beyond the first \$500,000 until year five and beyond the four-year fiscal note period.

Section 2(2)(d) of Substitute House Bill 2803 states: "Beginning January 1st of the fourth calendar year following the signing of the compact" certain amounts beyond the \$500,000 cap would be subject to revenue sharing.

Senator Braun argues this would allow for revenue sharing within year four, in violation of what appears to be a five-year ban on revenue sharing in the January 2020 MOU. He therefore maintains that the legislation is no longer accurately described by the title of the bill, in violation of Senate Rule 25.

However, there is another interpretation, and where there is more than one reasonable reading of a substantive provision, the President is inclined to follow the interpretation that upholds the Rules of the Senate.

A close reading of the language of the MOU shows that the restriction is "until year five". This language places a four-year limitation on additional sharing of retail sales and use tax revenue derived from existing development beyond the \$500,000 cap. The President finds that it is fair to read this as a ban until the fifth year, as further clarified by the language in the MOU that states "beyond the four-year fiscal note period".

For these reasons, the President finds that the title does reflect the substance of the bill in compliance with Senate Rule 25 and the that bill is properly before us.

Normally that would be end of my remarks, but in this case the President finds it necessary to make some comments on bill titles and encourage caution in the future.

The President has noticed a trend of sponsors selecting very narrow and specific bill titles. There are reasons for these choices, and often the reason is to avoid certain uncomfortable amendments. Amendments and uncomfortable debate are a regular part of the legislative process. The President will caution members that selecting a narrow and specific bill title is not without risk. Where a title is very specific, the language of the bill MUST follow that title very specifically, and the President will enforce the standards of Senate Rule 25.

Further, the President is dismayed at the reference to an outside document in this particular title. SHB 2803 references an MOU that also has been amended and is not widely available to the public. Given that a primary purpose of Senate Rule 25 is to give notice as to the contents of the bill, the President is disappointed in that respect. In order to even determine the basic question of whether the contents of the bill conflicted with the title, the President was forced to follow a trail of documents collected by professionals. Legislation should be accessible to the public and this should not be an acceptable form of notice.

Titles like this do a disservice to members of this body and to the public. While, as in this case, there may be no technical

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

violation of Senate Rule 25, there certainly can be a violation of its spirit and the spirit of the legislative process.”

Senators Rolfes and McCoy spoke in favor of passage of the bill.

Senators Braun and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2803.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2803 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Muzzall, O'Ban, Padden, Schoesler, Short, Wagoner, Walsh, Wilson, L. and Zeiger

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 2803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, by House Committee on Appropriations (originally sponsored by Shewmake, Ybarra, Boehnke, Tarleton, Mead, Fitzgibbon, Lekanoff, Ramel, Callan, Peterson, Slatter, Davis, Doglio, Pollet and Cody)

Concerning the safe and efficient transmission and distribution of natural gas.

The measure was read the second time.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute House Bill No. 2518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2518.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2518 and the bill passed the

Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Fortunato, Honeyford, Padden, Short and Wagoner

Excused: Senator Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528, by House Committee on Appropriations (originally sponsored by Ramos, DeBolt, Chapman, Boehnke, Blake, Fitzgibbon, Tharinger and Santos)

Recognizing the contributions of the state's forest products sector as part of the state's global climate response.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the intergovernmental panel on climate change (IPCC) released a report in 2019 entitled "IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems" that provides guidance relating to how natural and working lands can be utilized to assist with a global climate response strategy. In addition, the food and agricultural organization of the United Nations issued a report in 2016 entitled "forestry for a low-carbon future" with specific recommendations for integrating forest and wood products in climate change strategies. Recommendations from these reports are critical as Washington develops its own climate response and charts how the state can use its forestland base and vibrant forest products sector as part of its contribution to the global climate response.

(2) The legislature further finds that the 2019 intergovernmental panel on climate change report identifies several measures where sustainable forest management and forest products may be utilized to maintain and enhance carbon sequestration. These include increasing the carbon sequestration potential of forests and forest products by maintaining and expanding the forestland base, reducing emissions from land conversion to nonforest uses, increasing forest resiliency to reduce the risk of carbon releases from disturbances such as wildfire, pest infestation, and disease, and applying sustainable forest management techniques to maintain or enhance forest

carbon stocks and forest carbon sinks, including through the transference of carbon to wood products.

(3) The legislature further finds that the food and agricultural organization of the United Nations reports similar recommendations, with a focus on forest management tools that increases the carbon density in forests, increases carbon storage out of the forest in harvested wood products, utilizes wood energy, and suppresses forest disturbances from fire, pests, and disease.

Sec. 2. RCW 70.235.005 and 2008 c 14 s 1 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70.235.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well trained workforce for our clean energy future.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70.235.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; ~~((and))~~ (c) support industry sectors that can act as sequesterers of carbon; and (d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low-carbon economy and to make necessary investments in low-carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the ~~((state's))~~:

(a) State's hydroelectric system~~((the))~~;

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land~~((;))~~ and the associated industries; and ~~((the))~~

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used to further the state's efforts to achieve the goals established in RCW 70.235.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase

investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1)(a) Washington's existing forest products sector, including public and private working forests and the harvesting, transportation, and manufacturing sectors that enable working forests to remain on the land and the state to be a global supplier of forest products, is, according to a University of Washington study analyzing the global warming mitigating role of wood products from Washington's private forests, an industrial sector that currently operates as a significant net sequesterer of carbon. This value, which is only provided through the maintenance of an intact and synergistic industrial sector, is an integral component of the state's contribution to the global climate response and efforts to mitigate carbon emissions.

(b) Satisfying the goals set forth in RCW 70.235.020 requires supporting, throughout all of state government, consistent with other laws and mandates of the state, the economic vitality of the sustainable forest products sector and other business sectors capable of sequestering and storing carbon. This includes support for working forests of all sizes, ownerships, and management objectives, and the necessary manufacturing sectors that support the transformation of stored carbon into long-lived forest products while maintaining and enhancing the carbon mitigation benefits of the forest sector, sustaining rural communities, and providing for fish, wildlife, and clean water, as provided in chapter 76.09 RCW. Support for the forest sector also ensures the state's public and private working forests avoid catastrophic wildfire and other similar disturbances and avoid conversion in the face of unprecedented conversion pressures.

(c) It is the policy of the state to support the contributions of all working forests and the synergistic forest products sector to the state's climate response. This includes landowners, mills, bioenergy, pulp and paper, and the related harvesting and transportation infrastructure that is necessary for forestland owners to continue the rotational cycle of carbon capture and sequestration in growing trees and allows forest products manufacturers to store the captured carbon in wood products and maintain and enhance the forest sector's role in mitigating a significant percentage of the state's carbon emissions while providing other environmental and social benefits and supporting a strong rural economic base. It is further the policy of the state to support the participation of working forests in current and future carbon markets, strengthening the state's role as a valuable contributor to the global carbon response while supporting one of its largest manufacturing sectors.

(d) It is further the policy of the state to utilize carbon accounting land use, land use change, and forestry reporting principles consistent with established reporting guidelines, such as those used by the intergovernmental panel on climate change and the United States national greenhouse gas reporting inventories.

(2) Any state carbon programs must support the policies stated in this section and recognize the forest products industry's contribution to the state's climate response.

NEW SECTION. Sec. 4. A new section is added to chapter 89.08 RCW to read as follows:

(1)(a) The forest and forest products carbon account is created in the custody of the state treasurer.

(b) The following moneys may be deposited into the account: All moneys directed or appropriated to the account by the legislature, including appropriations from the general fund, the capital budget, and any specified revenues from other sources,

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

including policies that establish a price on carbon or related federal grant programs.

(c) The commission may also deposit into the account any grants, gifts, or donations to the state for purposes consistent with the allowable uses of the account.

(d) Expenditures from the account may be used only for commission administrative costs and grants consistent with this section. Only the executive director of the commission or the executive director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The commission shall use all moneys in the forest and forest products carbon account, less reasonable administrative overhead costs, as grants to any private landowner, organization that works with private landowners, nonprofit organization, local government, Indian tribe, or state land managing agency to advance the state's carbon sequestration goals outlined in section 3 of this act. All grant awards must be the result of a competitive process, designed by the commission, that seeks to leverage the carbon sequestration and storage benefits of the investment. Allowable grant project types include, but are not limited to, funding:

(a) For reforestation of forestlands after a wildfire or other disaster for which the landowner was not responsible;

(b) For afforestation projects to return lands capable of supporting trees to forestlands;

(c) To plant sustainable forested buffers and remove nonnative invasive species along otherwise nonforested fish bearing streams; and

(d) For urban forest restoration or urban tree planting.

(3) In addition to administrative costs and grants as provided in this section, the commission may also use funds in the forest and forest products carbon account to conduct an opportunity analysis of land in Washington to determine how many acres of deforested land could be returned to forestlands without decreasing food production."

On page 1, line 3 of the title, after "response;" strike the remainder of the title and insert "amending RCW 70.235.005; adding a new section to chapter 70.235 RCW; adding a new section to chapter 89.08 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Second Substitute House Bill No. 2528.

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

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Second Substitute House Bill No. 2528 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, King and Sheldon spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2528 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2528 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen and Honeyford

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2528 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2601, by Representatives Tharinger, Barkis, Leavitt and Ryu

Concerning the authority of the parks and recreation commission to approve leases.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.025 and 2016 c 103 s 1 are each amended to read as follows:

(1) The commission shall elect one of its members as chair. The commission may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(a) Except as provided in (b) of this subsection, the lease of parkland or property for a period exceeding twenty years requires the ~~((unanimous consent))~~ affirmative vote of at least five members of the commission.

(b) With the affirmative vote of at least five members of the commission, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3, chapter 103, Laws of 2016 fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline. The lease at Saint Edward state park may only include the following:

(i) The main seminary building;

(ii) The pool building;

(iii) The gymnasium;

(iv) The parking lot located in between locations identified in (b)(i), (ii), and (iii) of this subsection;

(v) The parking lot immediately north of the gymnasium; and

(vi) Associated property immediately adjacent to the areas listed in (b)(i) through (v) of this subsection.

Sec. 2. RCW 79A.05.030 and 2016 c 103 s 2 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than ~~((fifty))~~ eighty years, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such conditions as shall be approved by the commission.

(a) Leases exceeding a twenty-year term, or the amendment or modification of these leases, shall require a vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease.

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085.

(d) The rates of concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership, select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection."

On page 1, line 2 of the title, after "leases;" strike the remainder of the title and insert "and amending RCW 79A.05.025 and 79A.05.030."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2601.

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

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2601 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2601 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2601 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko,

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C.,
Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

HOUSE BILL NO. 2601 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2311, by House Committee on Appropriations (originally sponsored by Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez, Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins and Pollet)

Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1303 by Senator Short be adopted:

On page 4, line 5, after "to" strike all material through "thousand" and insert "~~((+1990))~~ 2005 levels, or ninety-six million"

On page 4, line 8, after "~~((twenty-five))~~" strike "fifty million" and insert "fifty-two million eight hundred thousand"

On page 4, line 9, after "below" strike "1990" and insert "~~((+1990))~~ 2005"

On page 4, line 14, after "to" strike "twenty-seven million" and insert "twenty-eight million eight hundred thousand"

On page 4, line 15, after "below" strike "1990" and insert "2005"

On page 4, line 17, after "below" strike "1990" and insert "2005"

Senator Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1303 by Senator Short on page 4, line 5 to Engrossed Second Substitute House Bill No. 2311.

The motion by Senator Short did not carry and floor amendment no. 1303 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1304 by Senator Short be adopted:

On page 4, line 34, after "RCW 70.94.151;" strike "and" and insert "~~((and))~~"

On page 4, line 35, after "(ii)" insert "Standardize emissions of greenhouse gases for population growth and provide a per capita emissions amount for each reporting period; and

(iii)"

Correct any internal references accordingly.

Senator Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1304 by Senator Short on page 4, line 34 to Engrossed Second Substitute House Bill No. 2311.

The motion by Senator Short did not carry and floor amendment no. 1304 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1305 by Senator Short be adopted:

On page 5, line 17, after "(3)" insert "If the department reports that the per capita emissions of greenhouse gases decrease by at least ten percent from the previous reporting period, any state programs designed to achieve greenhouse gas emission reductions must be discontinued until the department makes recommendations to the legislature regarding adjusting statewide greenhouse gas emission limits to account for the effects of population growth on greenhouse gas emissions.

(4)"

Correct any internal references accordingly.

Senators Short and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1305 by Senator Short on page 5, line 17 to Engrossed Second Substitute House Bill No. 2311.

The motion by Senator Short did not carry and floor amendment no. 1305 was not adopted by voice vote.

MOTION

On motion of Senator Rivers, Senator Walsh was excused.

MOTION

Senator Short moved that the following floor amendment no. 1306 by Senator Short be adopted:

On page 9, after line 22, insert the following:

"NEW SECTION. Sec. 6. The legislature declares that this act to establish greenhouse gas emissions goals constitutes an exercise of the state's police power to protect and promote the health, safety, and welfare of the residents of the state in general. Accordingly, while this act is intended to protect the public generally, it does not create a duty owed to any individual or entity on the part of the state or its instrumentalities. This act does not create a private right of action. Furthermore, this act does not create any civil liability on the part of the state or any state agency, officer, employee, or agent."

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Short and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1306 by Senator Short on page 9, after line 22 to Engrossed Second Substitute House Bill No. 2311.

The motion by Senator Short did not carry and floor amendment no. 1306 was not adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Second Substitute House Bill No. 2311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

Senators Short, Sheldon and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2311.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2311 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1702, by Representatives Van Werven, Leavitt, Kraft, Entenman, Rude, Sutherland, Dye, Gildon, Slatter, Chambers, Graham, Calder, Eslick, Mosbrucker, Young, Jinkins, Bergquist, Doglio and Pollet

Informing students of low-cost course materials for community and technical college courses.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1702.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 1702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713, by House Committee on State Government & Tribal Relations (originally sponsored by Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet)

Encouraging compost procurement and use.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that local compost manufacturing plays a critical role in our state's solid waste infrastructure. Composting benefits Washington agencies, counties, cities, businesses, and residents by diverting hundreds of thousands of tons of organic waste from landfills, reducing solid waste costs, and lowering carbon emissions. The legislature finds that a growing number of local governments are recognizing the benefits of composting programs and offering compost collection to their residents and businesses. The diversion of food waste from landfills to compost processors remains critical for state and local governments to meet their ambitious diversion goals.

The legislature also finds that composting is a strong carbon reduction industry for Washington, as the application of compost to soil systems permits increased carbon sequestration. Compost can also replace synthetic chemical fertilizer, prevent topsoil erosion, and filter stormwater on green infrastructure projects such as rain gardens and retention ponds.

The legislature declares that state and local governments should lead by example by purchasing and using local compost that meets state standards and by encouraging farming operations to do so as well.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19A RCW to read as follows:

(1) When planning government-funded projects or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether compost products can be utilized in the project.

(2) If compost products can be utilized in the project, the state agency or local government must use compost products, except as follows:

(a) A state agency or local government is not required to use compost products if:

(i) Compost products are not available within a reasonable period of time;

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(ii) Compost products that are available do not comply with existing purchasing standards;

(iii) Compost products that are available do not comply with federal or state health, quality, and safety standards; and

(iv) Compost purchase prices are not reasonable or competitive; and

(b) A state agency is also not required to use compost products in a project if:

(i) The total cost of using compost is financially prohibitive;

(ii) Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;

(iii) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or

(iv) The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

(3) Before the transportation or application of compost products under this section, composting facilities, state agencies, and local governments must ensure compliance with department of agriculture pest control regulations provided in chapter 16-470 WAC.

(4) State agencies and local governments are encouraged to give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards adopted by rule by the department of ecology.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19A RCW to read as follows:

(1) Each local government that provides a residential composting service is encouraged to enter into a purchasing agreement with its compost processor to buy back finished compost products for use in government projects or on government land. The local government is encouraged to purchase an amount of finished compost product that is equal to or greater than fifty percent of the amount of organic residuals it delivered to the compost processor. Local governments may enter into collective purchasing agreements if doing so is more cost-effective or efficient. The compost processor should offer a purchase price that is reasonable and competitive for the specific market.

(2) When purchasing compost products for use in government projects or on government-owned land, local governments are encouraged to purchase compost with at least eight percent food waste, or an amount of food waste that is commensurate with that in the local jurisdiction's curbside collection program.

NEW SECTION. Sec. 4. (1) Subject to amounts appropriated for this specific purpose, the department of agriculture must establish and implement a three-year compost reimbursement pilot program to reimburse farming operations in the state for purchasing and using compost products from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. The grant reimbursements under the pilot program will begin January 1, 2021, and conclude December 31, 2023. For purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement pilot program, a farming operation must complete an eligibility review with the department of agriculture prior to transporting or applying any compost products for which reimbursement will be sought under this section. The purpose of the review is for the department of agriculture to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules in chapter 16-470 WAC. A farming operation must also verify that soil sampling will be allowed as necessary to establish a baseline of soil quality and carbon storage and for subsequent department of agriculture evaluations to assist the department's reporting requirements under subsection (9) of this section.

(3) The department of agriculture must create a form for eligible farming operations to apply for cost reimbursement. All applications for cost reimbursement must be submitted on the form along with documentation of the costs of purchasing and using compost products for which the applicant is requesting reimbursement. The department of agriculture may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for:

(a) Its own compost products;

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; or

(c) Compost products that were not purchased from a facility with a solid waste handling permit.

(4) A farming operation may submit only one application per year for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th of each year in which the pilot program is in effect. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department of agriculture must distribute reimbursement funds, subject to the following limitations:

(a) The department of agriculture must distribute reimbursements in a manner that prioritizes small farming operations as measured by acreage;

(b) No farming operation may receive reimbursement if it was not found eligible for reimbursement by the department of agriculture prior to transport or use under subsection (2) of this section;

(c) No farming operation may receive reimbursement for more than fifty percent of the costs it incurs for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(d) No farming operation may receive more than ten thousand dollars per year;

(e) No farming operation may receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(f) No farming operation may receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement pilot program under this section.

(7) There is established within the department of agriculture a compost reimbursement pilot program manager position. The compost reimbursement pilot program manager must possess

knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement pilot program.

(8) Any action taken by the department of agriculture pursuant to this section is exempt from the rule-making requirements of chapter 34.05 RCW.

(9) The department of agriculture must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program, with a final report due January 15, 2024. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) An evaluation of the benefits and costs to the state of continuing, expanding, or furthering the strategies explored in the pilot program.

(10) This section expires June 30, 2024."

On page 1, line 1 of the title, after "use;" strike the remainder of the title and insert "adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Substitute House Bill No. 2713.

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

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute House Bill No. 2713 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Rivers, Mullet and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2713 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2713 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Rolfes

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND SUBSTITUTE SENATE BILL NO. 5144,

SUBSTITUTE SENATE BILL NO. 5867,

SENATE BILL NO. 6034,

SENATE BILL NO. 6096,

SECOND SUBSTITUTE SENATE BILL NO. 6139,

SENATE BILL NO. 6170,

SUBSTITUTE SENATE BILL NO. 6208,

SUBSTITUTE SENATE BILL NO. 6210,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,

SENATE BILL NO. 6218,

SENATE BILL NO. 6229,

SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6286,

SECOND SUBSTITUTE SENATE BILL NO. 6309,

ENGROSSED SENATE BILL NO. 6421,

SUBSTITUTE SENATE BILL NO. 6483,

SENATE BILL NO. 6493,

SUBSTITUTE SENATE BILL NO. 6495,

and SUBSTITUTE SENATE BILL NO. 6663.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521, by House Committee on Appropriations (originally sponsored by Dolan, Harris, Valdez, Frame, Calder, MacEwen, Griffey, Blake, Sells, Tarleton, Fitzgibbon, Ryu, Kilduff and Ormsby)

Providing for accountability and transparency in government contracting.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to increase transparency and accountability of public contracts by requiring better evaluation of contract performance. Such evaluation should include an assessment of whether decisions to "contract out" government services to the private sector are achieving their stated objectives. In addition, it is the intent of the legislature to ensure that public contractors given access to state resources are held to ethical standards consistent with public values.

The legislature finds that prior to July 1, 2005, state agencies and institutions of higher education were prohibited from contracting out for services regularly and historically provided by classified state employees. Effective July 1, 2005, the personnel system reform act of 2002 lifted the prohibition, authorizing state agencies and institutions of higher education to contract out for services customarily and historically provided by classified state employees. It is therefore the intent of the legislature that this act be applied only to government services that, on or after July 1,

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

2005, have been customarily and historically performed by state employees in the classified service under chapter 41.06 RCW.

Sec. 2. RCW 41.06.142 and 2011 1st sp.s. c 43 s 408 are each amended to read as follows:

(1) ~~If any department, agency, or institution of higher education ((may purchase)) intends to contract for services((- including services)) that, on or after July 1, 2005, have been customarily and historically provided by employees in the classified service under this chapter, a department, agency, or institution of higher education may do so~~ by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) A comprehensive impact assessment is completed by the agency, department, or institution of higher education to assist it in determining whether the decision to contract out is beneficial.

(i) The comprehensive impact assessment must include at a minimum the following analysis:

(A) An estimate of the cost of performance of the service by employees, including the fully allocated costs of the service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate must not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service;

(B) An estimate of the cost of performance of the services if contracted out, including the cost of administration of the program and allocating sufficient employee staff time and resources to monitor the contract and ensure its proper performance by the contractor;

(C) The reason for proposing to contract out, including the objective the agency would like to achieve; and

(D) The reasons for the determination made under (e) of this subsection.

(ii) When the contract will result in termination of state employees or elimination of state positions, the comprehensive impact assessment may also include an assessment of the potential adverse impacts on the public from outsourcing the contract, such as loss of employment, effect on social services and public assistance programs, economic impacts on local businesses and local tax revenues, and environmental impacts;

(b) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

~~((b))~~ (c) Employees ((in the classified service)) whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (((4))) (7) of this section;

~~((e)) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;~~

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency, department, or institution of higher education must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2)(a) The agency, department, or institution of higher education must post on its web site the request for proposal, the

contract or a statement that the agency, department, or institution of higher education did not move forward with contracting out, and the comprehensive impact assessment pursuant to subsection (1) of this section.

(b) The agency, department, or institution of higher education must maintain the information in (a) of this subsection in its files in accordance with the record retention schedule under RCW 40.14.060.

(3) Every five years or upon completion of the contract, whichever comes first, the agency, department, or institution of higher education must prepare and maintain in the contract file a report, which must include at a minimum the following information:

(a) Documentation of the contractor's performance as measured by the itemized performance standards;

(b) Itemization of any contract extensions or change orders that resulted in a change in the dollar value or cost of the contract; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract, together with an estimate of the cost incurred by the agency, department, or institution of higher education in enforcing such compliance.

(4) In addition to any other terms required by law, the terms of any agreement to contract out a service pursuant to this section must include terms that address the following:

(a) The contract's contract management provision must allow review of the contractor's performance;

(b) The contract's termination clauses must allow termination of the contract if the contractor fails to meet the terms of the contract, including failure to meet performance standards or failure to provide the services at the contracted price;

(c) The contract's damages provision must allow recovery of direct damages and, when applicable, indirect damages that the agency, department, or institution of higher education incurs due to the contractor's breach of the agreement;

(d) If the contractor will be using a subcontractor for performance of services under the contract, the contract must allow the agency, department, or institution of higher education to obtain information about the subcontractor, as applicable to the performance of services under the agreement; and

(e) A provision requiring the contractor to consider employment of employees who may be displaced by the contract, if the contract is with an entity other than an employee business unit.

(5) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

~~(((3)) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section))~~ (6) When contracting out for services as authorized in this section the agency, department, or institution of higher education must ensure firms adhere to the values of the state of Washington under RCW 49.60.030, which provide its citizens freedom from discrimination. Any relationship with a potential or current industry partner that is found to have violated RCW 49.60.030 by the attorney general shall not be considered and must be immediately terminated unless:

(a) The industry partner has fulfilled the conditions or obligations associated with any court order or settlement resulting from that violation; or

(b) The industry partner has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission.

~~((4))~~ (7) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency, department, or institution of higher education requests bids from private entities for a contract for services provided by ~~((classified))~~ employees, the contracting agency, department, or institution of higher education shall notify the ~~((classified))~~ employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency, department, or institution of higher education shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency, department, or institution of higher education of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency, department, or institution of higher education to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's, department's, or institution of higher education's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

~~((5))~~ (8)(a) As used in this section:

~~((a))~~ (i) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection ~~((4))~~ (7) of this section.

~~((b))~~ (ii) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

~~((c))~~ (iii) "Competitive contracting" means the process by which ~~((classified))~~ employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

~~((6))~~ (b) Unless otherwise specified, for the purpose of this act, "employee" means state employees in the classified service under this chapter except employees in the Washington management service as defined under RCW 41.06.022 and 41.06.500.

(9) The processes set forth in subsections (1)(a), (2), (3), and (4)(a) through (d) of this section do not apply to contracts:

(a) Awarded for the purposes of or by the department of transportation;

(b) With an estimated cost of contract performance of twenty thousand dollars or less;

(c) With an estimated cost of contract performance that exceeds five hundred thousand dollars for public work as defined by RCW 39.04.010; or

(d) Relating to mechanical, plumbing as described in chapter 18.106 RCW, and electrical as described in chapter 19.28 RCW, procured to install systems for new construction or life-cycle replacement with an estimated cost of contract performance of seventy-five thousand dollars or more.

(10) The processes set forth in subsections (1)(~~(c)~~) through (4), (7), and ~~((5))~~ (8) of this section do not apply to:

(a) RCW 74.13.031~~((5))~~ (6);

(b) The acquisition of printing services by a state agency; and

(c) ~~((Contracting for services or activities by the department of enterprise services under RCW 43.19.008 and the department may continue to contract for such services and activities after June 30, 2018))~~ Contracts for services expressly mandated by the legislature, including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181, or authorized by law prior to July 1, 2005, including contracts and agreements between public entities.

~~((7))~~ (11) The processes set forth in subsections (1)(~~(c)~~) through (4), (7), and ~~((5))~~ (8) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in RCW ~~((43.41A.070))~~ 43.105.285.

(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in RCW ~~((43.41A.070))~~ 43.105.285.

Sec. 3. RCW 39.26.200 and 2017 3rd sp.s. c 1 s 996 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the ~~((federal))~~ national labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020;

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations; and

(h) During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review.

Sec. 4. RCW 39.26.180 and 2012 c 224 s 20 are each amended to read as follows:

(1) The department must adopt uniform policies and procedures for the effective and efficient management of contracts by all state agencies. The policies and procedures must, at a minimum, include:

(a) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform, including procedures to ensure compliance with chapter 39.19 RCW, and providing for participation of minority and women-owned businesses;

(b) Model complaint and protest procedures;

(c) Alternative dispute resolution processes;

(d) Incorporation of performance measures and measurable benchmarks in contracts;

(e) Model contract terms to ensure contract performance and compliance with state and federal standards, including terms to facilitate recovery of the costs of employee staff time that must be expended to bring a contract into substantial compliance, and terms required under RCW 41.06.142;

(f) Executing contracts using electronic signatures;

(g) Criteria for contract amendments;

(h) Postcontract procedures;

(i) Procedures and criteria for terminating contracts for cause or otherwise, including procedures and criteria for terminating performance-based contracts that are not achieving performance standards; ~~((and))~~

(j) A requirement that agencies, departments, and institutions of higher education monitor performance-based contracts, including contracts awarded pursuant to RCW 41.06.142, to ensure that all aspects of the contract are being properly

performed and that performance standards are being achieved; and

(k) Any other subject related to effective and efficient contract management.

(2) An agency may not enter into a contract under which the contractor could charge additional costs to the agency, the department, the joint legislative audit and review committee, or the state auditor for access to data generated under the contract. A contractor under such a contract must provide access to data generated under the contract to the contracting agency, the joint legislative audit and review committee, and the state auditor.

(3) To the extent practicable, agencies should enter into performance-based contracts. Performance-based contracts identify expected deliverables and performance measures or outcomes. Performance-based contracts also use appropriate techniques, which may include but are not limited to, either consequences or incentives or both to ensure that agreed upon value to the state is received. Payment for goods and services under performance-based contracts should be contingent on the contractor achieving performance outcomes.

(4) An agency and contractor may execute a contract using electronic signatures.

(5) As used in subsection (2) of this section, "data" includes all information that supports the findings, conclusions, and recommendations of the contractor's reports, including computer models and the methodology for those models.

NEW SECTION. Sec. 5. A new section is added to chapter 39.26 RCW to read as follows:

An agency, department, or institution of higher education that intends to contract out, or does contract out, for services that, on or after July 1, 2005, have been customarily and historically performed by employees in the classified service defined in RCW 41.06.020 must follow procedures and meet criteria established under RCW 41.06.142.

NEW SECTION. Sec. 6. This act is prospective and applies only to contracts commenced on or after the effective date of this section. Contracts in effect prior to the effective date of this section remain unaffected by this act through their expiration date."

On page 1, line 2 of the title, after "contracting;" strike the remainder of the title and insert "amending RCW 41.06.142, 39.26.200, and 39.26.180; adding a new section to chapter 39.26 RCW; and creating new sections."

MOTION

Senator Mullet moved that the following floor amendment no. 1254 by Senators Hunt, Mullet and Zeiger be adopted:

On page 1, line 27, after "by" insert ", and would displace or relocate."

Senators Mullet and Zeiger spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1254 by Senators Hunt, Mullet and Zeiger on page 1, line 27 to the committee striking amendment.

The motion by Senator Mullet carried and floor amendment no. 1254 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections as amended to Engrossed Second Substitute House Bill No. 1521.

The motion by Senator Hunt carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 1521 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill. Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1521 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1521 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1521 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, by House Committee on Appropriations (originally sponsored by Gregerson, Morgan, Ryu, Lovick, Valdez, Ramos, Thai, Reeves, Slatter, Lekanoff, Peterson, Macri, Entenman, Pettigrew, Bergquist, Callan, Stonier, Orwall, Hudgins, Riccelli, Mead, Senn, Santos, Chapman, Walen, Kloba, Doglio, Tarleton, Pollet, Dolan, Davis, Jinkins, Wylie, Shewmake, Pellicciotti, Fey, Stanford, Sells, Morris, Kilduff, Leavitt, Appleton, Tharinger, Ormsby, Frame and Robinson)

Creating the Washington state office of equity.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the

demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more. This includes social ramifications that emerging technology, such as artificial intelligence and facial recognition technology, may have on historically and currently marginalized communities. It is the intent of the legislature to review these emerging technologies either already in use by agencies or before their launch by agencies if not already in use and make recommendations regarding agency use to ensure that the technology is used in a manner that benefits society and does not have disparate negative impacts on historically and currently marginalized communities or violate their civil rights. It is further intended that the office should collaborate with other state efforts in this regard.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. Furthermore, the legislature finds that the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the LGBTQ commission, the women's commission, and the human rights commission each play an important and integral role by serving as a voice for their respective communities and linking state government to these communities. The office is distinct from the commissions because it will serve as the state's subject matter expert on diversity, equity, and inclusion to state agencies and will provide technical assistance and support to agencies while each agency implements its individual equity plan. The office is not duplicative of the commissions, rather it is the intent of the legislature that the office will work in collaboration with the commissions. It is not the legislature's intent to eliminate the commissions or to reduce funding to the commissions by creating the office. Instead, it is the intent of the legislature that the office and the statutory commissions shall work in a complementary manner with each other, support each other's work, jurisdictions, and missions, and adequately fund the statutory commissions and the office as they take on their new complementary roles.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to promote diversity, equity, and inclusion in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

communities and will help normalize language and concepts around diversity, equity, and inclusion.

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

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Communities" means a group of people who share some or all of the characteristics listed in RCW 49.60.030, as well as immigration status and language access.

(3) "Determinants of equity" means the social, economic, geographic, and physical environment conditions in which people in the state of Washington are born, grow, live, work, and age, that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of the communities to which they may belong.

(4) "Director" means the director of the Washington state office of equity.

(5) "Disaggregated data" means data that has been broken down by appropriate subcategories.

(6) "Governing board" means the Washington office of equity governing board.

(7) "Office" means the Washington state office of equity.

(8) "Statutory commission" means the Washington state commission on African American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, the Washington state women's commission established in chapter 43.119 RCW, the Washington state LGBTQ commission established in chapter 43.114 RCW, and the human rights commission established in chapter 49.60 RCW.

NEW SECTION. Sec. 3. (1) The Washington state office of equity is established within the office of the governor, and shall be guided by the governing board, for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must:

(a) Be guided by the following principles of equity:

(i) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(ii) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(iii) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people;

(b) Complement and not supplant the work of the statutory commissions.

NEW SECTION. Sec. 4. (1) The Washington office of equity governing board is created within the office and shall include the following members:

(a) The chair of the interagency coordinating council on health disparities, or the chair's designee;

(b) The director of the office of minority and women's business enterprises, or the director's designee;

(c) A representative from each statutory commission, appointed by the director of each respective statutory commission;

(d) The director of the governor's office of Indian affairs, or the director's designee;

(e) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment;

(f) A representative from the office of the governor, appointed by the governor;

(g) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(h) A representative from the employee-based business resource groups, appointed by the governor;

(i) One member representing state union organizations who shall be selected by the governor from a list of three names submitted by state union organizations;

(j) One nonvoting member appointed by the governor to represent the governor's small agency cabinet; and

(k) Four legislative nonvoting members: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; and two members of the senate, one from each major caucus, appointed by the president of the senate.

(2) The initial appointment of members made by the governor under subsection (1)(f) through (j) of this section shall be staggered, one member must be appointed for a one-year term, two members must be appointed for a two-year term, and two members must be appointed for a three-year term. Thereafter, members must be appointed for three-year terms.

(3) Vacancies shall be filled in the same manner that the original appointments were made for the remainder of the member's term.

(4) A member shall be eligible for reappointment.

(5) A vacancy in the governing board shall not impair the right of the remaining members to exercise all of the powers of the governing board, and eight voting members of the governing board shall constitute a quorum of the governing board.

(6) The board chair is selected from among the voting members by the majority vote of the voting members.

NEW SECTION. Sec. 5. (1) Each voting member of the governing board shall be compensated in accordance with RCW 43.03.240.

(2) The director shall be appointed by the governor based on recommendations provided by the governing board, and subject to the consent of the senate. The director will administer the office and provide staff support for the governing board. The annual salary of the director shall be determined under the provisions of RCW 43.03.028. The director shall:

(a) Employ and supervise employees or enter into contracts as necessary for the proper performance of the office's duties, consistent with the provisions of this chapter; and

(b) Oversee the administration, programs, and policies of the office.

(3) Members or employees of the governing board shall be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. (1) The governing board shall:

(a) Direct the office on its priorities and timelines;

(b) Review and approve statewide or interagency policies, procedures, or forms developed by the office;

(c) Provide guidance to the office on development of resources, best practice guidelines, and performance measures;

(d) Review audit findings and recommendations and determine appropriate enforcement action or approve referral to the governor for further review and action;

(e) Review and approve standards for the collection, analysis, and reporting of data, including any external data requests;

(f) Review and approve the annual report of the office under section 7(2) of this act; and

(g) Work with statutory commissions in a complementary manner within their responsible jurisdictions.

(2) The governing board may:

(a) Authorize the office to contract for expertise or capacity needs, as necessary; and

(b) Advise the governor on proposed legislation or other issues concerning diversity, equity, and inclusion.

NEW SECTION. Sec. 7. (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in promoting diversity, equity, and inclusion in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Establishing a procedure for providing a diversity impact analysis on the impact or expected impact, either positive or negative, of any agency program, service, policy, legislation, or budget proposal;

(iv) Training agency staff on how to effectively complete the diversity impact analysis developed under (a)(iii) of this subsection, including developing best practice guidelines for agencies on how to assess determinants of equity when carrying out the agency's duties under this chapter;

(v) Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 9 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion; and

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 9 of this act.

(b) **Community outreach and engagement.** The office may direct the statutory commissions to conduct community outreach and engagement in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making. The office shall ensure that the statutory commissions are adequately resourced to accomplish the assigned tasks.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with the office of financial management and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities, except as provided under (d)(i)(D) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback from the governing board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(D) Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(ii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in (d) of this subsection;

(ii) Establish a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan;

(iii) Establish procedures to hold agencies accountable, which may include:

(A) Conducting performance reviews related to agency compliance with office performance measures; and

(B) Reporting audit findings not addressed by the agency within a reasonable time frame to the governing board for corrective or enforcement action or referral to the governor for further review and action; and

(iv) Not conduct investigations or enforcement of:

(A) Unfair practices under the laws against discrimination, chapter 49.60 RCW or noncompliance under chapter 49.74 RCW and must refer any complaint or issue to the human rights commission for further review and action in accordance with those chapters;

(B) Labor relations issues under the authority of the public employment relations commission in chapters 41.56 and 41.58 RCW; and

(C) Procedures for monitoring and enforcing compliance with goals established under chapter 39.19 RCW and must refer any complaint or issue to the office of minority and women's business enterprises for further review and action.

(2) By October 31, 2022, and every year thereafter, the office shall report to the governor and the legislature. The report must:

(a) Be reviewed and approved by the governing board before submission; and

(b) Include a summary of the office's work, including:

(i) Strengths and accomplishments;

(ii) An overview of the staff, budget, and an account of all money the office has disbursed;

(iii) A summary of agency compliance with office standards and performance measures;

(iv) A summary of the audits the office has conducted and their outcome;

(v) Recommendations it has issued;

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(vi) An equity analysis of the makeup of the governing board established in section 4 of this act to ensure that it accurately reflects historically and currently marginalized groups; and

(vii) Any other information deemed appropriate by the office.

(3) The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governing board and the legislature with any additional recommendations necessary for the office to carry out the duties prescribed under this chapter.

NEW SECTION. Sec. 8. The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;

(3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;

(4) Develop policy positions and legislative proposals;

(5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;

(6) Fulfill external data requests, as resources allow; and

(7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

NEW SECTION. Sec. 9. Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison, within existing resources, to serve as the liaison between the agency and the office;

(2) Create diversity impact analyses, as developed by the office in accordance with section 7 of this act, to assess the determinants of equity for agency programs, services, policies, and budget decisions;

(3) Aggregate its agency diversity impact analyses into an annual report to be submitted to the office by July 31st of each year. Each agency shall include in this report whether the agency took actions to alter a proposed program, service, policy, or budget based on the diversity impact analysis and, if so, what those actions included;

(4) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 7 of this act;

(5) Develop and maintain written language access policies and plans;

(6) Collaborate with the office to establish performance measures in accordance with section 7 of this act;

(7) Provide data and information requested by the office in accordance with standards established under section 7 of this act; and

(8) Submit a response to the office's report on agency performance, under section 7 of this act.

NEW SECTION. Sec. 10. By October 31, 2025, the state auditor shall conduct a comprehensive performance audit in accordance with RCW 43.09.470, of the effectiveness of the

Washington state office of equity including, but not limited to, the following factors:

(1) The extent to which the office has complied with legislative intent;

(2) The extent to which the office is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the office is operating in the public interest by controlling costs;

(4) The extent to which the office duplicates the activities of, or has a mission that overlaps with, other agencies or of the private sector;

(5) The extent to which the office is receiving diversity, equity, and inclusion plans from agencies;

(6) The effectiveness of its data protection and oversight of agency performance measures; and

(7) Any other factors deemed appropriate by the state auditor's office.

NEW SECTION. Sec. 11. Nothing in this chapter creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. Sections 3 through 5 of this act take effect July 1, 2020."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and providing an effective date."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed Second Substitute House Bill No. 1783.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Saldaña moved that the following striking floor amendment no. 1255 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the population of Washington state has become increasingly diverse over the last several decades. The legislature also finds that as the demographics of our state change, historically and currently marginalized communities still do not have the same opportunities to meet parity as their nonmarginalized counterparts across nearly every measure including education, poverty, employment, health, and more. Inequities based on race, ethnicity, gender, and other characteristics continue to be deep, pervasive, and persistent, and they come at a great economic and social cost. When individuals face barriers to achieving their full potential, the impact is felt by the individual, their communities, businesses, governments, and the economy as a whole in the form of lost wages, avoidable public expenditures, and more. This includes social ramifications that emerging technology, such as artificial intelligence and facial recognition technology, may have on historically and currently marginalized communities. It is the intent of the legislature to review these emerging technologies either already in use by agencies or before their launch by agencies if not already in use and make recommendations regarding agency use to ensure that the technology is used in a manner that benefits society and does not have disparate negative impacts on historically and currently marginalized communities

or violate their civil rights. It is further intended that the office should collaborate with other state efforts in this regard.

The legislature finds that a more inclusive Washington is possible if agencies identify and implement effective strategies to eliminate systemic inequities. The legislature recognizes that different forms of discrimination and oppression are related to each other, and these relationships need to be taken into account.

The legislature finds that over the years, significant strides have been made within agencies to address the disparate outcomes faced by historically and currently marginalized communities. While these efforts have yielded positive work, the legislature finds that the work happening in agencies is fragmented across state government. Additionally, smaller agencies may not have the resources necessary to identify and implement policies to address systemic inequities. Furthermore, the legislature finds that the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the LGBTQ commission, the women's commission, and the human rights commission each play an important and integral role by serving as a voice for their respective communities and linking state government to these communities. The office is distinct from the commissions because it will serve as the state's subject matter expert on diversity, equity, and inclusion to state agencies and will provide technical assistance and support to agencies while each agency implements its individual equity plan. The office is not duplicative of the commissions, rather it is the intent of the legislature that the office will work in collaboration with the commissions. It is not the legislature's intent to eliminate the commissions or to reduce funding to the commissions by creating the office. Instead, it is the intent of the legislature that the office and the commissions shall work in a complementary manner with each other, support each other's work, jurisdictions, and missions, and adequately fund the commissions and the office as they take on their new complementary roles.

The legislature finds that state government must identify and coordinate effective strategies that focus on eliminating systemic barriers for historically and currently marginalized groups. To support this objective, an office of equity will provide a unified vision around equity for all state agencies. The office will assist government agencies to promote diversity, equity, and inclusion in all aspects of their decision making, including but not limited to services, programming, policy development, budgeting, and staffing. Doing so will foster a culture of accountability within state government that promotes opportunity for marginalized communities and will help normalize language and concepts around diversity, equity, and inclusion.

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

(1) "Agency" means every state executive office, agency, department, or commission.

(2) "Director" means the director of the Washington state office of equity.

(3) "Disaggregated data" means data that has been broken down by appropriate subcategories.

(4) "Equity lens" means providing consideration to the characteristics listed in RCW 49.60.030, as well as immigration status and language access, to evaluate the equitable impacts of an agency's policy or program.

(5) "Office" means the Washington state office of equity.

NEW SECTION. Sec. 3. (1) The Washington state office of equity is established within the office of the governor for the purpose of promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

(2) The office envisions everyone in Washington having full access to the opportunities and resources they need to flourish and achieve their full potential.

(3) The work of the office must:

(a) Be guided by the following principles of equity:

(i) Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;

(ii) Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and

(iii) Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people;

(b) Complement and not supplant the work of the statutory commissions.

NEW SECTION. Sec. 4. (1) The office is administered by a director, who is appointed by the governor with advice and consent of the senate. The director shall report to the governor. The director must receive a salary as fixed by the governor in accordance with RCW 43.03.040.

(2) The director shall:

(a) Employ and supervise staff as necessary to carry out the purpose of this chapter and the duties of the office; and

(b) Oversee the administration, programs, and policies of the office in accordance with the principles in section 3 of this act.

NEW SECTION. Sec. 5. (1) The office shall work to facilitate policy and systems change to promote equitable policies, practices, and outcomes through:

(a) **Agency decision making.** The office shall assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The office shall provide assistance by:

(i) Facilitating information sharing between agencies around diversity, equity, and inclusion issues;

(ii) Convening work groups as needed;

(iii) Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;

(iv) Training agency staff on how to effectively use the assessment tools developed under (a)(iii) of this subsection, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties under this chapter;

(v) Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies under section 7 of this act, for each agency to report on its work in the area of diversity, equity, and inclusion. The office must develop the format and content of the plan and determine the frequency of reporting. The office must post each agency plan on the dashboard referenced in (d) of this subsection;

(vi) Maintaining an inventory of agency work in the area of diversity, equity, and inclusion; and

(vii) Compiling and creating resources for agencies to use as guidance when carrying out the requirements under section 7 of this act.

(b) **Community outreach and engagement.** The office shall staff the community advisory board created under section 6 of this act and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.

(c) **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The office shall collaborate with the office of financial management and the department of

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

enterprise services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.

(d) **Data maintenance and establishing performance metrics.** The office shall:

(i) Collaborate with the office of financial management and agencies to:

(A) Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities, except as provided under (d)(i)(D) of this subsection;

(B) Create statewide and agency-specific process and outcome measures to show performance:

(I) Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and

(II) Taking into consideration community feedback from the community advisory board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;

(C) Create an online performance dashboard to publish state and agency performance measures and outcomes; and

(D) Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and

(ii) Coordinate with the office of privacy and data protection to address cybersecurity and data protection for all data collected by the office.

(e) **Accountability.** The office shall:

(i) Publish a report for each agency detailing whether the agency has met the performance measures established pursuant to (d)(i) of this subsection and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The office must post each report on the dashboard referenced in (d) of this subsection;

(ii) Establish a process for the office to report on agency performance in accordance with (e)(i) of this subsection and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and

(iii) Establish procedures to hold agencies accountable, which may include conducting performance reviews related to agency compliance with office performance measures.

(2) By October 31, 2022, and every year thereafter, the office shall report to the governor and the legislature. The report must include a summary of the office's work, including strengths and accomplishments, an overview of agency compliance with office standards and performance measures, and an equity analysis of the makeup of the community advisory board established in section 6 of this act to ensure that it accurately reflects historically and currently marginalized groups.

(3) The director and the office shall review the final recommendations submitted pursuant to section 221, chapter 415, Laws of 2019, by the task force established under section 221, chapter 415, Laws of 2019, and report back to the governor and the legislature with any additional recommendations necessary for the office to carry out the duties prescribed under this chapter.

NEW SECTION. Sec. 6. (1) A community advisory board is created within the office to advise the office on its priorities and timelines.

(2) The director must appoint members to the community advisory board to support diverse representation by geography and identity. The director may collaborate with the commission on African American affairs, the commission on Asian Pacific American affairs, the commission on Hispanic affairs, the governor's office of Indian affairs, the human rights commission, the LGBTQ commission, the women's commission, and any other agency the office deems necessary, to find individuals with diverse representation by geography and identity for the community advisory board.

(3) The community advisory board shall, among other duties determined by the director, provide guidance to the office on standards and performance measures.

(4) The community advisory board is staffed by the office.

(5) Board members shall be entitled to compensation of fifty dollars per day for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(6) The community advisory board may adopt bylaws for the operation of its business for the purposes of this chapter.

NEW SECTION. Sec. 7. Each agency shall:

(1) Designate an agency diversity, equity, and inclusion liaison within existing resources to serve as the liaison between the agency and the office;

(2) Apply an equity lens, as developed by the office in accordance with section 5 of this act, to assess existing and proposed agency policies, services and service delivery, practices, programs, and budget decisions using the assessment tools developed by the office pursuant to section 5 of this act;

(3) Develop and submit a diversity, equity, and inclusion plan to the office, in accordance with section 5 of this act;

(4) Develop and maintain written language access policies and plans;

(5) Collaborate with the office to establish performance measures in accordance with section 5 of this act;

(6) Provide data and information requested by the office in accordance with standards established under section 5 of this act; and

(7) Submit a response to the office's report on agency performance under section 5 of this act.

NEW SECTION. Sec. 8. The office may:

(1) Provide technical assistance to agencies;

(2) Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;

(3) Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;

(4) Develop policy positions and legislative proposals;

(5) Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;

(6) Fulfill external data requests, as resources allow; and

(7) Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the office and to expend the same or any income therefrom according to their terms and this chapter. The director must report funds received from private sources to the office of financial management on a regular basis. Funds received from private sources may not be applied to reduce or substitute the office's budget as appropriated by the legislature, but must be applied and

expended toward projects and functions authorized by this chapter that were not funded by the legislature.

NEW SECTION. Sec. 9. Nothing in this act creates any right or cause of action, nor may it be relied upon to compel the establishment of any program or special entitlement.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. Section 3 of this act takes effect July 1, 2020."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and providing an effective date."

MOTION

Senator Wagoner moved that the following floor amendment no. 1309 by Senator Wagoner be adopted:

On page 3, beginning on line 8, after "(3)" strike all material through "(4)" on line 10

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

On page 5, line 16, after "reporting of" strike "disaggregated"

On page 5, beginning on line 17, after "communities" strike all material through "subsection" on line 18

On page 5, line 27, after "served;" insert "and"

On page 5, beginning on line 29, after "outcomes;" strike all material through "employment;" on line 31

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1309 by Senator Wagoner on page 3, line 8 to floor striking amendment no. 1255.

The motion by Senator Wagoner did not carry and floor amendment no. 1309 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1291 by Senator Schoesler be adopted:

On page 4, line 5, after "office" insert ", except that the total number of full-time employee positions for the office may not exceed six"

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1291 by Senator Schoesler on page 4, line 5 to striking floor amendment no. 1255.

The motion by Senator Schoesler did not carry and floor amendment no. 1291 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 1296 by Senator Warnick be adopted:

On page 6, line 21, after "(3)" insert "The director and the office shall comply with RCW 49.60.400 when developing or

facilitating policy and systems change to promote equitable policies, practices, and outcomes under this chapter.

(4)"

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

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

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Warnick on page 6, line 21, to striking floor amendment no 1255.

ROLL CALL

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

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Absent: Senator Carlyle.

MOTION

Senator Padden moved that the following floor amendment no. 1293 by Senator Padden be adopted:

On page 6, after line 26, insert the following:

"(4) In carrying out its duties under this section, the office is prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color, ethnicity, or national origin, as provided by RCW 49.60.400."

On page 7, line 11, after "**Sec. 7.**" insert "(1)"

On page 7, at the beginning of line 12, strike "(1)" and insert "(a)"

On page 7, at the beginning of line 15, strike "(2)" and insert "(b)"

On page 7, at the beginning of line 20, strike "(3)" and insert "(c)"

On page 7, at the beginning of line 22, strike "(4)" and insert "(d)"

On page 7, at the beginning of line 24, strike "(5)" and insert "(e)"

On page 7, at the beginning of line 26, strike "(6)" and insert "(f)"

On page 7, at the beginning of line 29, strike "(7)" and insert "(g)"

On page 7, after line 30, insert the following:

"(2) In carrying out their duties under this section, agencies are prohibited from developing policies or mechanisms that result in hiring preferences, whether explicit or implied, on the basis of race, sex, color, ethnicity, or national origin, as provided by RCW 49.60.400."

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

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

Senator Frockt spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 6, line 26, to striking floor amendment no 1255.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1297 by Senator Wilson, L. be adopted:

On page 8, after line 18, insert the following:

"NEW SECTION. Sec. 9. The provisions of this act are subject to review by the joint legislative audit and review committee. The joint legislative audit and review committee will make a recommendation to the appropriate committees of the legislature by October 31, 2025, regarding the effectiveness of the Washington state office of equity including, but not limited to, the following factors:

(1) The extent to which the entity has complied with legislative intent;

(2) The extent to which the entity is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the entity is operating in the public interest by controlling costs;

(4) The extent to which the entity duplicates the activities of other entities or of the private sector;

(5) The extent to which the entity is meeting performance measures;

(6) Compliance with RCW 49.60.400;

(7) The possible impact of the termination or modification of the entity; and

(8) Any other factors deemed appropriate by the joint legislative audit and review committee."

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

On page 8, line 22, after "through" strike "9" and insert "10"

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

Senator Mullet spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1297 by Senator Wilson, L. on page 8, after line 18 to striking floor amendment no. 1255.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1297 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 1294 by Senator Zeiger be adopted:

On page 8, after line 21, insert the following:

"NEW SECTION. Sec. 10. By October 31, 2025, the state auditor shall conduct a comprehensive performance audit in accordance with RCW 43.09.470, of the effectiveness of the Washington state office of equity including, but not limited to, the following factors:

(1) The extent to which the office has complied with legislative intent;

(2) The extent to which the office is operating in an efficient and economical manner which results in optimum performance;

(3) The extent to which the office is operating in the public interest by controlling costs;

(4) The extent to which the office duplicates the activities of, or has a mission that overlaps with, other agencies or of the private sector;

(5) The extent to which the office is receiving diversity, equity, and inclusion plans from agencies;

(6) The effectiveness of its data protection and oversight of agency performance measures; and

(7) Any other factors deemed appropriate by the state auditor's office."

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

On page 8, line 22, after "through" strike "9" and insert "10"

Senator Zeiger spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1294 by Senator Zeiger on page 8, after line 21 to striking floor amendment no. 1255.

The motion by Senator Zeiger did not carry and floor amendment no. 1294 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 1292 by Senator Brown be adopted:

On page 8, line 25, after "1," strike "2020" and insert "2021"

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1292 by Senator Brown on page 8, line 25 to striking floor amendment no. 1255.

The motion by Senator Brown did not carry and floor amendment no. 1292 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1255 by Senator Saldaña to Engrossed Second Substitute House Bill No. 1783.

The motion by Senator Saldaña carried and striking floor amendment no. 1255 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 1783 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and Hasegawa spoke in favor of passage of the bill.

Senators Zeiger, Warnick, Ericksen and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455, by House Committee on Human Services & Early Learning (originally sponsored by Kilduff, Eslick, Senn, Ryu, Kloba, Valdez, Bergquist, Davis, Pollet, Goodman and Wylie)

Supporting access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute House Bill No. 2455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2455.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2455 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2456, by House Committee on Appropriations (originally sponsored by Callan, Eslick, Ramos, Ryu, Shewmake, Chapman, Senn, Frame, Thai, Bergquist, Kilduff, Stonier, Tharinger, Davis, Macri, Pollet, Goodman, Wylie and Doglio)

Concerning working connections child care eligibility.

The measure was read the second time.

MOTION

Senator Wilson, C. moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a six-month grace period.

(2) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020.

(3) The homeless grace period must begin on the date that child care is expected to begin.

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

On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "adding a new section to chapter 43.216 RCW; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2456.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

The motion by Senator Wilson, C. carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 2456 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2456 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2456 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 2456 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2217, by Representatives Eslick, Leavitt, Chambers, Callan, Dent, Walsh, Corry, Jenkin, Van Werven, Shewmake, Young and Wylie

Concerning cottage food product labeling requirements.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 2217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2217.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2217 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hunt

HOUSE BILL NO. 2217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, by House Committee on Education (originally sponsored by Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz and Macri)

Increasing the availability of school meals provided to public school students at no student cost.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** This act may be known and cited as the hunger-free schools act.

Sec. 2. RCW 28A.235.290 and 2019 c 208 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility

provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, ~~((2019))~~ 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. In completing the duties required by this subsection (2), the office of the superintendent of public instruction and the organizations working jointly on the plan shall also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the community eligibility provision and identify approaches to addressing those impacts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by December 1st of each year. The report shall identify:

- (a) Any barriers to implementation;
- (b) Recommendations on policy and legislative solutions to overcome barriers to implementation;
- (c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and
- (d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Except as provided otherwise by this section, each school with students in or below grade eight that has an identified student percentage of at least sixty-two and one-half percent, as determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(2) Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

Sec. 4. RCW 28A.150.260 and 2018 c 266 s 101 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3	17.00
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science
average class size
Grades 9-12 19.98

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical
education average
class size
Approved career and technical education offered at
the middle school and high school level 23.00
Skill center programs meeting the standards established
by the office of the superintendent of public
instruction 20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.216	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652

Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.0825	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks	\$140.39
Other supplies	\$278.05
Library materials	\$20.00
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12	
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies	\$77.28
Library materials	\$5.56
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade twelve who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a

statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 5. RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2)(a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount."

On page 1, line 2 of the title, after "cost;" strike the remainder of the title and insert "amending RCW 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 2660.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2660 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2660 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2660 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato, Honeyford and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2711, by House Committee on Education (originally sponsored by J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt, Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers)

Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene the project education impact work group to address the needs of students in foster care, experiencing homelessness, or both. The work group must

include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group must focus its efforts on students in foster care, experiencing homelessness, or both, and must develop and implement a plan that will accomplish the following by 2027:

(a) Enable the students to achieve parity in education outcomes with their general student population peers; and

(b) Eliminate racial and ethnic disparities for the education outcomes of the students in comparison to their general student population peers.

(3)(a) The work group shall review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline.

(b) To enable the review required by this subsection (3), the office of the superintendent of public instruction, the department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400.

(c) The education data center must provide an updated report to the work group on these education outcomes by March 31, 2021, and annually thereafter. If state funds are not made available to complete the reports required by this subsection (3)(c), the work group may pursue supplemental private funding to ensure the completion of the reports.

(4) The work group shall also:

(a) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and those with special education needs;

(b) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(c)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31st of each year regarding the progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both.

(ii) The reports required by this subsection (4)(c) must:

(A) Describe the progress made toward achieving the following goals for students in foster care, experiencing homelessness, or both:

(I) Parity in kindergarten readiness rates;

(II) Parity in high school graduation rates;

(III) Parity in postsecondary education and state-approved apprenticeship enrollment; and

(IV) Parity in postsecondary education and state-approved apprenticeship completion;

(B) Include updates on agency and nongovernmental agency actions toward achieving the goals specified in this section, and the effectiveness of support services for students in foster care, experiencing homelessness, or both;

(C) Include recommendations to further align and improve policy, programs, agency practice, and supports for students, and provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Address systems barriers and improve educational stability;

(II) Enforce existing state law requiring that education records, documentation of educational needs, individualized education programs, credits, and other records follow students when they transition between districts or to another education program or facility;

(III) Improve racial equity in education outcomes; and

(IV) Ensure appropriate work group access to consistent and accurate annual education outcomes data;

(D) Identify recommendations that can be implemented using existing resources, rules, and regulations and those that require policy, administrative, and resource allocation changes; and

(E) Identify the progress made toward meaningful engagement of stakeholders in informing recommendations.

(5) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(6) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both, within five years of when the plan described in this section is applied.

(7) This section expires July 1, 2028.

Sec. 3. RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators must be included in the report provided in subsection (3) of this section.~~

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the~~

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

~~superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.)~~

NEW SECTION. Sec. 4. RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 2711.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2711 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

Senator Schoesler: "Would the gentleman from the 36th District yield to a question?"

Senator Carlyle: "Yes."

Senator Schoesler: "Senator Carlyle, Did that tree house have a building permit?"

Senator Carlyle: "Not only did it have a building permit, let me tell you Mr. Leader it was, the young people at Treehouse are so creative and so capable, Mr. President, you can't imagine their skills in this area."

Senator Schoesler: "And energy efficient, I trust, too?"

Senator Carlyle: "One more example of how incredible the young people of Treehouse and foster care are. Thank you, Mr. President."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2711 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2711 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2711 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2737, by House Committee on Appropriations (originally sponsored by Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers)

Updating the children's mental health work group.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.4951 and 2019 c 360 s 2 are each amended to read as follows:

(1) ~~((A children's mental))~~ The children and youth behavioral health work group is established to identify barriers to and opportunities for accessing ~~((mental))~~ behavioral health services for children and their families, and to advise the legislature on statewide ~~((mental))~~ behavioral health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state. ~~((Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.))~~

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint ~~((one member representing each of))~~ the following members:

(i) ~~((Behavioral))~~ One representative of behavioral health administrative services organizations;

(ii) ~~((Community))~~ One representative of community mental health agencies;

(iii) ~~((Medicaid))~~ One representative of medicaid managed care organizations;

(iv) ~~((A))~~ One regional provider of co-occurring disorder services;

(v) ~~((Pediatricians))~~ One pediatrician or primary care provider((s));

(vi) ~~((Providers))~~ One provider specializing in infant or early childhood mental health;

(vii) ~~((Child health advocacy groups))~~ One representative who advocates for behavioral health issues on behalf of children and youth;

(viii) ~~((Early))~~ One representative of early learning and child care providers;

(ix) ~~((The))~~ One representative of the evidence-based practice institute;

(x) ~~((Parents))~~ Two parents or caregivers of children who have ~~((been the recipient of early childhood mental))~~ received behavioral health services, one of which must have a child under the age of six;

(xi) ~~((An))~~ One representative of an education or teaching institution that provides training for mental health professionals;

(xii) ~~((Foster))~~ One foster parent((s));

(xiii) ~~((Providers))~~ One representative of providers of culturally and linguistically appropriate health services to traditionally underserved communities;

(xiv) ~~((Pediatricians))~~ One pediatrician located east of the crest of the Cascade mountains; ~~((and))~~

(xv) ~~((Child))~~ One child psychiatrist((s));

(xvi) One representative of an organization representing the interests of individuals with developmental disabilities;

(xvii) Two youth representatives who have received behavioral health services;

(xviii) One representative of a private insurance organization;

(xix) One representative from the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement; and

(xx) One substance use disorder professional.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than four, meetings of the work group each year.

(i) The cochairs may invite additional members of the house of representatives and the senate to participate in work group activities, including as leaders of advisory groups to the work group. These legislators are not required to be formally appointed members of the work group in order to participate in or lead advisory groups.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to ~~((children's mental))~~ children and youth behavioral health, including provider payment for ~~((depression screenings for youth and new mothers,))~~ mood, anxiety, and substance use disorder prevention, screening, diagnosis, and treatment for children and young mothers; consultation services for child care providers caring for children with symptoms of trauma((:)); home visiting services((:)); and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems; ~~((and))~~

(c) Identify opportunities to remove barriers to treatment and strengthen ~~((mental))~~ behavioral health service delivery for children and youth;

(d) Determine the strategies and resources needed to:

(i) Improve inpatient and outpatient access to behavioral health services;

(ii) Support the unique needs of young children prenatally through age five, including promoting health and social and emotional development in the context of children's family, community, and culture; and

(iii) Develop and sustain system improvements to support the behavioral health needs of children and youth; and

(e) Consider issues and recommendations put forward by the statewide family youth system partner roundtable established in the *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and Porter*, settlement agreement.

(4) At the direction of the cochairs, the work group may convene advisory groups to evaluate specific issues and report related findings and recommendations to the full work group.

(5) ~~((The))~~ The work group shall convene an advisory group ~~((to develop a funding model for:~~

(i) ~~The partnership access line activities described in RCW 71.24.061, including the partnership access line for moms and kids and community referral facilitation;~~

(ii) ~~Delivering partnership access line services to educational service districts for the training and support of school staff managing children with challenging behaviors; and~~

(iii) ~~Expanding partnership access line consultation services to include consultation for health care professionals serving adults.~~

(b) The work group cochairs shall invite representatives from the following organizations and interests to participate as advisory group members under this subsection:

(i) Private insurance carriers;

(ii) Medicaid managed care plans;

(iii) Self-insured organizations;

(iv) Seattle children's hospital;

(v) The partnership access line;

(vi) The office of the insurance commissioner;

(vii) The University of Washington school of medicine; and

(viii) Other organizations and individuals, as determined by the cochairs.

(c) ~~The funding model must build upon previous funding model efforts by the health care authority, including work completed pursuant to chapter 288, Laws of 2018. The funding model must:~~

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(i) ~~Determine the annual cost of operating the partnership access line and its various components and collect a proportional share of program cost from each health insurance carrier; and~~

(ii) ~~Differentiate between partnership access line activities eligible for medicaid funding and activities that are nonmedicaid eligible.~~

(d) ~~By December 1, 2019, the advisory group formed under this subsection must deliver the funding model and any associated recommendations to the work group.)~~ focused on school-based behavioral health and suicide prevention. The advisory group shall advise the full work group on creating and maintaining an integrated system of care through a tiered support framework for kindergarten through twelfth grade school systems defined by the office of the superintendent of public instruction and behavioral health care systems that can rapidly identify students in need of care and effectively link these students to appropriate services, provide age-appropriate education on behavioral health and other universal supports for social-emotional wellness for all students, and improve both education and behavioral health outcomes for students. The work group cochaIRS may invite nonwork group members to participate as advisory group members.

(6)(a) Staff support for the work group, including administration of work group meetings and preparation of ~~((the updated)) full work group recommendations and reports required under ((subsection (8) of)) this section, must be provided by the health care authority.~~

(b) Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(c) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must provide staff support to the school-based behavioral health and suicide prevention advisory group, including administration of advisory group meetings and the preparation and delivery of advisory group recommendations to the full work group.

(7) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group members who are not members of the work group are not entitled to reimbursement.

(8) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020. Beginning November 1, 2020, and annually thereafter, the work group shall provide recommendations in alignment with subsection (3) of this section to the governor and the legislature.

(9) This section expires December 30, ~~((2020))~~ 2026."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "amending RCW 74.09.4951; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2737.

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

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute House Bill No. 2737 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2737 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2737 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Froct, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 2737, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2864, by House Committee on Appropriations (originally sponsored by Paul, Morgan, Valdez, Bergquist, Lekanoff and Santos)

Establishing a running start summer school pilot program.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 2864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2864.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2864 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Froct, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet,

Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 2864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2607, by House Committee on Human Services & Early Learning (originally sponsored by Callan, Corry, Caldier, Eslick, Orwall, Entenman, Davis, Shewmake, Lekanoff, Thai, Chapman, Steele, Fey, Chopp, Robinson, Bergquist, Senn, Cody, Doglio, Goodman, Leavitt, Ramel, Santos, Ormsby, Pollet, Kloba and Macri)

Assisting homeless individuals in obtaining Washington state identicards.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2607.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2607 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Padden

SUBSTITUTE HOUSE BILL NO. 2607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, by House Committee on Civil Rights & Judiciary (originally sponsored by Irwin and Jinkins)

Concerning the use of video technology under the involuntary treatment act.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Health & Long Term Care, Subcommittee on Behavioral Health be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

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

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

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

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for

good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than

inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

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

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

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

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

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse

practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

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

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

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

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

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor,

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 3. RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient

behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

- (i) That there is probable cause to support the petition; and
- (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure

withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 4. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

- (i) Pursuant to subsection (1) or (2) of this section; or
- (ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 5. RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) or (2) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine

whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

NEW SECTION. Sec. 6. Sections 2 and 4 of this act expire July 1, 2026.

NEW SECTION. Sec. 7. Sections 3 and 5 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.150, 71.05.150, 71.05.153, and 71.05.153; reenacting and amending RCW 71.05.020; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care, Subcommittee on Behavioral Health to Engrossed Substitute House Bill No. 2099.

The motion by Senator Dhingra carried and the subcommittee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 2099 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2099 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2099 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2277, by House Committee on Appropriations (originally sponsored by Peterson, Ortiz-Self, Frame, Goodman, Kilduff, Callan, Senn, Lovick, Thai, Fitzgibbon, Leavitt, Ryu, Appleton, Valdez, Davis, Ormsby, Macri, Doglio, Gregerson and Pollet)

Concerning youth solitary confinement.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Second Substitute House Bill No. 2277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2277.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2277 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Schoesler, Sheldon, Short, Warnick and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 2277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2441, by House Committee on Appropriations (originally sponsored by Entenman, Fitzgibbon, Senn, Gregerson, Kilduff, Stonier, Davis, Macri, Ortiz-Self, Riccelli, Pettigrew, Pollet, Goodman, Wylie and Doglio)

Improving access to temporary assistance for needy families.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.260 and 2018 c 126 s 5 and 2018 c 58 s 8 are each reenacted and amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, after two months of continuous noncompliance, the family's grant shall be reduced by the recipient's share ~~((, and may, if the department determines it appropriate, be terminated))~~ or by forty percent, whichever is greater, and must be terminated after twelve months of continuous noncompliance.

(5) The department ~~((may))~~ shall waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8) Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for a child under the age of two years. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2021.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 3. This act applies prospectively only and not retroactively.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the supplemental omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "reenacting and amending RCW 74.08A.260; creating new sections; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2441.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 2441 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2441 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2441 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfe, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2441, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2384, by House Committee on Finance (originally sponsored by Doglio, Ramel, Tarleton, Macri, Kloba and Gregerson)

Concerning the property tax exemption for nonprofit organizations providing rental housing or mobile home park spaces to qualifying households.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.560 and 2019 c 390 s 11 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for ~~((very low income))~~ qualifying households or used to provide space for the placement of a mobile home for a ~~((very low income))~~ qualifying household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a ~~((very low income))~~ qualifying household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of commerce;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105;

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(v) The Washington state housing finance commission, provided that the financing is for a mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030, or a nonprofit entity.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by ~~((very low income))~~ qualifying households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption is allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a ~~((very low income))~~ qualifying household.

(b) The amount of exemption must be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by ~~((very low income))~~ qualifying households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit ~~((in a facility with ten units or fewer))~~ or mobile home lot in a mobile home park ~~((with ten lots or fewer))~~ was occupied by a ~~((very low income))~~ qualifying household at the time the exemption was granted and the income of the household subsequently rises above ~~((fifty percent of the median income))~~ the threshold set in subsection (7)(c) of this section but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements ~~((of a very low income housing program))~~ listed in subsection (1) of

this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rented, the income of the new household must be at or below ~~((fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located))~~ the threshold set in subsection (7)(e) of this section to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for ~~((very low income))~~ qualifying households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for ~~((very low income))~~ qualifying households; and

(c) Only the portion of property that will be used to provide housing or lots for ~~((very low income))~~ qualifying households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by ~~((very low income))~~ qualifying households;

(e)(i) ~~((Very low income))~~ Qualifying household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; ~~((and))~~

(ii) Beginning July 1, 2021, "qualifying household" means a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner;

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member; or

(iv) Mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030.

Sec. 2. RCW 84.36.815 and 2016 c 217 s 4 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in RCW 84.36.049 is July 1st for 2016 and March 31st for 2017 and thereafter. All applications must be filed on forms prescribed by the department and must be signed by an authorized agent of the applicant.

(2)(a) In order to requalify for exempt status, all applicants except nonprofit cemeteries and nonprofits receiving the exemption under RCW 84.36.049 and nonprofits receiving the exemption under RCW 84.36.560 must file an annual renewal declaration on or before March 31st each year. The renewal declaration must be on forms prescribed by the department of revenue and must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

declaration to assist the department in determining whether the property tax exemption should continue.

(b) In order to requalify for exempt status, nonprofits receiving the exemption under RCW 84.36.560 must file a renewal declaration on or before March 31st of every third year following initial qualification for the exemption. Except for the annual renewal requirement, all other requirements of (a) of this subsection apply.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the sixty-day period, a late filing penalty is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preference provided in RCW 84.36.049 with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference provided in RCW 84.36.049.

NEW SECTION. Sec. 3. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act."

On page 1, line 3 of the title, after "households;" strike the remainder of the title and insert "amending RCW 84.36.560 and 84.36.815; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability to Substitute House Bill No. 2384.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2384 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2384 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2384 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford,

Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Honeyford, Padden, Rivers, Schoesler and Wagoner

SUBSTITUTE HOUSE BILL NO. 2384, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, by House Committee on Environment & Energy (originally sponsored by Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet)

Concerning minimum recycled content requirements.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

NEW SECTION. Sec. 3. (1) Beginning January 1, 2022, manufacturers of plastic beverage containers that offer for sale, sell, or distribute in Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

- (a) Water and flavored water;
- (b) Beer or other malt beverages;
- (c) Wine;
- (d) Mineral waters, soda water, and similar carbonated soft drinks; and
- (e) Any beverage other than those specified in subsection (2) of this section, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

- (a) Refillable plastic beverage containers;
- (b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and
- (c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

NEW SECTION. Sec. 4. (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

- (a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;
- (b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;
- (c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

- (i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;
- (ii) Recycling rates;
- (iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including

the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

NEW SECTION. Sec. 5. (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

NEW SECTION. Sec. 6. (1) Beginning January 1, 2023, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

NEW SECTION. Sec. 7. The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose

of furthering the development of recycling infrastructure in this state.

NEW SECTION. Sec. 8. A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 13 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

Sec. 9. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

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

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

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

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

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit

under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

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

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

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

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

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

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

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

Sec. 10. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of

any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

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

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

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

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

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

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

(n) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

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

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

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

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

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

NEW SECTION. Sec. 11. Section 9 of this act expires June 30, 2021.

NEW SECTION. Sec. 12. Section 10 of this act takes effect June 30, 2021.

NEW SECTION. Sec. 13. Sections 2 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

Senator Ericksen moved that the following floor amendment no. 1301 by Senator Ericksen be adopted:

On page 7, after line 3, insert the following:

"NEW SECTION. Sec. 8. (1) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic beverage containers that must meet minimum postconsumer recycled content as required under sections 3 and 4 of this act.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(2) Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this act, may not be enacted and are preempted."

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

On page 11, line 17, after "through" strike "7" and insert "8"

Senators Ericksen and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1301 by Senator Ericksen on page 7, after line 3 to the striking amendment by the Committee on Environment, Energy & Technology.

The motion by Senator Ericksen did not carry and floor amendment no. 1301 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 1310 by Senator Fortunato be adopted:

On page 11, after line 12, insert the following:

"**Sec. 11.** RCW 70.93.220 and 2014 c 76 s 3 are each amended to read as follows:

(1) The department is the coordinating and administrative agency working with the departments of natural resources, revenue, transportation, and corrections, and the parks and recreation commission in developing a biennial budget request for funds for the various agencies' litter collection programs.

(2) Funds may be used to meet the needs of efficient and effective litter collection and illegal dumping programs identified by the various agencies. The department shall develop criteria for evaluating the effectiveness and efficiency of the waste reduction, litter control, and recycling programs being administered by the various agencies listed in RCW 70.93.180, and shall distribute funds according to the effectiveness and efficiency of those programs, with a priority given to litter control along state highways. In addition, the department shall approve funding requests for efficient and effective waste reduction, litter control, and recycling programs, provide funds, and monitor the results of all agency programs.

(3) All agencies are responsible for reporting information on their litter collection programs as requested by the department.

(4) The department shall contract with the department of transportation to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington state patrol. Additionally, the department of transportation may coordinate with the department to conduct litter pickup during scheduled maintenance closures as situations allow.

NEW SECTION. Sec. 12. This act may be known and cited as the welcome to Washington act."

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

On page 11, line 20, after "insert" insert "amending RCW 70.93.220;" and on line 22, after "creating" strike "a new section" and insert "new sections"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1310 by Senator Fortunato on

page 11, after line 12 to the striking amendment by the Committee on Environment, Energy & Technology.

The motion by Senator Fortunato did not carry and floor amendment no. 1310 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Substitute House Bill No. 2722.

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

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute House Bill No. 2722 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2722 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2722 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2511, by House Committee on Labor & Workplace Standards (originally sponsored by Stonier, Sells, Gregerson, Ormsby, Chapman, Valdez, Chopp, Bergquist, Davis, Doglio, Frame, Ramel, Pollet, Macri, Goodman, Riccelli and Robinson)

Providing labor protections for domestic workers.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Whereas there is increasing demand for domestic service professions and domestic workers are often isolated and vulnerable to exploitation, it is a priority for the legislature to provide workers with clear rights and freedom from harassment and protection from retaliation; and to make clear for hiring entities which actions are prohibited in a domestic service employment relationship.

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

(1) "Casual labor" refers to work that is irregular, uncertain, and incidental in nature and duration and is different in nature from the type of paid work in which the worker is customarily engaged in.

(2) "Challenging behavior" means behavior by a person receiving services or a hiring entity who is the recipient of services from a domestic worker that is specifically caused by or related to a disability that manifests in a way that might be experienced by a domestic worker as offensive or presenting a safety risk.

(3) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW.

(4) "Domestic service" means household services for members of households or their guests in private homes. This includes the maintenance of private homes or their premises.

(5)(a) "Domestic worker" includes hourly and salaried employees who are paid wages for their services and includes any worker who:

- (i) Works for one or more hiring entity; and
- (ii) Is an individual who works in residences as a nanny, house cleaner, home care worker, cook, gardener, or household manager, or for any domestic service purpose including but not limited to: Caring for a child; providing support services for a person who is sick, convalescing, elderly, or a person with a disability; providing housekeeping or house cleaning services; cooking; providing food or butler services; parking cars; cleaning laundry; gardening; or working as a household manager.

(b) "Domestic worker" does not include:

- (i) Persons who provide babysitting on a casual labor basis;
- (ii) Any individual employed in casual labor in or about a private home, unless performed in the course of the hiring entity's trade, business, or profession;
- (iii) Individual providers, as defined in RCW 74.39A.240;
- (iv) Persons who perform house sitting, pet sitting, food delivery services, and dog walking duties that do not involve domestic service;
- (v) Persons who provide services to members of their own family when:
 - (A) The family members have mutually agreed that care is provided gratuitously;
 - (B) The person who provides services or supports does not provide domestic services in the person's ordinary course of business;
 - (C) The family member providing services or supports has no agreement or expectation of consistent and regular payment for any services provided;
 - (D) The family member providing services or supports is doing so less than fifteen hours a week; or
 - (E) The family member is providing services or supports that are irregular, uncertain, and incidental in nature and duration or are different in nature from the type of paid work in which the worker is customarily engaged in.

(6) "Employ" includes to permit to work.

(7) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such

relatives when related by marriage or any individual related by blood or affinity whose close association with the individual is the equivalent of a family relationship.

(8) "Hiring entity" means any employer, as defined in RCW 49.46.010(4), and in RCW 49.60.040(11), who employs a domestic worker, as well as any individual, partnership, association, corporation, business trust, or any combination thereof, which pays a wage or pays wages for the services of a domestic worker. It includes any such entity, person, or group of persons that provides compensation directly or indirectly to a domestic worker for the performance of domestic services and any such entity, person, or persons acting directly or indirectly in the interest of the hiring entity in relation to the domestic worker. "Hiring entity" does not include a state agency or home care agency as defined in RCW 70.127.010 and licensed under chapter 70.127 RCW if the home care agency receives funding through RCW 74.39A.310, any adult family home licensed under chapter 70.128 RCW, an assisted living facility licensed under chapter 18.20 RCW, an enhanced services facility licensed under chapter 70.97 RCW, any other long-term care facility licensed by the department of social and health services, or any other person or entity providing services pursuant to chapter 71A.12 RCW.

(9) "Personal care services" are care services as defined in RCW 74.39A.009.

NEW SECTION. Sec. 3. (1) A hiring entity that employs a domestic worker may not:

(a) Request that the domestic worker allow the hiring entity, on either a mandatory or voluntary basis, to have possession of any personal effects, including any legal documents, including forms of identification, passports, or other immigration documents;

(b) Engage in any form of discrimination as defined in section 2(3) of this act or subject a domestic worker to a hostile work environment within the meaning of chapter 49.60 RCW; a domestic worker shall be entitled to all rights available under chapter 49.60 RCW. It shall not constitute discrimination or harassment only when:

- (i) The alleged discrimination is a challenging behavior; or
- (ii) A hiring entity who is receiving personal care services, or who has lawful authority or guardianship over a child receiving personal care services, exercises a gender preference in hiring;
- (c) Take any adverse action against a domestic worker for their exercise of rights under this chapter, which may include, but is not limited to:
 - (i) Denying the use of any rights provided under this chapter;
 - (ii) Denying or delaying payment due under this chapter;
 - (iii) Terminating, suspending, demoting, or denying a promotion;
 - (iv) Reducing the number of work hours for which the domestic worker is scheduled;
 - (v) Altering the domestic worker's preexisting work schedule;
 - (vi) Reducing the domestic worker's rate of pay; and
 - (vii) Threatening to take, or taking action, based upon the immigration status of a domestic worker or a domestic worker's family member;
- (d) Monitor or record, through any means, the activities of the domestic worker using a bathroom or similar facility, in the domestic worker's private living quarters, or while the domestic worker is engaged in personal activities associated with dressing or changing clothes;
- (e) Monitor, record, or interfere with the private communications of a domestic worker;
- (f) Communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness or intent to inform a government employee or contracted organization suspected citizenship or immigration status of a domestic worker

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

or a family member to a federal, state, or local agency because the domestic worker has exercised any right under this chapter;

(g) Require or request any written agreements that:

(i) Waive a domestic worker's rights under federal, state, or local law; or

(ii) Contain noncompete agreements, nondisclosure agreements, nondisparagement agreements that inhibit a domestic worker's claims of their legal rights under this chapter, or noncompete agreements that limit the ability of domestic workers to seek any other form of domestic work postemployment.

(2) It shall be considered a rebuttable presumption of retaliation if the employer or any other person takes an adverse action against a domestic worker within ninety calendar days of the domestic worker's exercise of rights protected under this chapter. However, in the case of seasonal employment that ended before the close of the ninety calendar day period, the presumption also applies if the employer fails to rehire a former domestic worker at the next opportunity for work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

(3) Where subsection (1)(b)(i) of this section applies, prior to offering the employment to a domestic worker or as soon as the hiring entity learns of the information if the domestic worker is already employed, the hiring entity should, when possible, disclose information about any challenging behaviors and relevant behavioral health needs of the individual being cared for as well as tools and supports that may be available to the domestic worker. If there is an authorized representative for the hiring entity receiving care, or an overlapping employment relationship with the hiring entity receiving care, this information must be disclosed in writing by the authorized representative or the hiring entity not receiving care services. The disclosure should be reviewed regularly and must be updated, as necessary, by the hiring entity when any changes in behavior occur that impact safety or provision of personal care services.

(4) All communication of the information in subsection (3) of this section must be tailored to respect the privacy of the person receiving services from the domestic worker in accordance with the federal health insurance portability and accountability act of 1996.

(5) The exemptions under this section shall not be construed to relieve a hiring entity of liability under this chapter nor shall a domestic worker's agreement to initiate or continue the employment relationship be construed as consent to workplace violence.

NEW SECTION. Sec. 4. Where more than one hiring entity has an employment relationship with a domestic worker in connection with the same work or where more than one hiring entity has an overlapping employment relationship with a domestic worker, the hiring entities are subject to liability as well as fines and penalties for violations.

NEW SECTION. Sec. 5. Any standards or rights established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to domestic workers than the minimum standards and rights established by this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law. The remedies provided by this chapter are not exclusive and are concurrent with any other remedy provided by law.

NEW SECTION. Sec. 6. The attorney general's office shall develop and make available a model disclosure statement which describes a hiring entity's obligations related to a domestic worker's rights under this chapter, in at least eight of the most

commonly spoken languages in Washington state. The disclosure statement must include notice about any state law, rule, or regulation applicable to domestic workers and indicate that federal or local ordinances, laws, rules, or regulations may also apply. The model disclosure must also include a telephone number and an address of the department of labor and industries to enable domestic workers to obtain more information about their rights, obligations, and enforcement.

NEW SECTION. Sec. 7. The attorney general's office shall develop and make available a model written employment agreement, which describes actions that are prohibited by a hiring entity and domestic workers' rights under this act in at least eight of the most commonly spoken languages.

NEW SECTION. Sec. 8. (1) A work group, and accompanying subcommittees as appropriate, on domestic workers administered by the attorney general's office is formed to make recommendations on:

(a) A structure for an ongoing domestic worker standards board, including determining the authority and scope of the board. Such authority and scope shall include, but are not limited to, training on relevant labor laws, benefits, and protections; discrimination and sexual harassment; workplace safety standards; requirements on tax obligations; job skills and accreditation; fair scheduling practices; scope of rights and benefits that may apply to independent contractors; outreach, education, and enforcement practices to ensure compliance with applicable labor standards and to provide effective and updated information to both hiring entities and domestic workers;

(b) Methods to make state industrial insurance available to domestic workers, including recommendations on legislative, regulatory, or other changes that should be made to the way hiring entities or domestic workers engage with the state industrial insurance system;

(c) Methods to increase access for domestic workers to paid sick leave under RCW 49.46.210 and paid family and medical leave under Title 50A RCW;

(d) The role of intermediary nonprofit organizations that assist or refer directly impacted domestic workers in increasing access of domestic workers to industrial insurance and to paid sick leave and paid family and medical leave;

(e) Wage and hour models for domestic work, including but not limited to live-in care providers such as nannies and au pairs, and independent contractors.

(2) The work group shall include at least one representative from each of the following groups that reflects a balance in membership and interests:

(a) Directly impacted domestic workers employed in private homes including one domestic worker providing child care services as a nanny, and one domestic worker providing another form of domestic service outside of child care;

(b) One current or former au pair;

(c) Unions, work centers, or intermediary nonprofit organizations that assist or refer such directly impacted workers;

(d) Hiring entities who directly employ single domestic workers in private homes;

(e) An organization that educates and organizes household hiring entities;

(f) At least two members of the department of labor and industries with expertise in industrial insurance and wage and hour laws and rules;

(g) One representative from the department of social and health services;

(h) An organization representing the area agencies on aging;

(i) An organization representing retired persons;

(j) An organization representing persons with disabilities;

- (k) An organization or agency representing au pairs;
 - (l) One representative from the governor's office; and
 - (m) One representative from the attorney general's office.
- (3) Representatives shall be appointed by the governor by July 1, 2020.

(4) The work group shall report its findings and recommendations to the governor's office, attorney general's office, and appropriate committees of the legislature by April 1, 2021.

Sec. 9. RCW 49.60.040 and 2018 c 176 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(2) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

(3) "Commission" means the Washington state human rights commission.

(4) "Complainant" means the person who files a complaint in a real estate transaction.

(5) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units.

(6) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its

ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(7)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or
- (iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, ~~((genitor-urinary))~~ genitourinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(8) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(9) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(10) "Employee" does not include any individual employed by his or her parents, spouse, or child ~~((or in the domestic service of any person))~~.

(11) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons ~~((s))~~ and does not include any religious or sectarian organization not organized for private profit. "Employer" also includes a hiring entity who employs a domestic worker, as defined in section 2 of this act, regardless of the number of employees the hiring entity employs.

(12) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees ~~((for an employer))~~.

(13) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(14) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(15) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(17) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(18) "National origin" includes "ancestry."

(19) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(20) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(21) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(22) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(23) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(24) "Service animal" means any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping

persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. This subsection does not apply to RCW 49.60.222 through 49.60.227 with respect to housing accommodations or real estate transactions.

(25) "Sex" means gender.

(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

NEW SECTION. Sec. 10. This act may be known and cited as the domestic worker protection act.

NEW SECTION. Sec. 11. Sections 1 through 8, 10, and 12 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 12. Sections 1 through 7, 9, and 10 of this act take effect July 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

MOTION

Senator Walsh moved that the following floor amendment no. 1321 by Senators King and Walsh be adopted:

On page 2, line 16, after "(v)" insert "An au pair participant who has been granted a J-1 visa for participation in the federal department of state designated exchange visitor program governed by 22 C.F.R. Sec. 62.31;

(vi)"

Senators Walsh and Saldaña spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1321 by Senators King and Walsh on page 2, line 16 to the striking amendment by the Committee on Labor & Commerce.

The motion by Senator Walsh carried and floor amendment no. 1321 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 1320 by Senator Short be adopted:

On page 7, line 8, after "interests" insert ", and geographic locations across the state"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1320 by Senator Short on page 7, line 8 to the striking amendment by the Committee on Labor & Commerce.

The motion by Senator Short did not carry and floor amendment no. 1320 was not adopted by voice vote.

MOTION

Senator Randall moved that the following floor amendment no. 1267 by Senator Randall be adopted:

On page 7, line 29, after "(l)" insert "One representative from an au pair host family;
(m)"

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

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Randall and without objection, floor amendment no. 1267 by Senator Randall on page 7, line 29 to the striking amendment by the Committee on Labor & Commerce was withdrawn.

MOTION

Senator Schoesler moved that the following floor amendment no. 1319 by Senator Schoesler be adopted:

On page 12, after line 38, insert the following:
"NEW SECTION. Sec. 11. A new section is added to chapter 49.46 RCW to read as follows:

An au pair participant who has been granted a J-1 visa for participation in the federal department of state designated exchange visitor program governed by 22 C.F.R. section 62.31 must be paid by the participant's employer no less than the hourly rate required to be paid to a H-2A worker as defined in RCW 50.75.010 who is working in Washington state."

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

On page 13, line 6, after "49.60.040;" insert "adding a new section to chapter 49.46 RCW;"

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler and without objection, floor amendment no. 1319 by Senator Schoesler on page 12, line 38 to the striking amendment by the Committee on Labor & Commerce was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to Substitute House Bill No. 2511.

The motion by Senator Saldaña carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Substitute House Bill No. 2511 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2511 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2511 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2511 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2853, by Representatives Harris and Santos

Promoting the effective and efficient administration of the Washington state charter school commission.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

MOTION

On motion of Senator Brown, Senator Walsh was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2853.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2853 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Van De Wege

Excused: Senator Walsh

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

HOUSE BILL NO. 2853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2308, by House Committee on Appropriations (originally sponsored by Slatter, Tharinger, Wylie and Appleton)

Requiring employers to periodically report standard occupational classifications or job titles of workers.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2308 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frock, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Mullet, Padden, Rivers, Schoesler, Wagoner, Warnick and Wilson, L.

Excused: Senator Walsh

SUBSTITUTE HOUSE BILL NO. 2308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2584, by Representatives Caldier, Frame, Leavitt and Davis

Establishing rates for behavioral health services.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

(1) It is the intent of the legislature that behavioral health medicaid rate increases be grounded with the rate-setting process for the provider type or practice setting.

(2) In implementing a rate increase funded by the legislature, including rate increases provided through managed care organizations, the authority must work with the actuaries responsible for establishing medicaid rates for behavioral health services and managed care organizations responsible for distributing funds to behavioral health services to assure that appropriate adjustments are made to the wraparound with intensive services case rate, as well as any other behavioral health services in which a case rate is used.

(3)(a) The authority shall establish a process for verifying that funds appropriated in the omnibus operating appropriations act for targeted behavioral health provider rate increases, including rate increases provided through managed care organizations, are used for the objectives stated in the appropriation.

(b) The process must: (i) Establish which behavioral health provider types the funds are intended for; (ii) include transparency and accountability mechanisms to demonstrate that appropriated funds for targeted behavioral health provider rate increases are passed through, in the manner intended, to the behavioral health providers who are the subject of the funds appropriated for targeted behavioral health provider rate increases; (iii) include actuarial information provided to managed care organizations to ensure the funds directed to behavioral health providers have been appropriately allocated and accounted for; and (iv) include the participation of managed care organizations, behavioral health administrative services organizations, providers, and provider networks that are the subject of the targeted behavioral health provider rate increases. The process must include a method for determining if the funds have increased access to the behavioral health services offered by the behavioral health providers who are the subject of the targeted provider rate increases.

(c) The process may:

(i) Include a quantitative method for determining if the funds have increased access to behavioral health services offered by the behavioral health providers who received the targeted provider rate increases;

(ii) Ensure the viability of pass-through payments in a capitated rate methodology; and

(iii) Ensure that medicaid rate increases account for the impact of value-based contracting on provider reimbursements and implementations of pass-through payments.

(4) By November 1st of each year, the authority shall report to the committees of the legislature with jurisdiction over behavioral health issues and fiscal matters regarding the established process for each appropriation for a targeted behavioral health provider rate increase, whether the funds were passed through in accordance with the appropriation language, and any information about increased access to behavioral health services associated with the appropriation. The reporting requirement for each appropriation for a targeted behavioral health provider rate increase shall continue for two years following the specific appropriation."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding a new section to chapter 71.24 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2584.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed House Bill No. 2584 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2584 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2584 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 2584 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2554, by House Committee on Health Care & Wellness (originally sponsored by Stonier, Cody, Macri, Riccelli, Robinson, Tharinger, Senn, Peterson, Valdez, Davis, Doglio, Dolan, Fitzgibbon, Walen, Frame, Ramel, Pollet, Ryu, Goodman, Lekanoff, Ormsby and Chapman)

Mitigating inequity in the health insurance market caused by health plans that exclude certain mandated benefits.

The measure was read the second time.

MOTION

Senator Randall moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier that excludes, under state or federal law, any benefit required or mandated by this title or rules adopted by the commissioner from any health plan or student health plan shall:

(a) Notify each enrollee in writing of the following:

(i) Which benefits the health plan or student health plan does not cover; and

(ii) Alternate ways in which the enrollees may access excluded benefits in a timely manner;

(b) Ensure that enrollees have prompt access to the information required under this subsection; and

(c) Clearly and legibly include the information specified in (a)(i) and (ii) of this subsection in any of its marketing materials that include a list of benefits covered under the plan. The information must also be listed in the benefit booklet and posted on the carrier's health plan or student health plan web site.

(2) For the purpose of mitigating inequity in the health insurance market, unless waived by the commissioner pursuant to (c) of this subsection, the commissioner must assess a fee on any health carrier offering a health plan or student health plan if the health plan or student health plan excludes, under state or federal law, any essential health benefit or coverage that is otherwise required or mandated by this title or rules adopted by the commissioner.

(a) The commissioner shall set the fee in an amount that is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit. As part of its rate filing, a health carrier subject to this subsection (2) must submit to the commissioner an estimate of the amount of the fee, including supporting documentation of its methods for estimating the fee. The carrier must include in its supporting documentation a certification by a member of the American academy of actuaries that the estimated fee is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit.

(b) Fees paid under this section must be deposited into the general fund.

(c) The commissioner may waive the fee assessed under this subsection (2) if he or she finds that the carrier excluding a mandated benefit for a health plan or student health plan provides health plan enrollees or student health plan enrollees alternative access to all excluded mandated benefits.

(3) Beginning July 1, 2021, the commissioner shall provide on its web site written notice of the carrier requirements in this section and information on alternate ways in which enrollees may access excluded benefits in a timely manner.

(4) Nothing in this section limits the authority of the commissioner to take enforcement action if a health carrier unlawfully fails to comply with the provisions of this title.

(5) The commissioner shall adopt any rules necessary to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 43.71 RCW to read as follows:

(1) Beginning November 1, 2021, the exchange shall provide individuals seeking to enroll in coverage on its web site with access to the information a health carrier must provide under section 1 of this act for any qualified health plan the health carrier offers that excludes, under state or federal law, any benefit required or mandated by Title 48 RCW or rules adopted by the commissioner.

(2) The exchange may provide the access required under this section directly on its web site, through a link to an external web site, or in any other manner that allows consumers to easily access the information.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW."

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

MOTION

Senator O'Ban moved that the following floor amendment no. 1249 by Senator O'Ban be adopted:

On page 1, line 22, after "subsection" insert "or prohibited pursuant to (d) of this subsection"

On page 2, after line 12, insert the following:

"(d) The commissioner may not assess a fee under this section on any carrier that excludes a mandated benefit for reason of conscience or religion, pursuant to the carrier's right to object to participating in the provision of a specific service under RCW 48.43.065."

Senators O'Ban, Becker, Fortunato and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Randall and Cleveland spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1249 by Senator O'Ban on page 1, line 22 to the striking amendment by the Committee on Health & Long Term Care.

The motion by Senator O'Ban did not carry and floor amendment no. 1249 was not adopted by rising vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 2554.

The motion by Senator Randall carried and the committee striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Randall, the rules were suspended, Substitute House Bill No. 2554 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senators O'Ban, Rivers, Becker, Fortunato, Ericksen, Padden, Wagoner and Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2554 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2554 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Froct, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2554, as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:44 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 8:48 p.m. by President Habib.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2467, by House Committee on Appropriations (originally sponsored by Hansen, Irwin, Griffey, Barkis and Wylie)

Establishing a centralized single point of contact background check system for firearms transfers.

The measure was read the second time.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1295 by Senator Wilson, L. be adopted:

On page 3, beginning on line 4, after "(4)" strike all material through "firearm" on line 18 and insert "The Washington state patrol may not require a dealer to charge a fee for performing background checks in connection with firearm transfers"

On page 5, beginning on line 29, strike all of section 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 6, beginning on line 24, after "(2)" strike all material through "(3)" on line 30

Senators Wilson, L., Ericksen and Wagoner spoke in favor of adoption of the amendment.

Senators Pedersen and Liias spoke against adoption of the amendment.

MOTION

On motion of Senator Wilson, C., Senators Dhingra and Hobbs were excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 1295 by Senator Wilson, L. on page 3, line 4 to Engrossed Second Substitute House Bill No. 2467.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1295 was not adopted by voice vote.

MOTION

Senator Becker moved that the following floor amendment no. 1311 by Senator Becker be adopted:

On page 3, beginning on line 4, after "(4)" strike all material through "firearm" on line 18 and insert "The Washington state patrol may not require a dealer to charge a fee for performing background checks in connection with firearm transfers"

On page 5, beginning on line 32, after "receipts" strike all material through "act" on line 33 and insert "collected pursuant to fines imposed pursuant to RCW 9.94A.550(2)"

On page 6, beginning on line 24, after "(2)" strike all material through "(3)" on line 30

On page 11, after line 8, insert the following:

"Sec. 10. RCW 9.94A.550 and 2015 c 265 s 15 are each amended to read as follows:

(1) Unless otherwise provided by a statute of this state, on all sentences under this chapter the court may impose fines on adult offenders according to the following ranges:

Class A felonies \$0 - 50,000

Class B felonies \$0 - 20,000

Class C felonies \$0 - 10,000

(2) On all sentences under this chapter, the court shall impose a fine of eighteen dollars on adult offenders for any offense involving the use of a firearm. Amounts collected shall be transmitted to the state treasurer for deposit in the state firearms background check system account created in section 3 of this act."

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

On page 1, line 3 of the title, after "36.28A.405," strike "and 36.28A.420" and insert ", 36.28A.420, and 9.94A.550"

Senator Becker spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1311 by Senator Becker on page 3, line 4 to Engrossed Second Substitute House Bill No. 2467.

The motion by Senator Becker did not carry and floor amendment no. 1311 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1308 by Senator Schoesler be adopted:

On page 3, line 18, after "firearm" insert ", or to any background check conducted in connection with a firearm transfer between immediate family members"

Senators Schoesler and Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Schoesler: "Would the gentleman from the 43rd District yield to a question?"

Senator Pedersen: "Certainly."

Senator Schoesler: "Thank you Mr. President. Thank you Senator Pedersen. In your comments, you said that the amendment was not necessary because immediate family members were exempted. Does that mean that your grandchildren could not be gifted that firearm without a background check?"

Senator Pedersen: "Senator Schoesler, I have to look into chapter 9.41 to be exact on language for the definition of

immediate family member, but it is the case that immediate family members are exempted from the..."

Senator Schoesler: "Is it that grandchildren are immediate family? Yes or no? I am not an attorney like yourself."

President Habib: "I think Senator Schoesler, Senator Pedersen said that he has given the information that he has at his disposal now, so we are not going to have a back and forth colloquy, but please continue your remarks Senator Schoesler."

The President declared the question before the Senate to be the adoption of floor amendment no. 1308 by Senator Schoesler on page 3, line 18 to Engrossed Second Substitute House Bill No. 2467.

The motion by Senator Schoesler did not carry and floor amendment no. 1308 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 2467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Padden and Warnick spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2467.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2467 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2419, by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Kloba, Peterson, Springer, Cody, Ormsby, Riccelli and Doglio)

Studying barriers to the use of the Washington death with dignity act.

The measure was read the second time.

MOTION

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

Senator O'Ban moved that the following floor amendment no. 1326 by Senator O'Ban be adopted:

On page 2, line 16, after "policy." Insert "The report's recommendations must include options for an individual or organization to exercise their right to decline providing or paying for a service by reason of conscience or religion under RCW 48.43.065."

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1326 by Senator O'Ban on page 2, line 16 to Substitute House Bill No. 2419.

The motion by Senator O'Ban did not carry and floor amendment no. 1326 was not adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Rivers, Padden and Becker spoke in favor of passage of the bill.

Senator O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2419 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, Muzzall, O'Ban, Padden, Schoesler, Short, Warnick and Zeiger

SUBSTITUTE HOUSE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638, by House Committee on Commerce & Gaming (originally sponsored by Peterson, MacEwen, Stonier, Harris, Robinson, Young, Ortiz-Self, Stokesbary, Tharinger, Walsh, Riccelli, Appleton, Griffey, Hansen, Kloba, Lekanoff, Sells, Chapman, Gregerson and Ramel)

Authorizing sports wagering subject to the terms of tribal-state gaming compacts.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It has long been the policy of this state to prohibit all forms and means of gambling except where carefully and specifically authorized and regulated. The legislature intends to further this policy by authorizing sports wagering on a very limited basis by restricting it to tribal casinos in the state of Washington. Tribes have more than twenty years' experience with, and a proven track record of, successfully operating and regulating gaming facilities in accordance with tribal gaming compacts. Tribal casinos can operate sports wagering pursuant to these tribal gaming compacts, offering the benefits of the same highly regulated environment to sports wagering.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

(1) Upon the request of a federally recognized Indian tribe or tribes in the state of Washington, the tribe's class III gaming compact may be amended pursuant to the Indian gaming regulatory act, 25 U.S.C. Sec. 2701 et seq., and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering on its Indian lands, provided the amendment addresses: Licensing; fees associated with the gambling commission's regulation of sports wagering; how sports wagering will be conducted, operated, and regulated; issues related to criminal enforcement, including money laundering, sport integrity, and information sharing between the commission and the tribe related to such enforcement; and responsible and problem gambling. Sports wagering conducted pursuant to the gaming compact is a gambling activity authorized by this chapter.

(2) Sports wagering conducted pursuant to the provisions of a class III gaming compact entered into by a tribe and the state pursuant to RCW 9.46.360 is authorized bookmaking and is not subject to civil or criminal penalties pursuant to RCW 9.46.225.

Sec. 3. RCW 9.46.070 and 2012 c 116 s 1 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punchboards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: **PROVIDED**, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: **PROVIDED FURTHER**, That the commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin: **AND PROVIDED FURTHER**, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punchboards and pull-tabs

and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the manufacturing, selling, distributing, or otherwise supplying ((or in the manufacturing)) of devices, equipment, software, hardware, or any gambling-related services for use within this state for those activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling

activity occurs, or the equipment to be used for any gambling activity, ((or)) (b) participating as an employee in the operation of any gambling activity, or (c) participating as an employee in the operation, management, or providing of gambling-related services for sports wagering, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (a) the nature, character, and scope of the activities of the licensee; (b) the source of all other income of the licensee; and (c) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(16)(a) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

(b) In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter;

(20) To renew the license of every person who applies for renewal within six months after being honorably discharged, removed, or released from active military service in the armed forces of the United States upon payment of the renewal fee applicable to the license period, if there is no cause for denial, suspension, or revocation of the license;

(21) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization that engages in any sports wagering-related services for use within this state for sports wagering activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(22) To issue licenses under subsections (1) through (4) of this section that are valid for a period of up to eighteen months, if it chooses to do so, in order to transition to the use of the business licensing services program through the department of revenue; and

~~((22))~~ (23) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 4. RCW 9.46.130 and 2011 c 336 s 303 are each amended to read as follows:

(1) The premises and paraphernalia, and all the books and records, databases, hardware, software, or any other electronic data storage device of any person, association, or organization conducting gambling activities authorized under this chapter and any person, association, or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his or her designee, the chief of the Washington state patrol or his or her designee or the prosecuting attorney, sheriff, or director of public safety or their designees of the county wherein located, or the chief of police or his or her designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations or local ordinances adopted pursuant thereto or any federal or state law. A reasonable time for the purpose of this section shall be:
~~((1))~~ (a) If the items or records to be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or ~~((2))~~ (b) if the items or records to be inspected or audited are not located upon a premises set out in ~~((subsection 1))~~ (a) of this ~~((section))~~ subsection, then any time between the hours of 8:00 a.m. and 9:00 p.m., Monday through Friday.

(2) The commission shall be provided at such reasonable intervals as the commission shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto.

(3) The commission may require the submission of reports on suspicious activities or irregular betting activities to effectively identify players, wagering information, and suspicious and illegal transactions, including the laundering of illicit funds.

NEW SECTION. Sec. 5. A new section is added to chapter 9.46 RCW to read as follows:

(1) No person shall offer, promise, give, or attempt to give any thing of value to any person for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which a wager may be made.

(2) No person shall place, increase, or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised, or given any thing of value for the purpose of influencing the outcome of a sporting event, athletic event, or competition upon which the wager is placed, increased, or decreased.

(3) No person shall offer, promise, give, or attempt to give any thing of value to obtain confidential or insider information not available to the public with intent to use the information to gain a wagering advantage on a sporting event, athletic event, or competition.

(4) No person shall accept or agree to accept, any thing of value for the purpose of wrongfully influencing his or her play, action, decision making, or conduct in any sporting event, athletic event, or competition upon which a wager may be made.

(5) Any person who violates this section shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021.

Sec. 6. RCW 9.46.190 and 1991 c 261 s 7 are each amended to read as follows:

Any person ~~((or))~~, association, or organization operating any gambling activity ~~((who or which))~~ may not, directly or indirectly, ~~((shall))~~ in the course of such operation:

- (1) Employ any device, scheme, or artifice to defraud; ~~((or))~~
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; ~~((or))~~
- (3) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any person;
- ~~((Shall))~~ (4) Alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
- (5) Place, increase, or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome;
- (6) Knowingly entice or induce another person to go to any place where a gambling activity is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling activity;
- (7) Place or increase a bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including past posting and pressing bets; or
- (8) Reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet, including pinching bets. Any person, association, or organization that violates this section shall be guilty of a ~~((gross misdemeanor))~~ class C felony subject to the penalty set forth in RCW 9A.20.021.

Sec. 7. RCW 9.46.210 and 2000 c 46 s 1 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~ and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the commission, to enforce the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~ and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities, including chapter 9A.83 RCW, and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~

and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of this chapter ~~((218, Laws of 1973 1st ex. sess.))~~ and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, may be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies.

(5) In addition to its other powers and duties, the commission may ensure sport integrity and prevent and detect competition manipulation through education and enforcement of the penal provisions of this chapter or chapter 67.04 or 67.24 RCW, or any other state penal laws related to the integrity of sporting events, athletic events, or competitions within the state.

(6) In addition to its other powers and duties, the commission may track and monitor gambling-related transactions occurring within the state to aid in its enforcement of the penal provisions of this chapter or chapter 9A.83 RCW, or any other state penal laws related to suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification by a player.

Sec. 8. RCW 9.46.220 and 1997 c 78 s 2 are each amended to read as follows:

(1) A person is guilty of professional gambling in the first degree if he or she engages in, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

- (a) Acts in concert with or conspires with five or more people; ~~((or))~~
- (b) Personally accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; ~~((or))~~
- (c) The operation for whom the person works, or with which the person is involved, accepts wagers exceeding five thousand dollars during any thirty-day period on future contingent events; ~~((or))~~
- (d) Operates, manages, or profits from the operation of a premises or location where persons are charged a fee to participate in card games, lotteries, or other gambling activities that are not authorized by this chapter or licensed by the commission; or

(e) Engages in bookmaking as defined in RCW 9.46.0213.

(2) However, this section shall not apply to those activities enumerated in RCW 9.46.0305 through 9.46.0361 or to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted pursuant to this chapter.

(3) Professional gambling in the first degree is a class B felony subject to the penalty set forth in RCW 9A.20.021.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 9. A new section is added to chapter 9.46 RCW to read as follows:

The transmission of gambling information over the internet for any sports wagering conducted and operated under this section and section 2 of this act is authorized, provided that the wager may be placed and accepted at a tribe's gaming facility only while the customer placing the wager is physically present on the premises of that tribe's gaming facility.

Sec. 10. RCW 9.46.240 and 2006 c 290 s 2 are each amended to read as follows:

(1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, the internet, a telecommunications transmission system, or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a class C felony subject to the penalty set forth in RCW 9A.20.021. ~~((However, this))~~

(2) This section shall not apply to such information transmitted or received or equipment or devices installed or maintained relating to activities authorized by this chapter including, but not limited to, sports wagering authorized under sections 2 and 9 of this act, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules adopted under this chapter and conducted in accordance with tribal-state compacts.

NEW SECTION. Sec. 11. A new section is added to chapter 9.46 RCW to read as follows:

(1)(a) For purposes of this chapter, "sports wagering" means the business of accepting wagers on any of the following sporting events, athletic events, or competitions by any system or method of wagering:

- (i) A professional sport or athletic event;
- (ii) A collegiate sport or athletic event;
- (iii) An Olympic or international sports competition or event;
- (iv) An electronic sports or esports competition or event;
- (v) A combination of sporting events, athletic events, or competitions listed in (a)(i) through (iv) of this subsection (1); or
- (vi) A portion of any sporting event, athletic event, or competition listed in (a)(i) through (iv) of this subsection (1).

(b) Sports wagering does not include the business of accepting wagers on horse racing authorized pursuant to chapter 67.16 RCW.

(2) For purposes of this section:

(a) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers education services beyond the secondary level, other than such an institution that is located within the state of Washington.

(b) "Electronic or esports event" means a live event or tournament attended or watched by members of the public where games or matches are contested in real time by players and teams and players or teams can win a prize based on their performance in the live event or tournament.

(c) "Professional sport or athletic event" means an event that is not a collegiate sport or athletic event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event. "Professional sport or athletic event" does not include any minor league sport. Sports wagering may not be conducted on any minor league sport.

Sec. 12. RCW 9.46.090 and 1987 c 505 s 3 are each amended to read as follows:

Subject to RCW 40.07.040, the commission shall, from time to time, make reports to the governor and the legislature covering such matters in connection with this chapter as the governor and

the legislature may require. These reports shall be public documents and contain such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: **PROVIDED,** That the commission appointed pursuant to RCW 9.46.040 may conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and may make recommendations to the legislature as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the type and amount of tax that ought to be applied to each type of permitted gambling activity; (5) any changes which may be made to the law of this state which further the purposes and policies set forth in RCW 9.46.010 as now law or hereafter amended; and (6) any other matter that the commission may deem appropriate. However, no later than December 1st of the year following any authorization by the legislature of a new gambling activity, any report by the commission to the governor and the appropriate committees of the legislature must include information on the state of the gambling industry both within the state and nationwide. Members of the commission and its staff may contact the legislature, or any of its members, at any time, to advise it of recommendations of the commission.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, 2021.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "compacts;" strike the remainder of the title and insert "amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency."

MOTION

Senator Ericksen moved that the following floor amendment no. 1261 by Senator Ericksen be adopted:

On page 1, line 16, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

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

"(3) Any tribes conducting sports wagering must obtain all applicable business licenses, permits, and land use approvals from relevant state, city, and county jurisdictions."

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

Senators Stanford and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1261 by Senator Ericksen on page 1, line 16 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Ericksen did not carry and floor amendment no. 1261 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, floor amendment no. 1262 by Senator Ericksen on page 1, line 16 to the striking amendment by the Committee on Ways & Means was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, floor amendment no. 1263 by Senator Ericksen on page 1, line 16 to the striking amendment by the Committee on Ways & Means was withdrawn.

MOTION

Senator Brown moved that the following floor amendment no. 1315 by Senator Brown be adopted:

On page 1, line 16, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

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

"(3) A tribe's class III gaming compact may not be amended pursuant to this section and RCW 9.46.360 to authorize the tribe to conduct and operate sports wagering unless the tribe agrees in the compact amendment to:

(a) Comply with Title 50A RCW, the state paid family and medical leave act, and state minimum wage and overtime laws;

(b) Ensure at least eighty-five percent of the tribe's employees are covered by employer-sponsored health insurance and retirement benefits; and

(c) File with the commission a code of conduct that includes a sexual harassment prevention policy and an antiretaliation policy."

Senators Brown and Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1315 by Senator Brown on page 1, line 16 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Brown did not carry and floor amendment no. 1315 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 1329 by Senator Rivers on page 1, line 13 to the striking amendment by the Committee on Ways & Means was withdrawn.

MOTION

Senator Rivers moved that the following floor amendment no. 1330 by Senator Rivers be adopted:

On page 1, after 13, insert

"In addition, the legislature intends that card rooms are currently licensed should be allowed to conduct sport wagering.

On page 1, line 29, after "(2)" insert the following:

"Beginning January 1, 2024, card rooms may conduct sports wagering through sports pools and online sports pools at the card room facility as provided in this chapter.

(3) The commission may issue licenses prior to January 1, 2024, to be effective on January 1, 2024. The commission may not issue a sports wagering license to any person or entity unless it was licensed and in operation as a card room as of January 1, 2020, and has established its financial stability, integrity, responsibility, good character, and honesty. No license to operate a sports pool may be issued to any person or entity that is disqualified for a license under chapter 9.46 or 67.16 RCW. The commission has the authority to charge a card room a fee for the issuance of a sports wagering license in an amount of five hundred thousand dollars for the initial issuance and, in the case of a renewal, a reasonable fee adopted by rule that is based upon the expense associated with renewal, enforcement, and programs for the prevention and treatment of problem gambling.

(4) "

On page 1, line 29, after "provisions of", strike " Sports wagering conducted pursuant to the provisions of a class III gaming compact entered into by a tribe and the state pursuant to RCW 9.46.360" and insert "Sports wagering conducted pursuant to the provisions of this chapter"

On page 2, line 2, after "9.46.225." insert the following:

" NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW to read as follows:

(1) No sports wagering may be offered or made available to the public, except as provided in this chapter.

(2) Any person who offers sports wagering without a license or pursuant to a compact is guilty of a class B felony and is subject to a fine of not more than twenty-five thousand dollars, and, in the case of a person other than a natural person, a fine of not more than one hundred thousand dollars.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW to read as follows:

(1)(a) Any person who: (i) Is an athlete, coach, referee, or director of a sports governing body or any of its member teams; (ii) is a sports governing body or any of its member teams; (iii) is a player or a referee personnel member in or on any sports event overseen by that person's sports governing body based on publicly available information; (iv) holds a position of authority or influence sufficient to exert influence over the participants in a sporting contest, including, but not limited to, coaches, managers, handlers, athletic trainers, or horse trainers; (v) has access to certain types of exclusive information on any sports event overseen by that person's sports governing body based on publicly available information; or (vi) is identified by any lists provided by the sports governing body to the commission, may not have any ownership interest in, control of, or otherwise be employed by, an operator, a sports wagering licensee, or a facility in which sports wagering is or will be conducted, or place a wager on a sports event that is overseen by that person's sports governing body based on publicly available information. Any person who violates this subsection is guilty of a misdemeanor and must, upon conviction, be punished by either imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days or a fine in an amount fixed by the court of not more than one thousand dollars, or both.

(b) Any employee of a sports governing body or its member teams who is not prohibited from wagering on a sports event must provide notice to the commission prior to placing a wager on a sports event.

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

(c) The direct or indirect legal or beneficial owner of ten percent or more of a sports governing body or any of its member teams may not place or accept any wager on a sports event in which any member team of that sports governing body participates.

(2) The prohibition set forth in subsection (1) of this section does not apply to any person who is a direct or indirect owner of a specific sports governing body member team, and (a) the person has less than ten percent direct or indirect ownership interest in a casino or racetrack, or (b) the shares of such person are registered pursuant to section 12 of the securities exchange act of 1934 (15 U.S.C. Sec. 781), as amended, and the value of the ownership of such team represents less than one percent of the person's total enterprise value.

(3) An operator must adopt procedures to prevent persons who are prohibited from placing sports wagers from wagering on sports events.

(4) An operator may not accept wagers from any person whose identity is known to the operator and:

(a) Whose name appears on any self-exclusion programs list provided under RCW 9.46.071;

(b) Who is the operator, director, officer, owner, or employee of the operator or any relative thereof living in the same household as the operator;

(c) Who has access to nonpublic confidential information held by the operator; or

(d) Who is an agent or proxy for any other person.

(5) An operator must adopt procedures to obtain personally identifiable information from any individual who places any single wager in an amount of ten thousand dollars or greater on a sports event while physically present in a tribal casino or card room facility.

(6) For purposes of this section, "operator" means a tribal casino or card room conducting sport wagering.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

(1) The commission may adopt rules to implement section 2 of this act. These rules may not be more restrictive for card rooms conducting sport wagering than the provisions authorizing sports wagering in any tribe's class III gaming compact with the state.

(2) The rules may address the following:

(a) Documentation and forms required for licensing;

(b) Licensing of employees conducting sport wagering;

(c) How wagering may be conducted, including requiring licensees to adopt and display its house rules governing sport wagering transactions;

(d) How unclaimed winnings may be disbursed, including providing for a percentage of the unclaimed winning to be remitted to the problem gambling account created in RCW 41.05.751; and

(e) Other matters as the commission deems necessary to protect the public and integrity of sport wagering."

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

On page 12, line 21, after "gaming facility", insert "or a card room"

On page 12, line 23, after "gaming facility", insert "or a card room"

On page 13, line 5, after "1", strike everything through page 13, line 35 and insert

" For purposes of this chapter:

(a) "Card room" means a business licensed to conduct social card games pursuant to RCW 9.46.0325.

(b) "Online sports pool" means a sports wagering operation in which wagers on sports events are made through computers or

mobile or interactive devices and accepted at a sports wagering lounge through an online gaming system that is operating pursuant to a sports wagering license issued by the commission.

(c) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering, including, but not limited to, single-game bets, teaser bets, parlays, over/under, money line, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, or straight bets.

(d)(i) "Sports wagering" means the business of accepting wagers on any of the following sporting events, athletic events, or competitions by any system or method of wagering:

(A) A professional sport or athletic event;

(B) A collegiate sport or athletic event;

(C) An Olympic or international sports competition or event;

(D) An electronic sports or esports competition or event;

(E) A combination of sporting events, athletic events, or competitions listed in (d)(i)(A) through (D) of this subsection (1); or

(F) A portion of any sporting event, athletic event, or competition listed in (d)(i)(A) through (D) of this subsection (1).

(ii) Sports wagering does not include the business of accepting wagers on horse racing authorized pursuant to chapter 67.16 RCW.

(2) For purposes of this section:

(a) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers education services beyond the secondary level, other than such an institution that is located within the state of Washington.

(b) "Electronic or esports event" means a live event or tournament attended or watched by members of the public where games or matches are contested in real time by players and teams and players or teams can win a prize based on their performance in the live event or tournament.

(c) "Professional sport or athletic event" means an event that is not a collegiate sport or athletic event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event."

On page 15, line 2, after "2021." insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

(1) There is levied and collected from every card room conducting sports wagering in this state, a tax in the amount of ten percent of the gaming revenue.

(2) Card rooms conducting sports wagering subject to the tax imposed by this section must report to the department the amount of gaming revenue earned by location. The tax imposed by this section must be paid to, and administered by, the department. The administration of the tax is governed by the provisions of chapter 82.32 RCW.

(3) For purposes of this section:

(a) "Card room" has the same meaning as in section 14 of this act.

(b) "Gaming revenue" means the total amount wagered less winnings paid out.

(c) "Sports wagering" has the same meaning as in section 14 of this act."

On page 1, line 2 of the title, after "compacts" strike the remainder of the title and insert "and by licensed card rooms; amending RCW 9.46.070, 9.46.130, 9.46.190, 9.46.210, 9.46.220, 9.46.240, and 9.46.090; adding new sections to chapter 9.46 RCW; adding a new section to chapter 82.04 RCW; creating a new section; prescribing penalties; and making an appropriation."

Senators Rivers, Ericksen and King spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1330 by Senator Rivers on page 1, after line 13 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Rivers did not carry and floor amendment no. 1330 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Ericksen and without objection, floor amendment no. 1316 by Senator Becker on page 1, line 16 to the striking amendment by the Committee on Ways & Means was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 1324 by Senator King on page 1, line 16 to the striking amendment by the Committee on Ways & Means was withdrawn.

MOTION

Senator Ericksen moved that the following floor amendment no. 1327 by Senator Ericksen be adopted:

On page 1, line 16, after "(1)" strike "Upon" and insert "Subject to subsection (3) of this section, upon"

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

"(3) No tribe may conduct or operate sports wagering on any tribal property acquired or property transferred into trust status after January 1, 1996."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1327 by Senator Ericksen on page 1, line 16 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Ericksen did not carry and floor amendment no. 1327 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1317 by Senator Rivers be adopted:

On page 1, line 22, after "wagering;" insert "revenue sharing;"

On page 1, line 26, after "enforcement;" strike "and"

On page 1, line 26, after "problem gambling" insert "; and labor standards related to employees working at the sports wagering facilities, including paid family and medical leave, minimum wage, overtime, health insurance, retirement benefits, and sexual harassment prevention and antiretaliation policies"

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

Senators Saldaña, Wellman and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1317 by Senator Rivers on page 1, line 22 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Rivers did not carry and floor amendment no. 1317 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 1260 by Senator Ericksen be adopted:

On page 15, after line 2, insert the following:

"**NEW SECTION. Sec. 15.** A new section is added to chapter 82.08 RCW to read as follows:

(1) There is levied and collected a tax equal to ten percent of the selling price on each retail sale, as defined in RCW 82.04.050, at all facilities where sports wagering is conducted pursuant to section 2 of this act.

(2) For purposes of this section, "sports wagering" has the same meaning as in section 11 of this act."

Renumber the remaining section consecutively.

On page 15, line 10, after "RCW;" insert "adding a new section to chapter 82.08 RCW;"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1260 by Senator Ericksen on page 15, after line 2 to the striking amendment by the Committee on Ways & Means.

The motion by Senator Ericksen did not carry and floor amendment no. 1260 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENTS

On motion of Senator Ericksen and without objection, floor amendment no. 1264 by Senator Ericksen on page 15, line 2 to the striking amendment by the Committee on Ways & Means was withdrawn.

On motion of Senator Ericksen and without objection, floor amendment no. 1265 by Senator Ericksen on page 15, line 2 to the striking amendment by the Committee on Ways & Means was withdrawn.

MOTION

Senator Braun moved that the following floor amendment no. 1318 by Senator Braun be adopted:

On page 15, beginning on line 3, strike all of section 15

On page 15, line 11, after "penalties;" insert "and"

On page 15, line 11, after "appropriation" strike "; and declaring an emergency"

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

Senators Keiser, Conway and Sheldon spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

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

FIFTY THIRD DAY, MARCH 5, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 15, line 3, to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C. .

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2638.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2638 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, McCoy, Conway and Sheldon spoke in favor of passage of the bill.

Senators Ericksen, King, Rivers and Carlyle spoke against passage of the bill.

MOTION

Senator Honeyford demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Honeyford carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2638 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2638 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Carlyle, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short, Walsh, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:00 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Friday, March 6, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 6, 2020

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Jack Johnson and Miss Montana Crosby, presented the Colors. Page Mr. Aaron Amon led the Senate in the Pledge of Allegiance. The prayer was offered by Chairman David Bean of the Puyallup Tribe.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 5, 2020

SGA 9367 LAURA WATSON, appointed on January 8, 2020, for the term ending at the governors pleasure, as Director of the Department of Ecology - Agency Head. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Erickson, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Brown; Das; Liias; Nguyen; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

February 28, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILMA CARTAGENA, appointed February 28, 2020, for the term ending September 30, 2024, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9395.

MOTION

On motion of Senator Liias, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6699 by Senators Darneille, Walsh, Lovelett, Wellman, Hunt, Van De Wege, King, Das, Keiser, Wilson, C., Dhingra, O'Ban, Saldaña, Kuderer and Mullet

AN ACT Relating to economic acts and practices during a time of disaster; adding a new section to chapter 19.86 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SJR 8219 by Senators Fortunato, Padden, Erickson, Zeiger, Braun, O'Ban, Sheldon, Warnick, Honeyford, Walsh, Short, Rivers, Wilson, L. and Holy

Amending the Constitution to provide property tax relief to homeowners.

Referred to Committee on Ways & Means.

ESHB 2804 by House Committee on Local Government (originally sponsored by Duerr, Ryu, Pollet, Slatter and Boehnke)

AN ACT Relating to local government infrastructure; amending RCW 39.104.020, 39.104.100, and 82.14.510;

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

adding a new section to chapter 39.104 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Zeiger moved adoption of the following resolution:

SENATE RESOLUTION
8706

By Senators Zeiger, Conway, Fortunato, Becker, O'Ban, Darneille, Randall, Wagoner, and Brown

WHEREAS, Deputy Cooper Dyson served bravely as a Pierce County Sheriff's Deputy starting in 2018. Deputy Dyson was born on May 18, 1994, in Orting, Washington, to parents Brad and Casey Dyson; and

WHEREAS, Deputy Dyson passed away on December 21, 2019, while on his way to assist fellow deputies responding to a call; and

WHEREAS, Deputy Dyson attended Cascade Christian High School where he was in the graduating class of 2013; and

WHEREAS, He was a member of the school's swim and football teams, both of which went on to the state finals; and

WHEREAS, It was during his high school years when he met his future wife, Brittany, and the two were married June 5, 2014; and

WHEREAS, After graduating from high school, Deputy Dyson enlisted in the United States Coast Guard and served his country as a hazardous boat crew member; and

WHEREAS, After being honorably discharged from the United States Coast Guard, Deputy Dyson answered the call to serve once again, becoming a Pierce County Sheriff's Deputy in 2018; and

WHEREAS, Deputy Dyson served Pierce County and this country courageously and with a faithful servant's heart, always putting God, the public, and fellow deputies before himself; and

WHEREAS, Deputy Dyson was a loving and devoted husband to Brittany and father to their son Luke and daughter, Hallie; and

WHEREAS, On December 21, 2019, our community lost a son, husband, veteran, father, deputy, and hero who had a heart for service; and

WHEREAS, Deputy Dyson's spirit of service and legacy will live on through family, friends, and the many lives he impacted;

NOW, THEREFORE, BE IT RESOLVED, That in celebration of his life the Washington State Senate express its deepest gratitude and enduring appreciation to Deputy Dyson and his family for his lifetime of service to our county and community and to the men and women who continue to serve Washington bravely as law enforcement officers; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Secretary of the Senate, to the Pierce County Sheriff's Office and to Brittany Dyson, Luke Dyson, and Hallie Dyson, as well as Brad and Casey Dyson, in recognition and grateful appreciation of Cooper's life.

Senators Zeiger, Conway, O'Ban and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

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

MOMENT OF SILENCE

At the request of Senator Zeiger, the senate rose and observed a moment of silence in memory of Deputy Cooper Dyson, Pierce County Sheriff's Department, who passed away December 21, 2019.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family and friends of Deputy Cooper Dyson, including: Mrs. Brittany Dyson, the widow of Deputy Dyson; Mr. Luke and Miss Hallie Dyson, his children; Mr. & Mrs. Brad and Casey Dyson, his parents; Pierce County Sheriff Paul Pastor; and Pierce County Sheriff's Department Deputies and colleagues who were seated in the gallery.

MOTION

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

PERSONAL PRIVILEGE

Senator Conway: "I just want to acknowledge, Paul Pastor's here. He is retiring soon, as our sheriff. He has done a great job. And Paul, we thank you. We thank you in these moments of tragedy. You have seen so many and you stood by your forces all the time. Thank you so much."

SECOND READING

HOUSE BILL NO. 2229, by Representatives Sullivan, Stokesbary, Bergquist, Gildon and Wylie

Clarifying the scope of taxation on land development or management services.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 2229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Wilson, C., Senators Frockt, Mullet and Saldaña were excused.

Senator Kuderer spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senators Becker and Ericksen were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2229.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2229 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Ericksen

HOUSE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2624, by Representatives Shewmake, Kretz, Blake, Dent and Lekanoff

Concerning the authority of the director of the department of agriculture with respect to certain examinations and examination fees.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2624.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2624 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko,

Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 2624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2579, by Representatives Dye, Eslick, Klippert and Ormsby

Establishing a wild horse holding and training program at Coyote Ridge corrections center.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 2579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Walsh and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2579.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2579 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 2579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2758, by House Committee on Labor & Workplace Standards (originally sponsored by Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff and Pollet)

Recognizing posttraumatic stress disorders of 911 emergency dispatch personnel.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2758 was advanced to third reading, the

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2758.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2758 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2556, by House Committee on Human Services & Early Learning (originally sponsored by Dent, Corry, Eslick, Caldier, Klippert, Jenkin, Griffey, McCaslin, Mosbrucker, Gildon, Dufault and Tharinger)

Providing regulatory relief for early learning providers.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2556 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2860, by Representatives Orcutt and Fey

Concerning the Washington plane coordinate system.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 2860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2860.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2860 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 2860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2858, by Representatives Orcutt, Dolan and Doglio

Concerning requirements for the filing of assessment rolls.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2858.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2858 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 2858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2833, by Representative Hoff

Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, House Bill No. 2833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2833.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2833 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Wagoner

Excused: Senator Ericksen

HOUSE BILL NO. 2833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Warnick: "Thank you Mr. President. Earlier today, we recognized, in a resolution, Officer or Deputy Cooper Dyson and I thank Senator Zeiger for bringing that forward. I would also

like to recognize our officer, our canine partners. Last week, last Friday night, one of the Moses Lake Police Department deputies and his K-9 partner, Chief, were pursuing a suspect. When the suspect got out of his car, he started shooting. K-9 Chief took a bullet for his partner. He suffered a potential career ending injury. He was shot in the face. He has lost an eye. His jaw is broken. But, thanks to the W.S.U. Veterinary College, he came back to Moses Lake a few days ago to a hero's welcome. So, we need to recognize our canine partners. The ability for them to help our officers in times like these. Right now the Moses Lake community is coming together to pay the almost \$50,000 of medical bills that they're, is going to be facing the police department for this canine, but we are very, very willing to do that because he is part, K-9 Chief is part of our Police Department just like every other officer and I just wanted to recognize him and thank you Mr. President."

MOTION

At 10:06 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 11:36 a.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5144,
SUBSTITUTE SENATE BILL NO. 5867,
SENATE BILL NO. 6034,
SENATE BILL NO. 6096,

SECOND SUBSTITUTE SENATE BILL NO. 6139,
SENATE BILL NO. 6170,

SUBSTITUTE SENATE BILL NO. 6208,

SUBSTITUTE SENATE BILL NO. 6210,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,

SENATE BILL NO. 6218,

SENATE BILL NO. 6229,

SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6286,

SECOND SUBSTITUTE SENATE BILL NO. 6309,

ENGROSSED SENATE BILL NO. 6421,

SUBSTITUTE SENATE BILL NO. 6483,

SENATE BILL NO. 6493,

SUBSTITUTE SENATE BILL NO. 6495,

SUBSTITUTE SENATE BILL NO. 6663,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 5, 2020

MR. PRESIDENT:

The House has passed:

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006,
ENGROSSED SENATE BILL NO. 5450,
ENGROSSED SENATE BILL NO. 5457,
ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 5481,
SENATE BILL NO. 5519,

SUBSTITUTE SENATE BILL NO. 5900,
SUBSTITUTE SENATE BILL NO. 6072,

SENATE BILL NO. 6078,
SENATE BILL NO. 6102,
SENATE BILL NO. 6103,
SENATE BILL NO. 6119,
SENATE BILL NO. 6120,

SUBSTITUTE SENATE BILL NO. 6142,
SENATE BILL NO. 6143,

SECOND SUBSTITUTE SENATE BILL NO. 6181,
SENATE BILL NO. 6187,

SUBSTITUTE SENATE BILL NO. 6206,
SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6306,

SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6392,

SENATE BILL NO. 6423,
SUBSTITUTE SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6521,

SECOND SUBSTITUTE SENATE BILL NO. 6528,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6540,

ENGROSSED SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 5, 2020

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED HOUSE BILL NO. 1056,

HOUSE BILL NO. 1165,

ENGROSSED HOUSE BILL NO. 1187,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551,

HOUSE BILL NO. 2109,

SUBSTITUTE HOUSE BILL NO. 2205,

HOUSE BILL NO. 2251,

HOUSE BILL NO. 2259,

HOUSE BILL NO. 2266,

SUBSTITUTE HOUSE BILL NO. 2378,

HOUSE BILL NO. 2390,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411,

HOUSE BILL NO. 2416,

SUBSTITUTE HOUSE BILL NO. 2473,

HOUSE BILL NO. 2474,

SUBSTITUTE HOUSE BILL NO. 2476,

HOUSE BILL NO. 2508,

HOUSE BILL NO. 2512,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,

SUBSTITUTE HOUSE BILL NO. 2589,

HOUSE BILL NO. 2599,

HOUSE BILL NO. 2677,

HOUSE BILL NO. 2682,

HOUSE BILL NO. 2762,

SUBSTITUTE HOUSE BILL NO. 2785,

ENGROSSED HOUSE BILL NO. 2792,

SUBSTITUTE HOUSE BILL NO. 2868,

SUBSTITUTE HOUSE BILL NO. 2873,

SUBSTITUTE HOUSE BILL NO. 2883,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 11:38 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:49 a.m. by President Habib.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2374, by House Committee on Consumer Protection & Business (originally sponsored by Kirby, Vick, Ryu, Barkis, Young, Wylie, Doglio, Goodman and Pollet)

Preserving the ability of auto dealers to offer consumers products not supplied by an auto manufacturer.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a brand owner shall not directly or indirectly:

(a) Require a new motor vehicle dealer to offer a secondary product;

(b) Require a new motor vehicle dealer to provide a customer with a disclosure not otherwise required by law; or

(c) Prohibit a new motor vehicle dealer from offering a secondary product including, but not limited to:

(i) Service contracts;

(ii) Maintenance agreements;

(iii) Extended warranties;

(iv) Protection product guarantees;

(v) Guaranteed asset protection waivers;

(vi) Insurance;

(vii) Replacement parts;

(viii) Vehicle accessories;

(ix) Oil; or

(x) Supplies.

(2) It is not a violation of this section for a brand owner to offer an incentive program to new motor vehicle dealers to encourage them to sell or offer to sell a secondary product approved, endorsed, sponsored, or offered by the brand owner, provided the program does not provide vehicle sales or service incentives.

(3) It is not a violation of this section for a brand owner to prohibit a new motor vehicle dealer from using secondary products for any repair work paid for by the brand owner under the terms of a warranty, recall, service contract, extended warranty, maintenance plan, or certified preowned vehicle program established or offered by the brand owner.

(4) For the purposes of this section:

(a) "Brand owner" means a manufacturer, distributor, factory branch, factory representative, agent, officer, parent company, wholly or partially owned subsidiary, affiliate entity, or other person under common control with a factory, importer, or distributor.

(b) "Common control" has the same meaning as in RCW 48.31B.005.

(c) "Customer" means the retail purchaser of a vehicle or secondary product from a new motor vehicle dealer.

(d) "Original equipment manufacturer parts" means parts manufactured by or for a vehicle's original manufacturer or its designee.

(e) "Secondary product" means all products that are not new motor vehicles or original equipment manufacturer parts.

Sec. 2. RCW 63.14.043 and 2006 c 288 s 1 are each amended to read as follows:

(1) If a retail installment contract for the purchase of a motor vehicle meets the requirements of this chapter and meets the requirements of any federal law applicable to a retail installment contract for the purchase of a motor vehicle, the retail installment contract shall be accepted for consideration by any lender, except for lenders licensed and regulated under the provisions of chapter 31.04 RCW, to whom application for credit relating to the retail installment contract is made.

(2) If a retail installment contract for the purchase of a motor vehicle includes the purchase of a secondary product, a lender who shares common control with a brand owner may not directly or indirectly require, as a condition of acceptance of assignment of the retail installment contract, that the buyer purchase a secondary product from a particular provider, administrator, or insurer. A violation of this subsection is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW.

(3) For the purposes of this section, "secondary product," "common control," and "brand owner" have the same meanings as provided in section 1 of this act.

On page 1, line 2 of the title, after "manufacturer;" strike the remainder of the title and insert "amending RCW 63.14.043; and adding a new section to chapter 46.96 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Substitute House Bill No. 2374.

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

MOTION

On motion of Senator Conway, the rules were suspended, Substitute House Bill No. 2374 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2374 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2374 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Frockt

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2374 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662, by House Committee on Appropriations (originally sponsored by Maycumber, Cody, DeBolt, Tharinger, Chopp, Harris, Macri, Thai, Chambers, Caldier, Duerr, Hudgins, Chapman, Steele, Gildon, Eslick, Robinson, Irwin, Lekanoff, Senn, Doglio, Gregerson, Peterson, Goodman, Leavitt, Frame, Pollet, Riccelli, Volz, Davis and Kloba)

Reducing the total cost of insulin.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that:

(a) Insulin is a life-saving drug and is critical to the management of diabetes as it helps patients control their blood sugar levels;

(b) According to Yale researchers, one-quarter of patients with Type 1 or 2 diabetes have reported using less insulin than prescribed due to the high cost of insulin;

(c) The first insulin patent in the United States was awarded in 1923 and the first synthetic insulin arrived on the market in 1978; and

(d) The price and utilization of insulin has steadily increased, making it one of the costliest prescription drugs in the state. According to the Washington all-payer claims database, the allowable costs before rebates for health carriers in the state have increased eighty-seven percent since 2014, and per member out-of-pocket costs have increased an average of eighteen percent over the same time period.

(2) Therefore, the legislature intends to review, consider, and pursue several strategies with the goal of reducing the cost of insulin in Washington.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 2. A new section is added to chapter 70.14 RCW to read as follows:

(1) The total cost of insulin work group is established. The work group membership must consist of the insurance commissioner or designee and the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing independent pharmacies;

(d) A representative from an association representing chain pharmacies;

(e) A representative from each health carrier offering at least one health plan in a commercial market in the state;

(f) A representative from each health carrier offering at least one health plan to state or public school employees in the state;

(g) A representative from an association representing health carriers;

(h) A representative from the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority;

(j) A representative from a pharmacy benefit manager that contracts with state purchasers;

(k) A representative from a drug distributor or wholesaler that distributes or sells insulin in the state;

(l) A representative from a state agency that purchases health care services and drugs for a selected population;

(m) A representative from the attorney general's office with expertise in prescription drug purchasing; and

(n) A representative from an organization representing diabetes patients who is living with diabetes.

(2) The work group must review and design strategies to reduce the cost of and total expenditures on insulin in this state. Strategies the work group must consider include, but are not limited to, a state agency becoming a licensed drug wholesaler, a state agency becoming a registered pharmacy benefit manager, and a state agency purchasing prescription drugs on behalf of the state directly from other states or in coordination with other states.

(3) Staff support for the work group shall be provided by the health care authority.

(4) By December 1, 2020, the work group must submit a preliminary report detailing strategies to reduce the cost of and total expenditures on insulin for patients, health carriers, payers, and the state. The work group must submit a final report by July 1, 2021, to the governor and the legislature. The final report must include any statutory changes necessary to implement the strategies.

(5) This section expires December 1, 2022.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

(1) In order to implement strategies recommended by the total cost of insulin work group established in section 2 of this act, the health care authority may:

(a) Become or designate a state agency that shall become a drug wholesaler licensed under RCW 18.64.046;

(b) Become or designate a state agency that shall become a pharmacy benefit manager registered under RCW 19.340.030; or

(c) Purchase prescription drugs on behalf of the state directly from other states or in coordination with other states.

(2) In addition to the authorities granted in subsection (1) of this section, if the total cost of insulin work group established in section 2 of this act determines that all or a portion of the

strategies may be implemented without statutory changes, the health care authority and the prescription drug purchasing consortium described in RCW 70.14.060 shall begin implementation without further legislative direction.

Sec. 4. RCW 70.14.060 and 2009 c 560 s 13 are each amended to read as follows:

(1)(a) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under ~~((this section))~~ (b) of this subsection. The administrator shall not require any supplemental rebate offered to the ~~((department of social and health services))~~ health care authority by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(b) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator of the state health care authority that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, health carriers as provided in RCW 48.43.005, state purchased health care services from or through health carriers as provided in RCW 48.43.005, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~(4)))~~ The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.

~~((5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription

insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

Sec. 7. RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin

using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

Sec. 8. RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

Sec. 9. RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but

is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

Sec. 10. RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of

complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 5 of this act, ~~coverage~~ required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

On page 1, line 1 of the title, after "insulin;" strike the remainder of the title and insert "amending RCW 70.14.060, 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding new sections to chapter 70.14 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; creating a new section; and providing expiration dates."

MOTION

Senator Rivers moved that the following floor amendment no. 1268 by Senator Rivers be adopted:

On page 5, line 1, after "deductible" strike all material through "obligation" on line 3

On page 5, line 30, after "deductible" strike all material through "obligation" on line 31

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1268 by Senator Rivers on page 5, line 1 to the committee striking amendment.

The motion by Senator Rivers did not carry and floor amendment no. 1268 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Second Substitute House Bill No. 2662.

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

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Second Substitute House Bill No. 2662 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2662 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2662 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2662 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2246, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon and Lekanoff)

Concerning the reorganization of laws related to environmental health without making any substantive, policy changes.

The measure was read the second time.

MOTION

On motion of Senator Lovelett, the rules were suspended, Substitute House Bill No. 2246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2246 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes,

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2412, by Representatives Stonier, MacEwen, Blake, Young, Eslick, Riccelli and Wylie

Concerning domestic brewery and microbrewery retail licenses.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 1177 by Senators Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.240 and 2011 c 195 s 6 and 2011 c 119 s 212 are each reenacted and amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(7), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any domestic brewery licensed under this section may also sell beer produced by another domestic brewery or a microbrewery for on and off-premises consumption from its premises as long as the other breweries' brands do not exceed twenty-five percent of the domestic brewery's on-tap offering of its own brands.

(4) A domestic brewery may hold up to ~~((two))~~ four retail licenses to operate an on or ~~((off premise [off premises]))~~ off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof. This retail license is separate from the brewery license. A brewery that holds a tavern license, a spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(7), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) The state board of health shall adopt rules to allow dogs on the premises of licensed domestic breweries that do not provide food service subject to a food service permit requirement.

Sec. 2. RCW 66.24.244 and 2015 c 42 s 1 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2)(a) Any microbrewery licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production.

(b) Any microbrewery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a microbrewery operating as a distributor may maintain a warehouse off the premises of the microbrewery for the distribution of beer provided that:

(i) The warehouse has been approved by the board under RCW 66.24.010; and

(ii) The number of warehouses off the premises of the microbrewery does not exceed one.

(c) A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) Any microbrewery licensed under this section may also sell from its premises for on-premises and off-premises consumption:

(a) Beer produced by another microbrewery or a domestic brewery as long as the other breweries' brands do not exceed twenty-five percent of the microbrewery's on-tap offerings; or

(b) Cider produced by a domestic winery.

(4) The board may issue up to ~~((two))~~ four retail licenses allowing a microbrewery to operate an on or off-premises tavern, beer and/or wine restaurant, ~~((or))~~ spirits, beer, and wine restaurant, or any combination thereof.

(5) A microbrewery that holds a tavern license, spirits, beer, and wine restaurant license, or a beer and/or wine restaurant license holds the same privileges and endorsements as permitted under RCW 66.24.320, 66.24.330, and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. However, strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) Any person selling or serving beer must obtain a class 12 or class 13 alcohol server permit.

(d) The beer sold at qualifying farmers markets must be produced in Washington.

(e) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (6) include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (6) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (6)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (6):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(7) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(8) The state board of health shall adopt rules to allow dogs on the premises of licensed microbreweries that do not provide food service subject to a food service permit requirement."

On page 1, line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 66.24.244; and reenacting and amending RCW 66.24.240."

MOTION

Senator Takko moved that the following floor amendment no. 1332 by Senator Takko be adopted:

On page 6, after line 24, insert the following:

"Sec. 3. RCW 66.28.200 and 2009 c 373 s 7 are each amended to read as follows:

(1) Licensees holding a beer and/or wine restaurant or a tavern license in combination with an off-premises beer and wine retailer's license, licensees holding a spirits, beer, and wine

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

restaurant license with an endorsement issued under RCW 66.24.400(4), and licensees holding a beer and/or wine specialty shop license with an endorsement issued under RCW 66.24.371(1) may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Under a special endorsement from the board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. The sale of any container holding four gallons or more must comply with the provisions of this section and RCW 66.28.210 through 66.28.240.

(2) ~~((Any))~~ Except as provided in subsection (3) of this section, any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(a) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(c) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under RCW 66.28.220 to be affixed to the container;

(d) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(e) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(3) Domestic breweries licensed under RCW 66.24.240 and microbreweries licensed under RCW 66.24.244 are not subject to this section when selling or offering for sale kegs or other containers containing four gallons or more of malt liquor of the licensee's own production, or when selling, offering for sale, or leasing kegs or other containers that will hold four gallons or more of liquid.

(4) A violation of this section is a gross misdemeanor.

Sec. 4. RCW 66.28.210 and 2003 c 53 s 297 are each amended to read as follows:

(1) ~~((Any))~~ Except as provided in subsection (2) of this section, any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases the container shall:

(a) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

(b) Provide one piece of identification pursuant to RCW 66.16.040;

(c) Be of legal age to purchase, possess, or use malt liquor;

(d) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(e) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board;

(f) Not move, keep, or store the keg or its contents, except for transporting to and from the distributor, at any place other than that particular address declared on the receipt and declaration; and

(g) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

(2) A person who purchases the contents of a keg or other container containing four gallons or more of malt liquor from a domestic brewery licensed under RCW 66.24.240 or a microbrewery licensed under RCW 66.24.244, or who purchases or leases a keg or other container that will hold four gallons or more of liquid from such a domestic brewery or microbrewery, is not subject to this section except for the requirements in subsection (1)(c) and (d) of this section.

(3) A violation of this section is a gross misdemeanor.

Sec. 5. RCW 66.28.220 and 2007 c 53 s 3 are each amended to read as follows:

(1) The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a statewide basis or on the basis of smaller geographical areas. The rules do not apply to sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor, or to sales or leases by domestic breweries and microbreweries of kegs or containers that will hold four or more gallons of liquid.

(2) The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge spirits, beer, and wine restaurant licensees with an endorsement issued under RCW 66.24.400(4) and grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

(3) ~~((#))~~ Except as provided in subsection (4) of this section, it is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

(4) In accordance with RCW 66.24.200, sales by domestic breweries and microbreweries of malt liquor of the licensee's own production in kegs or other containers containing four gallons or more of malt liquor are not subject to the keg and container identification requirements in this section or the board's rules.

(5) A violation of this section is a gross misdemeanor."

On page 6, line 26, after "66.24.244" insert ", 66.28.200, 66.28.210, and 66.28.220"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1332 by Senator Takko on page 6, line 24 to the striking amendment.

The motion by Senator Takko carried and floor amendment no. 1332 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1177 by Senators Keiser and King as amended to House Bill No. 2412.

The motion by Senator Keiser carried and striking floor amendment no. 1177 as amended was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2412 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2412 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2412 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 2412 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2811, by Representatives J. Johnson, Steele, Santos, Ramel, Thai, Mead, Frame, Davis, Valdez, Bergquist, Doglio, Kirby, Lovick, Tarleton, Dolan, Goodman, Gregerson, Slatter, Macri, Hudgins, Pollet, Ryu and Stonier

Establishing a statewide environmental sustainability education program.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that environmental and sustainability education offers a rich and meaningful context for integrated learning and teaching. The legislature also finds that nonprofit community-based organizations are uniquely positioned to strengthen classroom learning by partnering and collaborating with schools and local employers to offer K-12 educators work-integrated learning

experiences that address the Washington state science learning standards including next generation science standards. Close collaboration with educational service district's regional science coordinators can optimize learning by helping align next generation science standards implementation with community-based organization initiatives to ensure all students have access to engaging field experiences allowing them to understand the scientific, social, and economic impacts of healthy community resources such as gardens, watersheds and water systems, energy systems, or forests so they can participate in solutions to problems such as ocean acidification, rural economic development, or ecosystems impacted by megafires.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment.

(2)(a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall contract on a competitive basis with a Washington state-based qualified 501(c)(3) nonprofit community-based organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors.

(b) The selected Washington state nonprofit organization must work collaboratively with the office of the superintendent of public instruction and educational service districts to:

(i) Build systemic programming that connects administrators, school boards, and communities to support teacher practice and student opportunities for the strengthened delivery of environmental and sustainability education;

(ii) Support K-12 educators to teach students integrated, equitable, locally relevant, real-world environmental science and engineering outdoors, aligned to Washington science and environmental and sustainability education standards, and provide opportunities to engage students in renewable natural resource career awareness; and

(iii) Deliver learning materials, opportunities, and resources including, but not limited to:

(A) Providing opportunities outside the classroom to connect transdisciplinary content, concepts, and skills in the context of the local community;

(B) Encouraging application of critical and creative thinking skills to identify and analyze issues, seek answers, and engineer solutions;

(C) Creating community-connected, local opportunities to engage students in stewardship projects that enhance their interest in sustaining the ecosystem and respecting natural resources;

(D) Providing work-based learning opportunities for careers in the environmental science and engineering, natural resources, sustainability, renewable energy, agriculture, and outdoor recreation sectors and build skills for completion of industry recognized certifications; and

(E) Providing models for integrating since time immemorial in teaching materials so that students learn the unique heritage, history, culture, and government of the nearest federally recognized Indian tribe or tribes.

(c) Priority focus must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, tribal nations including tribal compact schools, migrant students, schools with high free and

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

reduced-price lunch populations, rural and remote schools, students in alternative learning environments, students of color, English language learner students, and students receiving special education services.

(3) For the purposes of this section, a "qualified 501(c)(3) nonprofit community-based organization" means a nonprofit organization physically located in Washington state that:

(a) Has multiple years of experience collaborating with school districts across the state to provide high quality professional development to kindergarten through twelfth grade educators to teach students real-world environmental science and engineering outside the classroom;

(b) Whose materials and instructional practices align with Washington's environmental and sustainability learning standards and the Washington state learning standards, including the common core standards for mathematics and English language arts;

(c) Whose materials and instructional practices emphasize the next generation science standards to support local, relevant, and field-based learning experiences; and

(d) Delivers project-based learning materials and resources that incorporate career connections to local businesses and community-based organizations, contain professional development support for classroom teachers, have measurable assessment objectives, and have demonstrated community support."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed House Bill No. 2811.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 2811 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2811 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2811 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED HOUSE BILL NO. 2811 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1590, by Representatives Doglio, Dolan, Macri, Cody, Gregerson, Wylie, Appleton, Robinson, Ormsby, Frame and Davis

Allowing the local sales and use tax for affordable housing to be imposed by a councilmanic authority.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.530 and 2015 3rd sp.s. c 24 s 701 are each amended to read as follows:

(1)(a)(i) A county legislative authority may submit an authorizing proposition to the county voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(ii) As an alternative to the authority provided in (a)(i) of this subsection, a county legislative authority may impose, without a proposition approved by a majority of persons voting, a sales and use tax in accordance with the terms of this chapter. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

~~(b)(i) If a county ((with a population of one million five hundred thousand or less has not imposed)) does not impose the full tax rate authorized under (a) of this subsection ((within two years of October 9, 2015)) by September 30, 2020, any city legislative authority located in that county may ((submit)):~~

~~(A) Submit~~ an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used;

~~(B) Impose, without a proposition approved by a majority of persons voting, the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter.~~

~~(ii)~~ The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

~~((ii) If a)~~ (iii) A county with a population of greater than one million five hundred thousand ~~((has not imposed the full))~~ may impose the tax authorized under (a)(i) of this subsection ~~((within three years of October 9, 2015, any city legislative authority))~~

only if the county plans to spend at least thirty percent of the moneys collected under this section that are attributable to taxable activities or events within any city with a population greater than sixty thousand located in that county ((may submit an authorizing proposition to the city voters at a special or general election and, if the proposition is approved by a majority of persons voting, impose the whole or remainder of the sales and use tax rate in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this section may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax)) within that city's boundaries.

(c) If a county imposes a tax authorized under (a) of this subsection after a city located in that county has imposed the tax authorized under (b) of this subsection, the county must provide a credit against its tax for the full amount of tax imposed by a city.

(d) The taxes authorized in this subsection are in addition to any other taxes authorized by law and must be collected from persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax.

(2)(a) Notwithstanding subsection (4) of this section, a minimum of sixty percent of the moneys collected under this section must be used for the following purposes:

(i) Constructing affordable housing, which may include new units of affordable housing within an existing structure, and facilities providing housing-related services; or

(ii) Constructing mental and behavioral health-related facilities; or

(iii) Funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers.

(b) The affordable housing and facilities providing housing-related programs in (a)(i) of this subsection may only be provided to persons within any of the following population groups whose income is at or below sixty percent of the median income of the county imposing the tax:

(i) Persons with ~~((mental illness))~~ behavioral health disabilities;

(ii) Veterans;

(iii) Senior citizens;

(iv) Homeless, or at-risk of being homeless, families with children;

(v) Unaccompanied homeless youth or young adults;

(vi) Persons with disabilities; or

(vii) Domestic violence survivors.

(c) The remainder of the moneys collected under this section must be used for the operation, delivery, or evaluation of mental and behavioral health treatment programs and services or housing-related services.

(3) A county that imposes the tax under this section must consult with a city before the county may construct any of the facilities authorized under subsection (2)(a) of this section within the city limits.

(4) A county that has not imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, but imposes the tax authorized under this section after a city in that county has imposed the tax authorized under RCW 82.14.460 prior to October 9, 2015, must enter into an interlocal agreement with that city to determine how the services and provisions described in subsection (2) of this section will be allocated and funded in the city.

(5) To carry out the purposes of subsection (2)(a) and (b) of this section, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, up to fifty percent of the moneys collected under this section for repayment of such bonds, in order to finance the provision or construction of affordable housing, facilities where housing-related programs are provided, or evaluation and treatment centers described in subsection (2)(a)(iii) of this section.

(6)(a) Moneys collected under this section may be used to offset reductions in state or federal funds for the purposes described in subsection (2) of this section.

(b) No more than ten percent of the moneys collected under this section may be used to supplant existing local funds."

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "and amending RCW 82.14.530."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to House Bill No. 1590.

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

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 1590 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1590 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1590 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Carlyle, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 1590 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775, by House Committee on Appropriations (originally sponsored by Orwall, Frame, Wylie, Gregerson and Macri)

Protecting commercially sexually exploited children.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for two receiving center programs for commercially sexually exploited children. One of these programs must be located west of the crest of the Cascade mountains and one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) The receiving center programs established under this section shall:

- (a) Begin providing services by January 1, 2021;
- (b) Develop the eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement;
- (c) Utilize existing facilities and not require the construction of new facilities; and
- (d) Provide ongoing case management for all children who are being served or were served by the programs.

(3) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; and

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity.

(4) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

(5) For the purposes of this section, the following definitions apply:

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen in a licensed or certified behavioral health entity providing residential services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

NEW SECTION. Sec. 3. A new section is added to chapter 7.68 RCW to read as follows:

(1) The following individuals or entities may refer a child to receiving centers as defined in section 2 of this act:

(a) Law enforcement, who shall:

(i) Transport a child eligible for receiving center services to a receiving center; or

(ii) Coordinate transportation with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider;

(b) The department of children, youth, and families;

(c) Juvenile courts;

(d) Community service providers;

(e) A parent or guardian; and

(f) A child may self-refer.

(2) Eligibility for placement in a receiving center is children ages twelve through seventeen, of all genders, who have been, or are at risk for being commercially sexually exploited.

Sec. 4. RCW 9A.88.030 and 1988 c 145 s 16 are each amended to read as follows:

(1) A person age eighteen or older is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

Sec. 5. RCW 13.40.070 and 2019 c 128 s 8 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense

charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) ~~((Either prostitution or prostitution))~~ Prostitution loitering and the alleged offense is the offender's first ~~((prostitution or))~~ prostitution loitering offense, the prosecutor shall divert the case;

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years;

(c) Minor selling depictions of himself or herself engaged in sexually explicit conduct under RCW 9.68A.053(5) and the alleged offense is the offender's first violation of RCW 9.68A.053(5), the prosecutor shall divert the case; or

(d) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors thirteen years of age or older offense as provided in RCW 9.68A.053(1) and the alleged offense is the offender's first violation of RCW 9.68A.053(1), the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal

processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

Sec. 6. RCW 13.40.213 and 2010 c 289 s 8 are each amended to read as follows:

(1) When a juvenile is alleged to have committed ~~((the offenses of prostitution or))~~ a prostitution loitering offense, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

- (a) Safe and stable housing;
- (b) Comprehensive on-site case management;
- (c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (d) Education and employment training delivered on-site; and
- (e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for ~~((prostitution or))~~ prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

- (i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;
- (ii) Whether the juveniles complete their diversion agreements under this section; and
- (iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) An annual report of the data compiled shall be provided to the governor and the appropriate committee of the legislature. ~~((The first report is due by November 1, 2010.))~~

Sec. 7. RCW 7.68.801 and 2018 c 58 s 65 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

- (a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;
- (b) One member from each of the two largest caucuses of the senate appointed by the ~~((speaker))~~ president of the senate;
- (c) A representative of the governor's office appointed by the governor;
- (d) The secretary of the department of children, youth, and families or his or her designee;
- (e) The secretary of the juvenile rehabilitation administration or his or her designee;
- (f) The attorney general or his or her designee;
- (g) The superintendent of public instruction or his or her designee;
- (h) A representative of the administrative office of the courts appointed by the administrative office of the courts;
- (i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

(w) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

~~((w))~~ (x) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

~~((x))~~ (y) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; ~~((and))~~

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state;

(j) Convening a meeting and providing recommendations required under section 10 of this act; and

(k) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260.

(4) The committee must meet not less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

Sec. 8. RCW 43.185C.260 and 2019 c 312 s 15 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; or

(b) Provide and coordinate transportation to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

Sec. 9. RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each amended to read as follows:

(1) The department shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

(2) The department shall provide services to support children it suspects have been commercially sexually exploited.

(a) To provide services supporting children it suspects have been commercially sexually exploited, the department may provide:

(i) At least one liaison position in each region of the department where receiving center programs are established under section 2 of this act who are dedicated to serving commercially sexually exploited children and who report directly to the statewide program manager under (a)(ii) of this subsection;

(ii) One statewide program manager;

(iii) A designated person responsible for supporting commercially sexually exploited children, who may be assigned other duties in addition to this responsibility, in regions of the department where there is not a dedicated liaison position as identified under (a)(i) of this subsection; and

(iv) Appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act.

(b) The department shall collect nonidentifiable data regarding the number of commercially sexually exploited children, including reports of commercially sexually exploited children received from law enforcement under chapter 26.44 RCW.

(3) The department shall provide an annual report to the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 by December 1st that includes:

(a) A description of services provided by the department to commercially sexually exploited children; and

(b) Nonidentifiable data regarding the number of commercially sexually exploited children.

(4) The department may solicit and accept gifts, grants, conveyances, bequests, and devices for supporting the purposes of this section.

NEW SECTION. Sec. 10. A new section is added to chapter 7.68 RCW to read as follows:

(1) By September 1, 2020, the statewide coordinating committee shall convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children.

(a) The meeting required under this subsection must include representatives from child advocacy centers.

(b) By October 1, 2020, the department must provide a report to the statewide coordinating committee that includes:

(i) An inventory of the number and location of child advocacy centers in the state; and

(ii) A description of the services provided by each of the child advocacy centers in the state.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the statewide coordinating committee must provide a report to the relevant committees of the legislature that includes:

(a) An inventory of the number and location of child advocacy centers in the state;

(b) A description of the services provided by each of the child advocacy centers in the state;

(c) Recommendations for expanded use of child advocacy centers in providing additional services for commercially sexually exploited children; and

(d) Recommendations for ensuring that child advocacy centers connect commercially sexually exploited children with available services in the community.

(3) For purposes of this section:

(a) "Child advocacy center" has the same meaning as the definition provided under RCW 26.44.020.

(b) "Department" means the department of commerce.

(c) "Statewide coordinating committee" means the committee sexually exploited children statewide coordinating committee established under RCW 7.68.801.

(4) This section expires June 30, 2021.

NEW SECTION. Sec. 11. Sections 4, 5, and 6 of this act take effect January 1, 2024."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, and 74.14B.070; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Engrossed Third Substitute House Bill No. 1775.

The motion by Senator Dhingra carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 1266 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for two receiving center programs for commercially sexually exploited children. One of these programs must be located west of the crest of the Cascade mountains and one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) The receiving center programs established under this section shall:

- (a) Begin providing services by January 1, 2021;
- (b) Utilize existing facilities and not require the construction of new facilities; and
- (c) Provide ongoing case management for all children who are being served or were served by the programs.

(3) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; and

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity.

(4) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

(5) For the purposes of this section, the following definitions apply:

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

(6)(a) The department of children, youth, and families, the department of health, and the division of behavioral health and recovery, shall meet to coordinate the implementation of receiving centers as provided for in this section, including

developing eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement.

(b) By December 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families shall submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.

NEW SECTION. Sec. 3. A new section is added to chapter 7.68 RCW to read as follows:

(1) The following individuals or entities may refer a child to receiving centers as defined in section 2 of this act:

(a) Law enforcement, who shall:

(i) Transport a child eligible for receiving center services to a receiving center; or

(ii) Coordinate transportation with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider;

(b) The department of children, youth, and families;

(c) Juvenile courts;

(d) Community service providers;

(e) A parent or guardian; and

(f) A child may self-refer.

(2) Eligibility for placement in a receiving center is children ages twelve through seventeen, of all genders, who have been, or are at risk for being commercially sexually exploited.

Sec. 4. RCW 9A.88.030 and 1988 c 145 s 16 are each amended to read as follows:

(1) A person age eighteen or older is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

Sec. 5. RCW 13.40.070 and 2019 c 128 s 8 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense

charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) ~~((Either prostitution or prostitution))~~ Prostitution loitering and the alleged offense is the offender's first ~~((prostitution or))~~ prostitution loitering offense, the prosecutor shall divert the case;

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years;

(c) Minor selling depictions of himself or herself engaged in sexually explicit conduct under RCW 9.68A.053(5) and the alleged offense is the offender's first violation of RCW 9.68A.053(5), the prosecutor shall divert the case; or

(d) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors thirteen years of age or older offense as provided in RCW 9.68A.053(1) and the alleged offense is the offender's first violation of RCW 9.68A.053(1), the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal

processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

Sec. 6. RCW 13.40.213 and 2010 c 289 s 8 are each amended to read as follows:

(1) When a juvenile is alleged to have committed ~~((the offenses of prostitution or))~~ a prostitution loitering offense, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

- (a) Safe and stable housing;
- (b) Comprehensive on-site case management;
- (c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (d) Education and employment training delivered on-site; and
- (e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for ~~((prostitution or))~~ prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

- (i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;
- (ii) Whether the juveniles complete their diversion agreements under this section; and
- (iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) An annual report of the data compiled shall be provided to the governor and the appropriate committee of the legislature. ~~((The first report is due by November 1, 2010.))~~

Sec. 7. RCW 7.68.801 and 2018 c 58 s 65 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

- (a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;
- (b) One member from each of the two largest caucuses of the senate appointed by the ~~((speaker))~~ president of the senate;
- (c) A representative of the governor's office appointed by the governor;
- (d) The secretary of the department of children, youth, and families or his or her designee;
- (e) The secretary of the juvenile rehabilitation administration or his or her designee;
- (f) The attorney general or his or her designee;
- (g) The superintendent of public instruction or his or her designee;
- (h) A representative of the administrative office of the courts appointed by the administrative office of the courts;
- (i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

(w) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

~~((w))~~ (x) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

~~((x))~~ (y) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; ~~((and))~~

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state;

(j) Convening a meeting and providing recommendations required under section 11 of this act; and

(k) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260.

(4) The committee must meet not less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

Sec. 8. RCW 43.185C.260 and 2019 c 312 s 15 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to:

(i) An evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; or

(ii) Another appropriate youth-serving entity or organization including, but not limited to:

(A) A HOPE Center as defined under RCW 43.185C.010;

(B) A foster-family home as defined under RCW 74.15.020;

(C) A crisis residential center as defined under RCW 43.185C.010; or

(D) A community-based program that has expertise working with adolescents in crisis; or

(b) Coordinate transportation to one of the locations identified in (a) of this subsection, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

Sec. 9. RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each amended to read as follows:

(1) The department shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

(2) The department shall provide services to support children it suspects have been commercially sexually exploited. The child may decide whether to voluntarily engage in the services offered by the department.

(a) To provide services supporting children it suspects have been commercially sexually exploited, the department may provide:

(i) At least one liaison position in each region of the department where receiving center programs are established under section 2 of this act who are dedicated to serving commercially sexually exploited children and who report directly to the statewide program manager under (a)(ii) of this subsection;

(ii) One statewide program manager;

(iii) A designated person responsible for supporting commercially sexually exploited children, who may be assigned other duties in addition to this responsibility, in regions of the department where there is not a dedicated liaison position as identified under (a)(i) of this subsection; and

(iv) Coordinate appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act.

(b) The department shall collect nonidentifiable data regarding the number of commercially sexually exploited children,

including reports of commercially sexually exploited children received from law enforcement under chapter 26.44 RCW.

(3) The department shall provide an annual report to the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 by December 1st that includes:

(a) A description of services provided by the department to commercially sexually exploited children; and

(b) Nonidentifiable data regarding the number of commercially sexually exploited children.

(4) The department may solicit and accept gifts, grants, conveyances, bequests, and devices for supporting the purposes of this section.

(5) Nothing in this section shall be construed to create a private right of action against the department for failure to identify, offer, or provide services.

Sec. 10. RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a

twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host

home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding;

(p) Receiving centers as defined in section 2 of this act.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 11. A new section is added to chapter 7.68 RCW to read as follows:

(1) By September 1, 2020, the statewide coordinating committee shall convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children.

(a) The meeting required under this subsection must include representatives from child advocacy centers.

(b) By October 1, 2020, the department must provide a report to the statewide coordinating committee that includes:

(i) An inventory of the number and location of child advocacy centers in the state; and

(ii) A description of the services provided by each of the child advocacy centers in the state.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the statewide coordinating committee must provide a report to the relevant committees of the legislature that includes:

(a) An inventory of the number and location of child advocacy centers in the state;

(b) A description of the services provided by each of the child advocacy centers in the state;

(c) Recommendations for expanded use of child advocacy centers in providing additional services for commercially sexually exploited children; and

(d) Recommendations for ensuring that child advocacy centers connect commercially sexually exploited children with available services in the community.

(3) For purposes of this section:

(a) "Child advocacy center" has the same meaning as the definition provided under RCW 26.44.020.

(b) "Department" means the department of commerce.

(c) "Statewide coordinating committee" means the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801.

(4) This section expires June 30, 2021.

NEW SECTION. Sec. 12. Sections 4, 5, and 6 of this act take effect January 1, 2024."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

Senator Padden moved that the following floor amendment no. 1337 by Senator Padden be adopted:

On page 13, line 3, after "services", insert "(5) The department shall convene a workgroup to study, analyze, and issue recommendations regarding how decriminalizing prostitution and prostitution loitering for persons under eighteen will impact law enforcement and prosecutor efforts and ability to discover and access the victim's cell phone records to aid in prosecution of the perpetrator or abuser. The workgroup must issue recommendations to appropriate committees of the legislature by October 31, 2021."

Senators Padden and Dhingra spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1337 by Senator Padden on page 13, line 3 to striking floor amendment no. 1266.

The motion by Senator Padden carried and floor amendment no. 1337 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 1336 by Senator Rivers be adopted:

On page 19, line 31, strike "2024" and insert "2021"

Senator Rivers spoke in favor of adoption of the amendment to the striking amendment.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1336 by Senator Rivers on page 19, line 31 to striking floor amendment no. 1266.

The motion by Senator Rivers carried and floor amendment no. 1336 was adopted by voice vote.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Liias moved that the senate immediately reconsider the vote by which the amendment by Senator Rivers on page 19, line 31 to striking floor amendment no. 1266 was adopted.

The President declared the question before the Senate to be the motion by Senator Liias that the vote by which the amendment by Senator Rivers on page 19, line 31 to striking floor amendment no. 1266 was adopted be immediately reconsidered.

The motion by Senator Liias carried and the senate immediately reconsidered the vote by voice vote.

The President declared the question before the Senate to be the adoption of floor amendment no. 1336 by Senator Rivers on page 19, line 31 to striking floor amendment no. 1266.

The motion by Senator Rivers did not carry and floor amendment no. 1336 was not adopted by voice vote on reconsideration.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1266 by Senator Dhingra as amended to Engrossed Third Substitute House Bill No. 1775.

The motion by Senator Dhingra carried and striking floor amendment no. 1266 as amended was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Third Substitute House Bill No. 1775 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1775 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1775 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2302, by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff)

Concerning child support, but only with respect to standards for determination of income, abatement of child support for incarcerated obligors, modification of administrative orders, and notices of support owed.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.19.011 and 2005 c 282 s 35 are each amended to read as follows:

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

(1) "Basic child support obligation" means the monthly child support obligation determined from the economic table based on the parties' combined monthly net income and the number of children for whom support is owed.

(2) "Child support schedule" means the standards, economic table, worksheets, and instructions, as defined in this chapter.

(3) "Court" means a superior court judge, court commissioner, and presiding and reviewing officers who administratively determine or enforce child support orders.

(4) "Deviation" means a child support amount that differs from the standard calculation.

(5) "Economic table" means the child support table for the basic support obligation provided in RCW 26.19.020.

(6) "Full-time" means the customary number of maximum, nonovertime hours worked in an individual's historical occupation, industry, and labor market. "Full-time" does not necessarily mean forty hours per week.

(7) "Instructions" means the instructions developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in completing the worksheets.

((7)) (8) "Standards" means the standards for determination of child support as provided in this chapter.

((8)) (9) "Standard calculation" means the presumptive amount of child support owed as determined from the child support schedule before the court considers any reasons for deviation.

((9)) (10) "Support transfer payment" means the amount of money the court orders one parent to pay to another parent or custodian for child support after determination of the standard calculation and deviations. If certain expenses or credits are expected to fluctuate and the order states a formula or percentage to determine the additional amount or credit on an ongoing basis, the term "support transfer payment" does not mean the additional amount or credit.

~~((40))~~ (11) "Worksheets" means the forms developed by the administrative office of the courts pursuant to RCW 26.19.050 for use in determining the amount of child support.

Sec. 2. RCW 26.19.071 and 2011 1st sp.s. c 36 s 14 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime, except as excluded for income in subsection (4)(i) of this section;
- (f) Contract-related benefits;
- (g) Income from second jobs, except as excluded for income in subsection (4)(i) of this section;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits;
- (t) Disability insurance benefits; and
- (u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or new domestic partner or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Temporary assistance for needy families;
- (e) Supplemental security income;
- (f) Aged, blind, or disabled assistance benefits;
- (g) Pregnant women assistance benefits;
- (h) Food stamps; and
- (i) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, aged, blind, or disabled assistance benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered maintenance to the extent actually paid;
- (g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's ~~((work history, education,))~~ assets, residence, employment and earnings history, job skills, educational attainment, literacy, health, ((and)) age, criminal record, dependency court obligations, and other employment barriers, record of seeking work, the local job market, the availability of employers willing to hire the parent, the prevailing earnings level in the local community, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child. ~~((H))~~

(a) Except as provided in (b) of this subsection, in the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

- ~~((H))~~ (i) Full-time earnings at the current rate of pay;
- ~~((H))~~ (ii) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
- ~~((H))~~ (iii) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- ~~((H))~~ (iv) Earnings of thirty-two hours per week at minimum wage in the jurisdiction where the parent resides if the parent is on or recently coming off temporary assistance for needy families or recently coming off aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a recent high school graduate. Imputation of earnings at thirty-two hours per week under this subsection is a rebuttable presumption;
- (v) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

minimum wage earnings, ~~((is recently coming off public assistance, aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a high school student))~~ has never been employed and has no earnings history, or has no significant earnings history;

~~((e))~~ (vi) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

(b) When a parent is currently enrolled in high school full-time, the court shall consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If a parent who is currently enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, the court shall impute income at earnings of twenty hours per week at minimum wage in the jurisdiction where that parent resides. Imputation of earnings at twenty hours per week under this subsection is a rebuttable presumption.

NEW SECTION. Sec. 3. (1) The legislature finds that a large number of justice-involved individuals owe significant child support debts when they are released from incarceration.

(2) The legislature finds that these child support debts are often uncollectible and unduly burdensome on a recently released justice-involved individual, and that such debts severely impact the ability of the person required to pay support to have a successful reentry and reintegration into society.

(3) The legislature finds that there is case law in Washington, *In re Marriage of Blickenstaff*, 71 Wn. App. 489, 859 P.2d 646 (1993), providing that incarceration does not equate to voluntary unemployment or voluntary underemployment.

(4) The legislature finds that there is a statewide movement to assist justice-involved individuals reenter and reintegrate into society, and to reduce state-caused pressures which tend to lead to recidivism and a return to jail or prison.

(5) The legislature finds that, although there is currently a statutory process for modification of child support orders, it is in the best interests of the children of the state of Washington to create a process of abatement instead of making it the sole responsibility of the justice-involved person to take action to deal with his or her child support obligation while incarcerated.

(6) The legislature intends, therefore, to create a remedy whereby court or administrative orders for child support entered in Washington state may be abated when the person required to pay support is incarcerated for at least six months and has no income or assets available to pay support.

(7) The goal of this act is to ensure that the person required to pay support makes the maximum child support monthly payment amount appropriate to comply with an order for child support, notwithstanding other provisions related to abatement herein.

NEW SECTION. Sec. 4. A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language providing for abatement based on incarceration of the person required to pay child support, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(2)(a) If the child support order does not contain language providing for abatement based on incarceration of the person required to pay support, the department, the person required to pay support, the payee under the order, or the person entitled to

receive support may commence an action in the appropriate forum to:

(i) Modify the support order to contain abatement language; and

(ii) Abate the person's child support obligation due to current incarceration for at least six months.

(b) In a proceeding brought under this subsection, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support, may rebut the presumption by demonstrating that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(c) Unless the presumption is rebutted, the provisions of subsection (3) of this section apply.

(3) If the court or administrative forum determines that abatement of support is appropriate:

(a) The child support obligation under that order will be abated to ten dollars per month, without regard to the number of children covered by that order, while the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility. Either the department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated.

(b) If the incarcerated person's support obligation under the order is abated as provided in (a) of this subsection, the obligation will remain abated to ten dollars per month through the last day of the third month after the person is released from confinement.

(c) After abatement, the support obligation of the person required to pay support under the order is automatically reinstated at fifty percent of the support amount provided in the underlying order, but may not be less than the presumptive minimum obligation of fifty dollars per month per child, effective the first day of the fourth month after the person's release from confinement. Effective one year after release from confinement, the reinstatement at fifty percent of the support amount is automatically terminated, and the support obligation of the person required to pay support under the order is automatically reinstated at one hundred percent of the support amount provided in the underlying order.

(i) Upon a showing of good cause by a party that the circumstances of the case allow it, the court or administrative forum may add specific provisions to the order abating the child support obligation regarding when and how the abatement may terminate.

(ii) During the period of abatement, the department, the person required to pay support, the payee under the order, or the person entitled to receive support may commence an action to modify the child support order under RCW 26.09.170 or 74.20A.059, in which case the provision regarding reinstatement of the support amount at fifty percent does not apply.

(d) If the incarcerated person's support obligation under the order has been abated as provided in (a) of this subsection and then has been reinstated under (c) of this subsection:

(i) Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may file an action to modify or adjust the order in the appropriate forum, if:

(A) The provisions of (c)(i) and (ii) of this subsection do not apply; and

(B) The person required to pay support has been released from incarceration.

(ii) An action to modify or adjust the order based on the release from incarceration of the person required to pay support may be filed even if there is no other change of circumstances.

(4) The effective date of abatement of a child support obligation based on incarceration to ten dollars per month per order is the date on which the person required to pay support is confined in a jail, prison, or correctional facility for at least six months or begins serving a sentence greater than six months in a jail, prison, or correctional facility, regardless of when the department is notified of the incarceration. However:

(a) The person required to pay support is not entitled to a refund of any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration; and

(b) The department, the payee under the order, or the person entitled to receive support is not required to refund any support collections or payments that were received by the department prior to the date on which the department is notified of the incarceration.

(5) Abatement of a child support obligation based on incarceration of the person required to pay support does not constitute modification or adjustment of the order.

NEW SECTION. Sec. 5. A new section is added to chapter 26.09 RCW to read as follows:

Either the department, the person required to pay support, the payee under the order, or the person entitled to receive support may make a request for abatement of child support to ten dollars per month under an order for child support when the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(1) A request for the abatement of child support owed under one child support order does not automatically qualify as a request for abatement of support owed under every order that may exist requiring that person to pay support. However, the request applies to any support order which is being enforced by the department at the time of the request.

(2) If there are multiple orders requiring the incarcerated person to pay child support, the issue of whether abatement of support due to incarceration is appropriate must be considered for each order.

(a) The payee or person entitled to receive support under each support order is entitled to notice and an opportunity to be heard regarding the potential abatement of support under that order.

(b) If the child or children covered by a support order are not residing with the payee under the order, any other person entitled to receive support for the child or children must be provided notice and an opportunity to be heard regarding the potential abatement of support under that order.

NEW SECTION. Sec. 6. A new section is added to chapter 26.09 RCW to read as follows:

(1) When a child support order contains language regarding abatement to ten dollars per month per order based on incarceration of the person required to pay support, and that person is currently confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must:

(a) Review the support order for abatement once the department receives notice from the person required to pay support or someone acting on his or her behalf that the person may qualify for abatement of support;

(b) Review its records and other available information to determine if the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated; and

(c) Decide whether abatement of the person's support obligation is appropriate.

(2) If the department decides that abatement of the person's support obligation is appropriate, the department must notify the person required to pay support, and the payee under the order or the person entitled to receive support, that the incarcerated person's support obligation has been abated and that the abatement will continue until the first day of the fourth month after the person is released from confinement. The notification must include the following information:

(a) The payee under the order or the person entitled to receive support may object to the abatement of support due to incarceration;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW;

(iii) The department, the person required to pay support, and the payee under the order or the person entitled to receive support, all have the right to participate in the administrative hearing as parties; and

(iv) The burden of proof is on the party objecting to the abatement of support to show that the person required to pay support has possession of, or access to, income or assets available to provide support while incarcerated;

(b) The effective date of the abatement of support;

(c) The estimated date of release;

(d) The estimated date that the abatement will end;

(e) That the person required to pay support, the payee under the order, the person entitled to receive support, or the department may file an action to modify the underlying support order once the person required to pay support is released from incarceration, as provided under section 4(3)(d) of this act; and

(f) That, if the abated obligation was established by a court order, the department will file a copy of the notification in the court file.

(3) If the department decides that abatement of the incarcerated person's support obligation is not appropriate, the department must notify the person required to pay support and the payee under the order or the person entitled to receive support, that the department does not believe that abatement of the support obligation should occur. The notification must include the following information:

(a) The reasons why the department decided that abatement of the support obligation is not appropriate;

(b) The person required to pay support and the payee under the order or the person entitled to receive support may object to the department's decision not to abate the support obligation;

(i) An objection must be received within twenty days of the notification of abatement;

(ii) Any objection will be forwarded to the office of administrative hearings for an adjudicative proceeding under chapter 34.05 RCW; and

(iii) The department, the incarcerated person, and the payee under the order or the person entitled to receive support all have the right to participate in the administrative hearing as parties;

(c) That, if the administrative law judge enters an order providing that abatement is appropriate, the department will take appropriate steps to document the abatement and will provide

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

notification to the parties as required in subsection (2) of this section.

NEW SECTION. Sec. 7. A new section is added to chapter 26.09 RCW to read as follows:

(1) When a court or administrative order does not contain language regarding abatement based on incarceration of the person required to pay support and the department receives notice that the person is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, the department must refer the case to the appropriate forum for a determination of whether the order should be modified to:

(a) Contain abatement language as provided in section 4 of this act; and

(b) Abate the person's child support obligation due to current incarceration.

(2) In a proceeding brought under this section, there is a rebuttable presumption that an incarcerated person is unable to pay the child support obligation. The department, the payee under the order, or the person entitled to receive support may rebut the presumption by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(3) Unless the presumption is rebutted, the court or administrative forum must enter an order providing that the child support obligation under the order is abated to ten dollars per month, without regard to the number of children covered by the order, if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) The order must:

(a) Include the appropriate language required by section 4 of this act in order to provide for a rebuttable presumption of abatement to ten dollars per month per order;

(b) Provide that the order must be reinstated at fifty percent of the previously ordered support amount but not less than the presumptive minimum obligation of fifty dollars per month per child, effective on the first day of the fourth month after the person's release from confinement, and also provide that the order must be automatically reinstated at one hundred percent of the previously ordered support amount effective one year after release from confinement; and

(c) Include language regarding an action to modify or adjust the underlying order as provided under section 4(3) of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 26.09 RCW to read as follows:

(1) At any time during the period of incarceration, the department, the payee under the order, or the person entitled to receive support may file a request to reverse or terminate the abatement of support by demonstrating that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(a) A request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The request must include documents or other evidence showing that the incarcerated person has possession of, or access to, income or assets available to provide support while incarcerated.

(c) If the request for a hearing does not include documents or evidence showing that the incarcerated person has possession of, or access to, income or assets, the department may file a motion

asking that the request for a hearing be dismissed before a hearing is scheduled or held.

(d) The party seeking to reverse or terminate the abatement may seek to vacate the dismissal order by filing a motion which includes the required proof.

(e) Depending on the type of evidence provided at the hearing, the administrative law judge may order that the abatement of the support obligation be:

(i) Reversed, meaning that the determination that support should be abated is vacated and all amounts owed under the support order are reinstated; or

(ii) Terminated, meaning that the abatement of support ends as of the date specified in the order.

(2) At any time during the period of incarceration, the person required to pay support may file a request to reverse or terminate the abatement of support.

(a) The request for reversal or termination of the abatement may be filed with the department or with the office of administrative hearings.

(b) The person required to pay support is not required to provide any documents or other evidence to support the request.

(3) Abatement of a support obligation does not constitute modification or adjustment of the order.

Sec. 9. RCW 26.23.050 and 2019 c 46 s 5026 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the ~~((responsible parent))~~ person required to pay support to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that ~~((any parent))~~ a party to the support order who is required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ((parent)) party to the support order when the coverage terminates; ((and))

(e) A statement that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320; and

(f) A statement that the support obligation under the order may be abated as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility

for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the ~~((responsible parent))~~ person required to pay support to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the ~~((receiving parent))~~ payee under the order or the person entitled to receive support may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any ~~((parent))~~ party to the order required to provide health care coverage for the child or children covered by the order must notify the division of child support and the other ~~((parent))~~ party to the order when the coverage terminates; and

(iv) A statement that a ~~((parent))~~ party to the order seeking to enforce the other party's obligation to provide health care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the ~~((responsible parent))~~ person required to pay support has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The ~~((parent))~~ payee under the order or the person entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the ~~((responsible parent))~~ person required to pay support shall make all support payments to the Washington state support registry. All administrative orders shall also state that ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that ~~((a parent's))~~ licensing privileges of the person required to pay support may not be renewed, or may be suspended, the division of child support may serve a notice on the ~~((responsible parent))~~ person stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the ~~((responsible parent))~~ person required to pay support at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, to keep the Washington state support registry informed of whether he or she has access to health care coverage at reasonable cost and, if so, the health care coverage information;

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(h) That either or both the ~~((responsible parent))~~ person required to pay support, and the ~~((custodial parent))~~ payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, shall be obligated to provide medical support for ~~((his or her))~~ a child or children covered by the order through health care coverage if:

(i) The ~~((obligated parent))~~ person obligated to provide medical support provides accessible coverage for the child or children through private or public health care coverage; or

(ii) Coverage that can be extended to cover the child or children is or becomes available to the ~~((parent))~~ person obligated to provide medical support through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that ~~((parent's))~~ obligated person's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a ~~((parent))~~ person obligated to provide medical support who is providing health care coverage must notify both the division of child support and the other ~~((parent))~~ party to the order when coverage terminates;

(j) That if proof of health care coverage or proof that the coverage is unavailable is not provided within twenty days, the ~~((parent))~~ person seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the ~~((parent))~~ person required to provide medical support without further notice to the ~~((parent))~~ person as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health care coverage if the order fails to require such coverage;

(l) That ~~((the responsible parent's privileges))~~ any privilege of the person required to pay support to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the ~~((parent))~~ person is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each ~~((parent))~~ party to the support order must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the ~~((responsible parent's))~~ employer of the person required to pay support. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the ~~((responsible parent))~~ person required to pay support has been ordered or notified to make payments to the Washington state support registry under this section, ~~((the responsible parent))~~ that person shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The ~~((responsible parent))~~ person required to pay support shall not be entitled to credit against a support obligation for any

payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the ~~((payer))~~ person required to pay support to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26A, 26.26B, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or parentage orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or parentage order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated parentage actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 10. RCW 74.20A.055 and 2019 c 46 s 5052 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes ~~((the responsible parent's))~~ a person's support obligation or specifically relieves the ~~((responsible parent))~~ person required to pay support of a support obligation or pursuant to an establishment of parentage under chapter 26.26A or 26.26B RCW, serve on the ~~((responsible parent or parents))~~ person or persons required to pay support and ~~((custodial parent))~~ the person entitled to receive support a notice and finding of financial responsibility requiring ~~((the parents))~~ those persons to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A ~~((custodian))~~ person who has physical custody of a child has the same rights ~~((that a custodial parent has))~~ under this section as a parent with whom the child resides.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the ~~((responsible~~

~~parent~~) person required to pay support by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the ~~((debtor))~~ person required to pay support within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the ~~((debtor))~~ person required to pay support and is unable to do so the entire sixty-day period is tolled until such time as the ~~((debtor))~~ person can be located. The notice may be served upon the ~~((custodial parent))~~ person entitled to receive support who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the ~~((custodial parent))~~ person entitled to receive support is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the ~~((responsible parent))~~ person required to pay support.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the ~~((responsible parent))~~ person required to pay support owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the ~~((custodial parent))~~ person entitled to receive support and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the ~~((responsible parent))~~ person required to pay support nor the ~~((custodial parent))~~ person entitled to receive support files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the ~~((debtor))~~ person required to pay support, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ~~((one or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for either:

(i) Providing health care coverage for the child if accessible coverage that can cover the child:

(A) Is available through health insurance or public health care coverage; or

(B) Is or becomes available to the ~~((parent))~~ obligated person through that ~~((parent's))~~ person's employment or union; or

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105; and

(g) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is

serving a sentence greater than six months in a jail, prison, or correctional facility.

(4) A ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ a person entitled to receive support who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents'))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the ~~((parent's))~~ party's or ~~((parents'))~~ parties' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the ~~((responsible parent))~~ person required to pay support or ~~((custodial parent))~~ the person entitled to receive support files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the ~~((parent))~~ party who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the ~~((parent's))~~ party's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning ~~((parent))~~ party need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the ~~((responsible parent))~~ person required to pay support and the ~~((custodial parent))~~ person entitled to receive support. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

credible evidence presented by the division of child support, the ~~((responsible parent))~~ person required to pay support, or the ~~((custodial parent))~~ person entitled to receive support, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the ~~((responsible parent's))~~ support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the ~~((alleged responsible parent))~~ person required to pay support and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the ~~((responsible parent))~~ person required to pay support or the ~~((custodial parent))~~ person entitled to receive support fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 11. RCW 74.20A.056 and 2019 c 148 s 38 and 2019 c 46 s 5053 are each reenacted and amended to read as follows:

(1)(a) If an acknowledged parent has signed an acknowledgment of parentage that has been filed with the state registrar of vital statistics:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a

copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of parentage to the notice;

(ii) The notice shall include a statement that the acknowledged parent or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of parentage under RCW 26.26A.235 and 26.26A.240;

(iii) A statement that ~~((either or both parents))~~ the person required to pay support, and the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order, are responsible for providing health care coverage for the child if accessible coverage that can be extended to cover the child is or becomes available to the ~~((parent))~~ obligated person through employment or is union-related as provided under RCW 26.09.105; ~~((and))~~

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order; and

(v) A statement that the support obligation under the order may be abated to ten dollars per month per order as provided in section 4 of this act if the person required to pay support is confined in a jail, prison, or correctional facility for at least six months, or is serving a sentence greater than six months in a jail, prison, or correctional facility.

(b) If neither ~~((the acknowledged parent nor the other))~~ party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of parentage, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26A.400 through 26.26A.515 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(c) An acknowledged parent or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the ~~((alleged genetic parent))~~ person required to pay support under the notice is later found not to be ~~((a responsible parent))~~ required to pay support.

(d) If neither the acknowledged parent nor the ~~((custodial parent))~~ person entitled to receive support requests an adjudicative proceeding, or if no timely action is brought to

rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26A.400 through 26.26A.515.

(2) Acknowledgments of parentage are subject to requirements of chapters 26.26A, 26.26B, and 70.58A RCW.

(3) The department and the department of health may adopt rules to implement the requirements under this section.

(4) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 12. RCW 74.20A.059 and 2019 c 275 s 3 are each amended to read as follows:

(1) The department, the ~~((physical custodian))~~ payee under the order or the person entitled to receive support, or the ~~((responsible parent))~~ person required to pay support may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d) or subsection (2) of this section.

(2) The department, the person entitled to receive support, the payee under the order, or the person required to pay support may petition for a prospective modification of a final administrative order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(a) The petition may be filed at any time after the administrative support order became a final order, as long as the person required to pay support is currently incarcerated.

(b) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(3) An order of child support may be modified at any time without a showing of substantially changed circumstances if incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the inconsistency between the existing child support order amount and the amount of support determined as a result of a review.

~~((3))~~ (4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

~~((4))~~ (5) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; ~~((or))~~

(b) Modify an existing order for health care coverage; or

(c) Modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

~~((5))~~ (6) Support orders may be adjusted once every twenty-four months based upon changes in the income of the ~~((parents))~~ parties to the order without a showing of substantially changed circumstances. This provision does not mean that the income of a person entitled to receive support who is not a parent of the child or children covered by the order must be disclosed or be included in the calculations under chapter 26.19 RCW when determining the support obligation.

~~((6))~~ (7)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection ~~((5))~~ (6) of this section.

(b) If, pursuant to subsection ~~((5))~~ (6) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection ~~((5))~~ (6) of this section may be filed.

~~((7))~~ (8) An increase in the wage or salary of the ~~((parent or custodian who is receiving))~~ person entitled to receive the support transfer payments is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of the person required to pay support, by itself, is not a substantial change of circumstances. The income of the person entitled to receive support is only disclosed or considered if that person is a parent of the child or children covered by the order.

~~((8))~~ (9) The department shall file the petition and a supporting affidavit with the ~~((secretary or the secretary's designee))~~ office of administrative hearings when the department petitions for modification.

~~((9))~~ (10) The ~~((responsible parent))~~ person required to pay support or the ~~((physical custodian))~~ payee under the order or the person entitled to receive support shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

~~((10))~~ (11) Upon the filing of a proper petition or application, the ~~((secretary or the secretary's designee))~~ office of administrative hearings shall issue an order directing each party to appear and show cause why the order should not be modified.

~~((11))~~ (12) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

Sec. 13. RCW 26.09.170 and 2019 c 275 s 2 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.09.070(7), the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

implementing the adjustment; and, (b) except as otherwise provided in this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the ~~((parent obligated to))~~ person required to pay support for the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity or parentage order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining provisions of the order, including provisions establishing ~~((paternity))~~ parentage, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) ~~((An obligor's))~~ The voluntary unemployment or voluntary underemployment of the person required to pay support, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified at any time to add language regarding abatement to ten dollars per month per order due to the incarceration of the person required to pay support, as provided in section 4 of this act.

(a) The department of social and health services, the person entitled to receive support or the payee under the order, or the person required to pay support may petition for a prospective modification of a child support order if the person required to pay support is currently confined in a jail, prison, or correctional facility for at least six months or is serving a sentence greater than six months in a jail, prison, or correctional facility, and the support order does not contain language regarding abatement due to incarceration.

(b) The petition may only be filed if the person required to pay support is currently incarcerated.

(c) As part of the petition for modification, the petitioner may also request that the support obligation be abated to ten dollars per month per order due to incarceration, as provided in section 4 of this act.

(7) An order of child support may be modified without showing a substantial change of circumstances if the requested modification is to modify an existing order when the person required to pay support has been released from incarceration, as provided in section 4(3)(d) of this act.

(8) An order of child support may be modified one year or more after it has been entered without a showing of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(c) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

~~((7))~~ (9)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the ~~((parents))~~ person required to pay support, or of the payee under the order or the person entitled to receive support who is a parent of the child or children covered by the order; or

(ii) Changes in the economic table or standards in chapter 26.19 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

~~((8))~~ (10)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011.

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

(i) The department has determined that the child support order is at least fifteen percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011;

(ii) The department has determined the case meets the department's review criteria; and

(iii) A party to the order or another state or jurisdiction has requested a review.

(c) If incarceration of the ~~((parent who is obligated))~~ person required to pay support is the basis for the difference between the existing child support order amount and the proposed amount of support determined as a result of a review, the department may file an action to modify or adjust an order of child support even if:

(i) There is no other change of circumstances; and

(ii) The change in support does not meet the fifteen percent threshold.

(d) The determination of whether the child support order is at least fifteen percent above or below the appropriate child support amount must be based on the current income of the parties.

~~((9))~~ (11) The department of social and health services may file an action to modify or adjust an order of child support under subsections (5) through ~~((7))~~ (9) of this section if:

(a) Public assistance money is being paid to or for the benefit of the child;

(b) A party to the order in a nonassistance case has requested a review; or

(c) Another state or jurisdiction has requested a modification of the order.

~~((40))~~ (12) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

NEW SECTION. Sec. 14. A new section is added to chapter 26.09 RCW to read as follows:

The department is granted rule-making authority to adopt rules necessary for the implementation of this act.

Sec. 15. RCW 26.23.110 and 2009 c 476 s 5 are each amended to read as follows:

(1) The department may serve a notice of support owed ~~((on a responsible parent))~~ when a child support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; ~~((or))~~

(c) Provides that the person required by the order to make the transfer payment must pay a portion of child care or day care expenses for a child or children covered by the order; or

(d) Provides that ~~((the responsible parent is responsible for paying))~~ either the person required to pay support or the person entitled to receive support, or both, are obligated to pay for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child or children covered by the order, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed for day care or child care on the person required by the order to make the transfer payment when:

(a) The underlying support order requires that person to pay his or her proportionate share of day care or child care costs directly to the person entitled to receive support; or

(b) The person entitled to receive support is seeking reimbursement because he or she has paid the share of day care or child care costs owed by the person required by the order to make the transfer payment.

(3) The department may serve a notice of support owed for medical support on ~~((a parent who has been designated to pay per a))~~ any person obligated by a child support order to provide medical support for the child or children covered by the order. There are two different types of medical support obligations:

(a) Health care coverage: The department may serve a notice of support owed to determine an obligated person's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(b) Uninsured medical expenses: The department may serve a notice of support owed on any person who is obligated to pay a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child or children covered by the order, ~~((but only))~~ when the support order does not reduce the costs to a fixed dollar amount.

~~((3))~~ The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.) (i) The notice of support owed may be served for purposes of reimbursing a person who has paid the share of uninsured medical expenses owed by any person obligated to contribute to those costs;

(ii) The notice of support owed may be served to establish a monthly amount to be paid by a person obligated to contribute to uninsured medical expenses when the underlying support order requires that person to pay his or her proportionate share of uninsured medical expenses directly to another party to the order; or

(iii) The notice of support owed may be served for both purposes listed in this subsection.

(4) The notice of support owed ~~((shall))~~ is intended to facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the ~~((office of support enforcement))~~ department issues a notice of support owed, the ~~((office shall))~~ department must inform the payee under the support order.

(5) Service of the notice of support owed ~~((shall))~~ must be as follows:

(a) An initial notice of support owed must be served on ~~((a responsible parent))~~ the person required by the order to pay support or contribute to costs by personal service or any form of mailing requiring a return receipt. ~~((The notice shall be served on the applicant or recipient of services by first class mail to the last known address.))~~ The initial notice may be served on the person who is entitled to receive the support covered by the notice, as well as the payee under the order if appropriate, by regular mail.

(b) A notice of support owed created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person required by the order to pay support or contribute to costs by regular mail to that person's last known address.

(c) An initial notice of support owed, as well as any notice created for purposes of reviewing an ongoing support obligation established by a prior notice of support owed may be served on the person entitled to receive the support by regular mail to that person's last known address.

(6) The notice of support owed ~~((shall))~~ must contain:

(a) An initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both; and

(b) A statement that any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((6))~~ (7) A ~~((parent))~~ person who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((7))~~ (8) The notice of support owed ~~((shall))~~ must state that the ~~((parent))~~ person may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the ~~((parent))~~ person will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((8))~~ (9) If ~~((either parent does not file))~~ no person included in the notice files an application for an adjudicative proceeding or ~~((initiate))~~ initiates an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed ~~((shall become))~~ becomes final and subject to collection action.

~~((9))~~ (10) If an adjudicative proceeding is requested, the ~~((department shall mail a copy of the notice of adjudicative proceeding to the parties))~~ office of administrative hearings must schedule a hearing. All persons included in the notice are entitled to participate in the hearing with full party rights.

~~((10))~~ (11) If ~~((either parent does not initiate))~~ no person included in the notice initiates an action in superior court, and ~~((serve))~~ serves notice of the action on the department and the

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

other party to the support order within the twenty-day period, ~~((the parent shall))~~ all persons included in the notice must be deemed to have made an election of remedies and ~~((shall be required to))~~ must exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((11))~~ (12) An ~~((adjudicative))~~ administrative order entered in accordance with this section ~~((shall))~~ must state:

(a) The basis, rationale, or formula upon which the fixed dollar amounts established in the ~~((adjudicative))~~ order were based~~((-))~~;

(b) The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section ~~((shall be))~~ is subject to collection under this chapter and other applicable state statutes; and

(c) That any subsequent notice of support owed created for purposes of reviewing the amounts established by the current notice may be served on any party to the order by regular mail to that person's last known address.

~~((12))~~ (13) The department ~~((shall))~~ must also provide for:

(a) An annual review of the support order if ~~((either))~~ the ~~((office of support enforcement))~~ department, the person required to pay support, the payee under the order, or the ~~((parent))~~ person entitled to receive support requests such a review; and

(b) A late ~~((adjudicative proceeding))~~ hearing if ~~((the parent))~~ a person included in the notice fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((13))~~ (14) If an annual review ~~((or late adjudicative proceeding))~~ is requested under subsection ~~((12))~~ (13) of this section, the department ~~((shall mail))~~ may serve the notice of annual review of the administrative order based on the prior notice of support owed by mailing a copy of the notice ~~((of adjudicative proceeding))~~ by regular mail to the ~~((parties'))~~ last known address of all parties to the order.

~~((14))~~ (15) If one of the parties requests a late hearing under subsection (13) of this section, the office of administrative hearings must schedule an adjudicative proceeding.

(16) An annual review under subsection (13) of this section is used to determine whether the expense remained the same, increased or decreased, and whether there is a discrepancy between the actual expense and the amount determined under the prior notice of support owed.

(a) If a change in the actual expense which was the basis for the most recent notice of support owed occurs before twelve months pass, any party to the order may request that the department accelerate the annual review described in subsection (13) of this section.

(b) The department may review any evidence presented by the person claiming that the expense has occurred and determine whether the change is likely to create a significant overpayment or underpayment if the department does not serve a new notice of support owed.

(c) Under appropriate circumstances, the department may accelerate the time for the review and serve a notice of support owed even if twelve months have not passed.

(17) The department has rule-making authority to:

(a) Enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005~~((- Additionally, the department has rule-making authority to))~~;

(b) Implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308; and

(c) Implement the provisions of this section.

NEW SECTION. Sec. 16. Sections 3 through 13 of this act take effect February 1, 2021."

On page 1, line 4 of the title, after "owed;" strike the remainder of the title and insert "amending RCW 26.19.011, 26.19.071, 26.23.050, 74.20A.055, 74.20A.059, 26.09.170, and 26.23.110; reenacting and amending RCW 74.20A.056; adding new sections to chapter 26.09 RCW; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2302.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2302 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Padden and Salomon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2302 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2302 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Salomon, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2302 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, by House Committee on College & Workforce Development (originally sponsored by Pollet, Kilduff, Frame, Bergquist, Orwall, Wylie and Appleton)

Addressing sexual misconduct at postsecondary educational institutions.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that Washington's postsecondary educational institutions are some of the best schools in the nation, offering high quality education and life experiences for thousands of students. Washington institutions strive to create learning environments where all students can reach their full potential. The legislature also recognizes that in instances in which an employee of an institution engages in sexual misconduct against a student, institutions do not consistently disclose that information. The legislature declares that disclosure of such information is a matter of public safety for all Washington students as well as for students on campuses across the nation. The legislature finds that sexual misconduct, which may include harassment or assault, has serious public health and safety effects on students in Washington. These effects may deprive students of their opportunities to obtain an education which would otherwise improve their lives and health, and that of their own children. Other effects include an employee in a position of power and authority over students causing irreversible harm to the physical and mental health of students from sexual misconduct. The legislature finds that students of any postsecondary educational institution in Washington should be protected from their institution hiring an employee who has been found to have committed sexual misconduct at another postsecondary educational institution. The legislature, therefore, also finds that postsecondary educational institutions in Washington need to know if a prospective employee has been found to have committed sexual misconduct while employed at another institution. Therefore, the legislature intends to require postsecondary educational institutions to inquire about and conduct reference checks on any applicant the institution intends to extend an offer of employment to, regarding whether the applicant has ever been found to have committed, or is being investigated for, sexual misconduct. The legislature finds that nondisclosure agreements which prevent an institution from disclosing that an employee has committed sexual misconduct create a high potential for students in jeopardy of being victimized. Therefore, the legislature finds such nondisclosure agreements between an employee and institution, pursuant to which the institution agrees not to disclose findings of sexual misconduct supported by a preponderance of evidence or not to complete an investigation, are against public policy and should not be entered into by any Washington postsecondary educational institution and should not be enforced by Washington courts. Therefore, the legislature intends to provide clarity and direction to postsecondary educational institutions for disclosing substantiated findings of sexual misconduct committed by its employees against students.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.112 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 6 of this act unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for employment as faculty, instructor, staff, advisor, counselor, coach, athletic department staff, and any position in which the applicant will likely have direct ongoing contact with students in a supervisory role or position of authority. "Applicant" does not include enrolled students who are applying for temporary student employment with the postsecondary educational institutions, unless the student is a graduate student applying for a position in which the graduate student will have a supervisory role or position of authority over other students. "Applicant" does not

include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students.

(2) "Employee" means a person who is receiving or has received wages as an employee from the postsecondary educational institutions and includes current and former workers, whether the person is classified as an employee, independent contractor, or consultant, and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person who was employed by the institution in temporary student employment while the person was an enrolled student unless the student, at the time of employment, is or was a graduate student in a position in which the graduate student has or had a supervisory role or authority over other students. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has or had a supervisory role or position of authority over students. A person who would be considered an "employee" under this subsection, remains an "employee" even if the person enrolls in classes under an institution's employee tuition waiver program or similar program that allows faculty, staff, or other employees to take classes.

(3) "Employer" includes postsecondary educational institutions in this or any other state.

(4) "Postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020, that participates in the state student financial aid program.

(5) "Sexual misconduct" includes, but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, or physical conduct of a sexual nature, sexual harassment, and any misconduct of a sexual nature that is in violation of the postsecondary educational institution's policies or has been determined to constitute sex discrimination pursuant to state or federal law.

(6) "Student" means a person enrolled at a postsecondary educational institution and for whom educational records are maintained.

NEW SECTION. Sec. 3. (1) By December 1, 2023, the public four-year institutions of higher education shall report the following to the governor and the appropriate committees of the legislature:

(a) Summaries of any campus climate assessments conducted since the effective date of this section that are designed to gauge the prevalence of sexual misconduct on college and university campuses;

(b) Efforts to reach out to and capture information from students who have traditionally been marginalized or experience disproportionate impacts of systemic oppression based on, for example, race, ethnicity, nationality, sexual orientation, gender identity, gender expression, and disability;

(c) How information obtained in the assessments was used to design and improve policies, programs, and resources for the campus community; and

(d) The impacts of this act on institutional hiring practices, campus safety, and other relevant considerations.

(2) This section expires June 1, 2024.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.112 RCW to read as follows:

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(1) Except as provided in subsection (2) of this section, any provision of a settlement agreement executed subsequent to the effective date of this section between a postsecondary educational institution and an employee is against public policy and void and unenforceable if the provision prohibits the employee, the institution, a survivor, or any other person from disclosing that the employee has either:

(a) Been the subject of substantiated findings of sexual misconduct; or

(b) Is the subject of an investigation into sexual misconduct that is not yet complete.

(2) A settlement agreement may contain provisions requiring nondisclosure of personal identifying information of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations.

(3) Personal identifying information in a settlement agreement that reveals the identity of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations is exempt from public disclosure pursuant to section 7 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.112 RCW to read as follows:

(1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and section 6 of this act, "substantiated" means the employee has committed sexual misconduct.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.112 RCW to read as follows:

(1) Beginning October 1, 2020, prior to an official offer of employment to an applicant, a postsecondary educational institution shall request the applicant to sign a statement:

(a) Declaring whether the applicant is the subject of any substantiated findings of sexual misconduct in any current or former employment or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation;

(b) Authorizing the applicant's current and past employers to disclose to the hiring institution any sexual misconduct committed by the applicant and making available to the hiring institution copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant; and

(c) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (b) of this subsection.

(2) Beginning July 1, 2021, prior to an official offer of employment to an applicant, a postsecondary educational institution shall:

(a) Request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers provide the information, if any, described in subsection (1)(b) of this section. The request must include a copy of the declaration and statement signed by the applicant under subsection (1) of this section; and

(b) Ask the applicant if the applicant is the subject of any substantiated findings of sexual misconduct, or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation.

(3)(a) Pursuant to (c) of this subsection, after receiving a request under subsection (2)(a) of this section, a postsecondary educational institution shall provide the information requested and make available to the requesting institution copies of documents in the applicant's personnel record relating to substantiated findings of sexual misconduct.

(b) Pursuant to (c) of this subsection, if a postsecondary educational institution has information about substantiated findings of a current or former employee's sexual misconduct in the employee's personnel file or employment records, unless otherwise prohibited by law, the institution shall disclose that information to any employer conducting reference or background checks on the current or former employee for the purposes of potential employment, even if the employer conducting the reference or background check does not specifically ask for such information.

(c) If, by the effective date of this section, a postsecondary educational institution does not have existing procedures for disclosing information requested under this subsection, the institution must establish procedures to begin implementing the disclosure requirements of this subsection no later than July 1, 2021.

(4)(a) The postsecondary educational institution or an employee acting on behalf of the institution, who discloses information under this section is presumed to be acting in good faith and is immune from civil and criminal liability for the disclosure.

(b) A postsecondary educational institution is not liable for any cause of action arising from nondisclosure of information by an employee without access to official personnel records who is asked to respond to a reference check.

(c) The duty to disclose information under this section is the responsibility of the postsecondary educational institution to respond to a formal request for personnel records relating to a current or prior employee when requested by another employer.

(5)(a) When disclosing information under this section, the postsecondary educational institution shall keep personal identifying information of the complainant and any witnesses confidential, unless the complainant or witnesses agree to disclosure of their identifying information.

(b) Personal identifying information that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to section 7 of this act.

(6) Beginning October 1, 2020, a postsecondary educational institution may not hire an applicant who does not sign the statement described in subsection (1) of this section.

(7) Information received under this section may be used by a postsecondary educational institution only for the purpose of evaluating an applicant's qualifications for employment in the position for which the person has applied.

(8) This section does not restrict expungement from a personnel file or employment records of information about alleged sexual misconduct that has not been substantiated.

(9) Public institutions of higher education shall share best practices with all faculty and staff who are likely to receive reference check requests about how to inform and advise requesters to contact the institution's appropriate official office for personnel records.

NEW SECTION. Sec. 7. A new section is added to chapter 42.56 RCW to read as follows:

(1) For the purposes of sections 2 through 6 of this act regarding postsecondary educational institutions, personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution are exempt from public disclosure and copying. If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern.

(2) For purposes of this section, "witness" does not mean an employee under investigation for allegations of sexual misconduct."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 28B.112 RCW; adding a new section to chapter 42.56 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2327.

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

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute House Bill No. 2327 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senator Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Fortunato, Holy, Honeyford, King, Padden, Rivers, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642, by House Committee on Health Care & Wellness (originally sponsored by Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet)

Removing health coverage barriers to accessing substance use disorder treatment services.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Substance use disorder is a treatable brain disease from which people recover;

(b) Electing to go to addiction treatment is an act of great courage; and

(c) When people with substance use disorder are provided rapid access to quality treatment within their window of willingness, recovery happens.

(2) The legislature therefore intends to ensure that there is no wrong door for individuals accessing substance use disorder treatment services by requiring coverage, and prohibiting barriers created by prior authorization and premature utilization management review when persons with substance use disorders are ready or urgently in need of treatment services.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, must:

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall

work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not

medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2021, a managed care organization may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) Beginning January 1, 2021, a managed care organization must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The managed care organization may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the managed care organization may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's managed care organization as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the managed care organization with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the managed care organization may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the managed care organization's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the managed care organization must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the managed care organization the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The managed care organization is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the managed care organization involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the managed care organization shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The managed care organization shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the managed care organization's network is not available, the managed care organization shall pay the current agency at the service level until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 5. (1) The health care authority shall develop an action plan to support admission to and improved transitions between levels of care for both adults and adolescents.

(2) The health care authority shall develop the action plan in partnership with the office of the insurance commissioner, medicaid managed care organizations, commercial health plans, providers of substance use disorder services, and Indian health care agencies.

(3) The health care authority must include the following in the action plan:

(a) Identification of barriers in order to facilitate transfers to the appropriate level of care, and specific actions to remove those barriers; and

(b) Specific actions that may lead to the increase in the number of persons successfully transitioning from one level of care to the next appropriate level of care.

(4) The barriers and action items to be identified and addressed in the action plan under subsection (3) of this section include, but are not limited to:

(a) Having the health care authority and department of health explore systems to allow higher acuity withdrawal management facilities to bill for appropriate lower levels of care while maintaining financial stability;

(b) Developing protocols for the initial notification by a substance use disorder treatment agency to fully insured health plans and managed care organizations in regards to an enrollee's admission to a facility and uniformity in the plan's response to the agency in regards to the receipt of this information;

(c) Facilitating direct transfers to withdrawal management and residential substance use disorder treatment from hospitals and jails;

(d) Addressing concerns related to individuals being denied withdrawal management services based on their drug of choice;

(e) Exploring options for allowing medicaid managed care organizations to pay an administrative rate and establishing the equivalent reimbursement mechanism for commercial health plans for a plan enrollee who needs to remain in withdrawal management or residential care until a seamless transfer can occur, but no longer requires the higher acuity level that was the reason for the initial admission; and

(f) Establishing the minimum amount of medical information necessary to gather from the patient for utilization reviews in a withdrawal management setting.

(5) For medicaid services, specific actions must align with federal and state medicaid requirements regarding medical necessity, minimize duplicative or unnecessary burdens for agencies, and be patient-centered for medicaid managed care organizations.

(6) The health care authority shall develop options for best communicating the action plan to substance use disorder agencies by December 1, 2020.

NEW SECTION. Sec. 6. For the purposes of promoting standardized training for behavioral health professionals and facilitating communications between behavioral health agencies, executive agencies, managed care organizations, private health plans, and plans offered through the public employees' benefits board, it is the policy of the state to adopt a single standard set of criteria to define medical necessity for substance use disorder treatment and to define substance use disorder levels of care in Washington. The criteria selected must be comprehensive, widely understood and accepted in the field, and based on continuously updated research and evidence. The health care authority and the office of the insurance commissioner must independently review their regulations and practices by January 1, 2021. The health care authority may make rules if necessary to promulgate the selected standard set of criteria."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2642.

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

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 2642 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2642 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2642 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2889, by House Committee on Local Government (originally sponsored by Griffey)

Concerning utility tax disclosures.

The measure was read the second time.

MOTION

Senator Takko moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.92 RCW to read as follows:

(1) Any city or town that operates its own water, sewer or wastewater, or stormwater utility and imposes a fee or tax on the gross revenue of such a utility shall disclose the fee or tax rate to its utility customers. Such disclosure shall include statements, as applicable, that "the amount billed includes a fee or tax up to . . . (dollar amount or percentage) calculated on the gross revenue of the water utility; a fee or tax up to . . . (dollar amount or percentage) calculated on gross revenue of the sewer or wastewater utility; a fee or tax up to . . . (dollar amount or percentage) calculated on the gross revenue of the stormwater utility."

(2) The disclosures required by this section must occur through at least one of the following methods:

(a) On regular billing statements provided electronically or in written form;

(b) On the city or town's web site, if the city or town provides written notice to customers or taxpayers that such information is available on its web site; or

(c) Through a billing insert, mailer, or other written or electronic communication provided to customers or taxpayers on either an annual basis or within thirty days of the effective date of any subsequent tax rate change."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 35.92 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to Substitute House Bill No. 2889.

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

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2889 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2889 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2889 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2889 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2426, by House Committee on Health Care & Wellness (originally sponsored by Cody, Robinson, Kilduff, Tharinger, Davis, Macri, Riccelli and Pollet)

Protecting patient safety in psychiatric hospitals and other health care facilities.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that patients seeking behavioral health care in Washington would benefit from consistent regulatory oversight and transparency about patient outcomes. Current regulatory oversight of psychiatric hospitals licensed under chapter 71.12 RCW needs to be enhanced to protect the health, safety, and well-being of patients seeking behavioral health care in these facilities. Some hospitals have not complied with state licensing requirements. Additional enforcement tools are needed to address noncompliance and protect patients from risk of harm.

The legislature also finds that licensing and enforcement requirements for all health care facility types regulated by the department of health are inconsistent and that patients are not well-served by this inconsistency. Review of the regulatory requirements for all health care facility types, including acute care hospitals, is needed to identify gaps and opportunities to consolidate and standardize requirements. Legislation will be necessary to implement uniform requirements that assure provision of safe, quality care and create consistency and predictability for facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 71.12 RCW to read as follows:

(1) Any psychiatric hospital may request from the department or the department may offer to any psychiatric hospital technical assistance. The department may not provide technical assistance during an inspection or during the time between when an investigation of a psychiatric hospital has been initiated and when such investigation is resolved.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(2) The department may offer group training to psychiatric hospitals licensed under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 71.12 RCW to read as follows:

(1) In any case in which the department finds that a licensed psychiatric hospital has failed or refused to comply with applicable state statutes or regulations, the department may take one or more of the actions identified in this section, except as otherwise limited in this section.

(a) When the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the hospital cannot demonstrate to the department that it has access to sufficient internal expertise.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to ten thousand dollars per violation, not to exceed a total fine of one million dollars, on a hospital licensed under this chapter when the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to the severity of the noncompliance.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) In accordance with RCW 43.70.095, the department may impose civil fines of up to ten thousand dollars for each day a person operates a psychiatric hospital without a valid license. Proceeds from these fines may only be used by the department to provide training or technical assistance to psychiatric hospitals and to offset costs associated with licensing psychiatric hospitals.

(d) The department may suspend admissions of a specific category or categories of patients as related to the violation by imposing a limited stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the

same twenty-four hour period, the department may issue the limited stop placement.

(ii) When the department imposes a limited stop placement, the psychiatric hospital may not admit any new patients in the category or categories subject to the limited stop placement until the limited stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the limited stop placement has been corrected.

(iv) The limited stop placement shall be terminated when:

(A) The department verifies the violation necessitating the limited stop placement has been corrected; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may suspend new admissions to the psychiatric hospital by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the psychiatric hospital.

(i) Prior to imposing a stop placement, the department shall provide a psychiatric hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the psychiatric hospital shall have twenty-four hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same twenty-four hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the psychiatric hospital may not admit any new patients until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the psychiatric hospital if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected; and

(B) The psychiatric hospital establishes the ability to maintain correction of the violation previously found deficient.

(f) The department may suspend, revoke, or refuse to renew a license.

(2)(a) Except as otherwise provided, RCW 43.70.115 governs notice of the imposition of conditions on a license, a limited stop placement, stop placement, or the suspension, revocation, or refusal to renew a license and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within twenty-eight days of the licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, or the suspension of a license

effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within fourteen days of making the request. The licensee must request the show cause hearing within twenty-eight days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the secretary sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within ninety days of the licensee's request.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

As resources allow, the department shall make health care facility inspection and investigation statements of deficiencies, plans of correction, notice of acceptance of plans of correction, enforcement actions, and notices of resolution available to the public on the internet, starting with psychiatric hospitals and residential treatment facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

The department must conduct a review of statutes for all health care facility types licensed by the department under chapters 18.46, 18.64, 70.41, 70.42, 70.127, 70.230, 71.12, and 71.24 RCW to evaluate appropriate levels of oversight and identify opportunities to consolidate and standardize licensing and enforcement requirements across facility types. The department must work with stakeholders including, but not limited to, the statewide associations of the facilities under review to create recommendations that will be shared with stakeholders and the legislature for a uniform health care facility enforcement act for consideration in the 2021 legislative session.

Sec. 6. RCW 71.12.455 and 2017 c 263 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Establishment" and "institution" mean:

(a) Every private or county or municipal hospital, including public hospital districts, sanitariums, homes, psychiatric hospitals, residential treatment facilities, or other places receiving or caring for any person with mental illness, mentally incompetent person, or chemically dependent person; and

(b) Beginning January 1, 2019, facilities providing pediatric transitional care services.

(3) "Pediatric transitional care services" means short-term, temporary, health and comfort services for drug exposed infants according to the requirements of this chapter and provided in an establishment licensed by the department of health.

(4) "Secretary" means the secretary of the department of health.

(5) "Trained caregiver" means a noncredentialed, unlicensed person trained by the establishment providing pediatric transitional care services to provide hands-on care to drug exposed infants. Caregivers may not provide medical care to infants and may only work under the supervision of an appropriate health care professional.

(6) "Elopement" means any situation in which an admitted patient of a psychiatric hospital who is cognitively, physically, mentally, emotionally, and/or chemically impaired wanders, walks, runs away, escapes, or otherwise leaves a psychiatric hospital or the grounds of a psychiatric hospital prior to the patient's scheduled discharge unsupervised, unnoticed, and without the staff's knowledge.

(7) "Immediate jeopardy" means a situation in which the psychiatric hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(8) "Psychiatric hospital" means an establishment caring for any person with mental illness or substance use disorder excluding acute care hospitals licensed under chapter 70.41 RCW, state psychiatric hospitals established under chapter 72.23 RCW, and residential treatment facilities as defined in this section.

(9) "Residential treatment facility" means an establishment in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.

(10) "Technical assistance" means the provision of information on the state laws and rules applicable to the regulation of psychiatric hospitals, the process to apply for a license, and methods and resources to avoid or address compliance problems. Technical assistance does not include assistance provided under chapter 43.05 RCW.

Sec. 7. RCW 71.12.480 and 2000 c 93 s 24 are each amended to read as follows:

(1) The department of health shall not grant any such license until it has made an examination of all phases of the operation of the establishment necessary to determine compliance with rules adopted under this chapter including the premises proposed to be licensed and is satisfied that the premises are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

(2) During the first two years of licensure for a new psychiatric hospital or any existing psychiatric hospital that changes ownership after July 1, 2020, the department shall provide technical assistance, perform at least three unannounced inspections, and conduct additional inspections of the hospital as necessary to verify the hospital is complying with the requirements of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 71.12 RCW to read as follows:

(1) Every psychiatric hospital licensed under this chapter shall report to the department every patient elopement and every death that meets the circumstances specified in subsection (2) of this section that occurs on the hospital grounds within three days of the elopement or death to the department's complaint intake

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

system or another reporting mechanism specified by the department in rule.

(2) The patient or staff deaths that must be reported to the department under subsection (1) of this section include the following:

- (a) Patient death associated with patient elopement;
- (b) Patient suicide;
- (c) Patient death associated with medication error;
- (d) Patient death associated with a fall;
- (e) Patient death associated with the use of physical restraints or bedrails; and
- (f) Patient or staff member death resulting from a physical assault.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 71.12.480; reenacting and amending RCW 71.12.455; adding new sections to chapter 71.12 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and declaring an emergency."

MOTION

Senator Keiser moved that the following floor amendment no. 1322 by Senator Keiser be adopted:

On page 3, line 32, after "corrected" insert "or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy"

On page 4, line 21, after "corrected" insert "or the department determines that the psychiatric hospital has taken intermediate action to address the immediate jeopardy"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1322 by Senator Keiser on page 3, line 32 to the committee striking amendment.

The motion by Senator Keiser carried and floor amendment no. 1322 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care as amended to Substitute House Bill No. 2426.

The motion by Senator Dhingra carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Rivers, Senator Hawkins was excused.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 2426 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, O'Ban and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2426 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2426 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 2426 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2188, by Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz and Riccelli

Increasing the types of commercial driver's license qualification waivers allowed for military veterans.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 2188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2188.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2188 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED HOUSE BILL NO. 2188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2271, by Representatives Duerr and Rude

Correcting a reference to an omnibus transportation appropriations act within a prior authorization of general obligation bonds for transportation funding.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, House Bill No. 2271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2271.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2271 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2641, by Representatives Fey, Valdez, Lekanoff, Doglio, Tharinger, Pollet and Macri

Authorizing cities to provide passenger-only ferry service.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Any city having a boundary located on Puget Sound or Lake Washington may establish, finance, and provide passenger-only ferry service, including associated services to support and augment passenger-only ferry

service operation, within its boundaries. For the purposes of this chapter, Puget Sound has the same meaning as described in RCW 36.57A.200.

(2) Before a city may provide passenger-only ferry service, it must develop a passenger-only ferry investment plan, which must include elements regarding operating or contracting for the operation of passenger-only ferry services; the purchase, lease, or rental of ferry vessels and dock facilities for the provision of transit service; consultation with potentially affected federally recognized Indian treaty fishing tribes and other federally recognized treaty tribes with potentially affected interests to ensure impacts to tribal fishing are minimized; and identifying other activities necessary to implement the plan. The passenger-only ferry investment plan must also set forth terminal locations to be served, consistency with any study developed through the Puget Sound regional council for regional service, projected costs of providing services, and revenues to be generated from tolls, locally collected tax revenues, and other revenue sources. The passenger-only ferry investment plan may recommend additional revenue authority that has not yet been authorized under state law.

(3) The passenger-only ferry investment plan must ensure that services provided under the plan are for the benefit of the residents of the city. The city may use any of its powers to carry out this purpose, unless otherwise prohibited by law. In addition, the city may enter into contracts and agreements to operate passenger-only ferry service, as well as appropriate public-private partnerships including, but not limited to, design-build, general contractor/construction management, or other alternative procurement processes substantially consistent with chapter 39.10 RCW.

(4) The passenger-only ferry investment plan must show design and funding considerations for propulsion types and technologies that meet low, ultra-low, and zero emission targets in relation to any operations and business plan to ensure a viable route. Considerations should include vessel design, electrification, as well as shoreside infrastructure. The investment plan must also show best management practices and technologies available and considered to reduce impacts to water quality, prevention of strikes, and underwater noise that impact the southern resident killer whale population, other marine mammals, and aquatic life.

NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 35 RCW."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "and adding a new chapter to Title 35 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to .

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

MOTION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 2641 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2641 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2641 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Padden

Absent: Senator Fortunato

HOUSE BILL NO. 2641 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Padden, Senator Fortunato was excused.

SECOND READING

HOUSE BILL NO. 2763, by Representatives Chapman, Dent, Hudgins and Tharinger

Concerning interest arbitration for department of corrections employees.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2763.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2763 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

HOUSE BILL NO. 2763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, by House Committee on Education (originally sponsored by Corry, Steele, Caldier, Van Werven, Eslick, Chambers and Boehnke)

Nurturing positive social and emotional school and classroom climates.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate and to require school districts to adopt a policy and procedures consistent with the model policy and procedures.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families plan in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3) In developing the model policy and procedure described in subsection (1) of this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(4) The model policy and procedure developed under subsection (1) of this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(5) School districts may adopt a policy and procedure for promoting a positive school and classroom climate consistent with the model policy developed under subsection (1) of this section by the beginning of the 2021-22 school year. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy."

On page 1, line 2 of the title, after "climates;" strike the remainder of the title and insert "adding a new section to chapter 28A.345 RCW; and creating a new section."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 2816.

The motion by Senator Wellman carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Wellman moved that the following striking floor amendment no. 1325 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate for all students. The legislature intends to require school districts to adopt elements of the model policy and procedure that protect the integrity of learning environments and allow school districts to adopt other elements of the model.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3)(a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

model policy and procedure must be posted publicly within a reasonable time of development.

(6)(a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy."

On page 1, line 2 of the title, after "climates;" strike the remainder of the title and insert "adding a new section to chapter 28A.345 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1325 by Senator Wellman to Engrossed Substitute House Bill No. 2816.

The motion by Senator Wellman carried and striking floor amendment no. 1325 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2816 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senator Hawkins spoke on passage of the bill.

MOTION

On motion of Senator King, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2816 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2816 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, L. and Zeiger

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2543, by House Committee on College & Workforce Development (originally sponsored by Paul, Dufault, Kilduff, Leavitt, Peterson, Graham, Smith, Davis, Volz and Ormsby)

Ensuring eligible veterans and their dependents qualify for in-state residency.

The measure was read the second time.

MOTION

Senator Randall moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. "RCW 28B.15.012 and 2019 c 126 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities

necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who ((entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state))meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is the spouse or a dependent of a person ((who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state))defined in (g) of this subsection. If the person ((on active military duty))defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is ((continuously enrolled in a degree program))either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution;

(j) A student who is the spouse or a dependent of a person defined in (h) of this subsection;

(k) A student who is eligible or entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

((k))(l) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

((l))(m) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for educational assistance benefits under Title 38 U.S.C.; and enters an institution of higher education in Washington within three years of the date of separation;

((m))(n) A student who is on terminal, transition, or separation leave pending separation, or release from active duty, from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for educational assistance benefits under Title 38 U.S.C.;

(o) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

((n))(p) A student who is the spouse or child to an individual who has separated from the uniformed services with at least ten

years of honorable service and at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(q) A student who has separated from the uniformed services who was discharged due to the student's sexual orientation or gender identity or expression;

(r) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

((o))(s) A student who is entitled to federal vocational rehabilitation and employment services for veterans with service-connected disabilities under 38 U.S.C. Sec. 3102(a);

((p))(t) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent date as the student achievement council may determine by rule;

((q))(u) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

((r))(v) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

((s))(w) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

((t))(x) A student who resides in Washington and is the spouse or a dependent of a person ((who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington))defined in (w) of this subsection. If the person ((on active military duty))defined in (w) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and ((is))remains continuously enrolled ((in a degree program))at the institution.

(3)(a) A student who qualifies under subsection (2)((j), (l), (m), (n), (o), or (p))(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)((j), (l), (m), (n), (o), or (p))(k), (m), (n), (o), (p), (q), (r), (s), or (t) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or (((q)))(u) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

- (i) A lawful permanent resident;
- (ii) A temporary resident;
- (iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;
- (iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;
- (v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

- (a) The armed forces of the United States government; or
- (b) The Washington national guard; or
- (c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of

responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

On page 1, line 2 of the title, after "residency;" strike the remainder of the title and insert "and amending RCW 28B.15.012."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to Substitute House Bill No. 2543.

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

MOTION

On motion of Senator Randall, the rules were suspended, Substitute House Bill No. 2543 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2543 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2543 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2543 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2513, by House Committee on Appropriations (originally sponsored by Slatter, Leavitt, Ortiz-Self, Valdez, Bergquist, Davis, J. Johnson, Pollet, Goodman, Lekanoff, Ormsby and Riccelli)

Prohibiting the practice of transcript withholding and limiting the practice of registration holds at institutions of higher education as debt collection practices.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.293 and 1977 ex.s. c 18 s 1 are each amended to read as follows:

~~((Each state public or private))~~ (1) Institutions of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

(2) Institutions of higher education may not do any of the following for the purposes of debt collection, unless the debts are related to nonpayment of tuition fees, room and board fees, or financial aid funds owed:

(a) Refuse to provide an official transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of an official transcript on the payment of the debt, other than a fee charged to provide the official transcript;

(c) Charge a higher fee for obtaining the official transcript, or provide less than favorable treatment of an official transcript request because a student owes a debt; or

(d) Use transcript issuance as a tool for debt collection.

(3) Institutions of higher education may not withhold a student's official transcript, regardless of debt, except the fee charged to provide an official transcript, if the official transcript is requested by a student or entity for any of the following purposes:

(a) Job applications;

(b) Transferring to another institution;

(c) Applying for financial aid;

(d) Pursuit of opportunities in the military or national guard; or

(e) Pursuit of other postsecondary opportunities.

(4) Institutions of higher education may not withhold registration privileges as a debt collection tool, excluding the case of any debts related to nonpayment of tuition fees, room and board fees, or financial aid funds owed.

(5) If an institution of higher education chooses to withhold official transcripts or registration privileges as a tool for debt collection, the institution shall disclose to students through a secure portal or email and the class registration process the following at the start of each academic term:

(a) The amount of debt, if any, owed by the student to the institution;

(b) Information on payment of the debt, including who to contact to set up a payment plan; and

(c) Any consequences that will result from the nonpayment of the debt.

(6) For the purposes of this section:

(a) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(b) "Financial aid funds owed" means any financial aid funds owed to the institution under Title IV, or to the state, due to miscalculation, withdrawal, misinformation, or other reason, not including standard repayment of student loans.

(c) "Institutions of higher education" means the same as in RCW 28B.92.030.

(d) "Room and board fees" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student for the provision of contractually agreed to on-campus housing or meal services plans.

(e) "Tuition fees" means tuition fees as defined in RCW 28B.15.020, services and activities fees as defined in RCW 28B.15.041, technology fees as defined in RCW 28B.15.051, and fees charged for nonstate funded, fee-based, self-supporting degree, certificate, or continuing education courses, or similar charges for nonpublic institutions.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 annually beginning on December 1, 2020, on transcript and registration holds used as debt collection tools, including:

(1) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(2) The number of official transcripts and registration privileges being withheld by each institution; and

(3) The number of past-due accounts assigned to third-party collection agencies."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2513.

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

MOTION

On motion of Senator Liias, the rules were suspended, Second Substitute House Bill No. 2513 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy and Hawkins spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2513 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2513 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhirra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Ericksen, Fortunato, Honeyford, King, Padden, Rolfes, Schoesler, Short, Wagoner, Warnick and Wilson, L.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 2513 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND ENGROSSED HOUSE BILL NO. 1056,
HOUSE BILL NO. 1165,
ENGROSSED HOUSE BILL NO. 1187,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1551,
HOUSE BILL NO. 2109,
SUBSTITUTE HOUSE BILL NO. 2205,
HOUSE BILL NO. 2251,
HOUSE BILL NO. 2259,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2378,
HOUSE BILL NO. 2390,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411,
HOUSE BILL NO. 2416,
SUBSTITUTE HOUSE BILL NO. 2473,
HOUSE BILL NO. 2474,
SUBSTITUTE HOUSE BILL NO. 2476,
HOUSE BILL NO. 2508,
HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571,
SUBSTITUTE HOUSE BILL NO. 2589,
HOUSE BILL NO. 2599,
HOUSE BILL NO. 2677,
HOUSE BILL NO. 2682,
HOUSE BILL NO. 2762,
SUBSTITUTE HOUSE BILL NO. 2785,
ENGROSSED HOUSE BILL NO. 2792,
SUBSTITUTE HOUSE BILL NO. 2868,
SUBSTITUTE HOUSE BILL NO. 2873,
and SUBSTITUTE HOUSE BILL NO. 2883.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342, by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton)

Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act.

The measure was read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 1226 by Senator Liias be adopted:

On page 2, line 27, after "subsection" strike "~~((6))~~ (7)" and insert "(6)"

On page 4, beginning on line 16, after "subsections" strike "~~((6) and (8))~~ (7) and (9)" and insert "(6) and (8)"

On page 4, line 39, after "(5)" strike "(a)"

On page 4, line 39, after "subsections" strike "~~(7) and (9)~~" and insert "~~(6) and (8)~~"

On page 5, at the beginning of line 6, strike "(i)" and insert "(a)"

On page 5, line 6, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 9, strike "~~(ii)~~" and insert "~~(b)~~"

On page 5, line 9, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 13, strike "~~(iii)~~" and insert "~~(c)~~"

On page 5, line 13, after "every" strike "ten" and insert "eight"

On page 5, at the beginning of line 17, strike "~~(iv)~~" and insert "~~(d)~~"

On page 5, line 17, after "every" strike "ten" and insert "eight"

Beginning on page 5, at the beginning of line 21, strike all material through "~~(7)(a)~~" on page 7, line 11 and insert "(6)(a)"

On page 8, line 2, after "~~(iv)~~" strike "~~or (6)~~"

On page 8, line 5, after "(5)" strike "~~or (6)~~"

On page 8, line 11, after "~~(iv)~~" strike "~~or (6)~~"

On page 8, line 14, after "(5)" strike "~~or (6)~~"

On page 8, at the beginning of line 23, strike "~~((7))~~ (8)" and insert "(7)"

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

On page 9, line 29, after "subsection" strike "~~((8))~~ (9)" and insert "(8)"

On page 9, beginning on line 32, strike all of subsection (10)

On page 11, line 16, after "every" strike "~~((eight))~~ ten" and insert "eight"

On page 11, line 29, after "~~((2019))~~" strike "2029, and every ~~((eight))~~ ten" and insert "2028, and every eight"

On page 11, line 32, after "~~((2020))~~" strike "2030, and every ~~((eight))~~ ten" and insert "2029, and every eight"

On page 11, beginning on line 36, after "~~((2024))~~" strike "2031, and every ~~((eight))~~ ten" and insert "2030, and every eight"

On page 12, line 1, after "~~((2022))~~" strike "2032, and every ~~((eight))~~ ten" and insert "2031, and every eight"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1226 by Senator Liias on page 2, line 27 to Engrossed Substitute House Bill No. 2342.

The motion by Senator Liias carried and floor amendment no. 1226 was adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute House Bill No. 2342 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2342 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2342 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frock,

Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford and Padden

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731, by House Committee on Education (originally sponsored by Irwin, Doglio, Davis, Pollet and Leavitt)

Reporting of information about diagnosed concussions of students sustained during athletics and other activities.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2731.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2731 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2669, by Representatives Sullivan, MacEwen, Lovick and Tharinger

Creating Seattle NHL hockey special license plates.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.17.220 and 2019 c 384 s 2 and 2019 c 177 s 2 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL RENEWAL		DISTRIBUTED UNDER
	FEE	FEE	
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(7) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
(8) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
(9) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(10) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(11) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(12) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(13) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(14) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
(15) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(16) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(17) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
(18) Ride share	\$ 25.00	N/A	RCW 46.68.030
(19) San Juan Islands	\$ 40.00	\$ 30.00	RCW 46.68.420
(20) Seattle Mariners	\$ 40.00	\$ 30.00	RCW 46.68.420
(21) <u>Seattle NHL hockey</u>	<u>\$ 40.00</u>	<u>\$ 30.00</u>	<u>RCW 46.68.420</u>
((22)) (23) Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
((23)) (24) Seattle Storm	\$ 40.00	\$ 30.00	RCW 46.68.420
((24)) (25) Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
((25)) (26) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

((26)) (27) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
((27)) (28) Square dancer	\$ 40.00	N/A	RCW 46.68.070
((28)) (29) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
((29)) (30) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
((30)) (31) Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
((31)) (32) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((32)) (33) Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
((33)) (34) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
((34)) (35) Washington state wrestling	\$ 40.00	\$ 30.00	RCW 46.68.420
((35)) (36) Washington tennis	\$ 40.00	\$ 30.00	RCW 46.68.420
((36)) (37) Washington's fish collection	\$ 40.00	\$ 30.00	RCW 46.68.425
((37)) (38) Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
((38)) (39) Washington's wildlife collection	\$ 40.00	\$ 30.00	RCW 46.68.425
((39)) (40) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
((40)) (41) Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425

Sec. 2. RCW 46.18.200 and 2019 c 384 s 1 and 2019 c 177 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsection (5) of this section:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.

Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.
Fred Hutch	Displays the Fred Hutch logo.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Music matters	Displays the "Music Matters" logo.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.
Seattle Mariners	Displays the "Seattle Mariners" logo.
<u>Seattle NHL hockey</u>	<u>Displays the logo of the Seattle NHL hockey team.</u>
Seattle Seahawks	Displays the "Seattle Seahawks" logo.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.
Seattle Storm	Displays the "Seattle Storm" logo.
Seattle University	Recognizes Seattle University.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Ski & ride Washington	Recognizes the Washington snowsports industry.
State flower	Recognizes the Washington state flower.
Volunteer firefighters	Recognizes volunteer firefighters.
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.

Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Washington's fish collection	Recognizes Washington's fish.
Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Washington's wildlife collection	Recognizes Washington's wildlife.
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
Wild on Washington	Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

Sec. 3. RCW 46.68.420 and 2019 c 384 s 3 and 2019 c 177 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle ~~((account {fund}))~~ fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
Music matters awareness	Promote music education in schools throughout Washington
San Juan Islands programs	Provide funds to the Madrona institute
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the ((sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports)) ; <u>(i) Boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy</u>

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

	<u>and experience the outdoors or (ii) the sports mentoring program established in RCW 43.15.100, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program</u>		advisory council, or its successor organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially those with disabilities
Seattle NHL hockey	<u>Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) Fifty percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and other opportunities; (b) twenty-five percent to the office of the lieutenant governor solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) twenty-five percent to the NHL Seattle foundation, or its successor organization, for providing financial support to allow youth to participate in hockey</u>	Seattle University	Fund scholarships for students attending or planning to attend Seattle University
		Share the road	Promote bicycle safety and awareness education in communities throughout Washington
		Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
		State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons
Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships	Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need
		Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state
		Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state
Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
		Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
Seattle Storm	Provide funds to the Washington state legislative youth advisory council and the association of Washington generals created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible

	city that utilizes funds for construction provided by chapter 16, Laws of 2016
Washington's national park fund	Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
We love our pets	Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle NHL hockey special license plates" means special license plates issued under RCW 46.18.200 that display the logo of the national hockey league team based in Seattle.

NEW SECTION. Sec. 5. This act takes effect October 1, 2020."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "certain sports-related special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date."

MOTION

Senator Liias moved that the following floor amendment no. 1312 by Senators Hobbs, King and Liias be adopted:

On page 9, beginning on line 7, after "the" strike all material through "43.15.100" on line 21 and insert "sports mentoring program established under RCW 43.15.100, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1312 by Senators Hobbs, King and Liias on page 9, line 7 to the committee striking amendment by the Committee on Transportation.

The motion by Senator Liias carried and floor amendment no. 1312 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to House Bill No. 2669.

The motion by Senator Liias carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 2669 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2669 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2669 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

HOUSE BILL NO. 2669 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2905, by House Committee on Appropriations (originally sponsored by J. Johnson, Riccelli, Caldier, Doglio, Pollet and Ryu)

Increasing outreach and engagement with access to baby and child dentistry programs.

The measure was read the second time.

MOTION

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that oral disease is the most common childhood chronic disease, yet is almost entirely preventable, impacting school readiness, future employability, and overall well-being and quality of life. The access to baby and child dentistry program has made Washington a leader in oral health care access across the nation, providing greater levels of access and utilization for medicaid eligible children under six years old. The legislature further recognizes that the access to baby and child dentistry program connects children to a dental home in their communities, enabling children to get off to a healthy start. While the state has made great strides, children of color continue to experience higher rates of tooth decay than their peers and children under the age of two are not accessing care at the same rate as older children. Therefore, it is the legislature's intent to expand on the program investments the state has already made to provide additional outreach and support to eligible families and providers, increase very young children's access to care, and further reduce racial and ethnic disparities in access to care and oral health outcomes.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall work with the statewide managing partner of the access to baby and child dentistry program to develop a local access to baby and child dentistry program fund allocation formula, key deliverables, and target metrics for increased outreach and provider engagement and support with the goal of reducing racial and ethnic disparities.

(2) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall collaborate with stakeholders to monitor progress toward the goals articulated in subsection (1) of this section and provide support to local access to baby and child dentistry programs and providers."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2905.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2905 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2905 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2905 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2905 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2544, by House Committee on Appropriations (originally sponsored by Paul, Dufault, Leavitt, Graham, Smith, Volz and Ormsby)

Concerning the definition of veteran.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2544.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2544 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2457, by House Committee on Appropriations (originally sponsored by Cody, Kloba, Robinson, Schmick, Tharinger, Macri, Pollet and Wylie)

Establishing the health care cost transparency board.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.
 (2) "Board" means the health care cost transparency board.
 (3) "Health care" means items, services, and supplies intended to improve or maintain human function or treat or ameliorate pain, disease, condition, or injury including, but not limited to, the following types of services:

- (a) Medical;
- (b) Behavioral;
- (c) Substance use disorder;
- (d) Mental health;
- (e) Surgical;
- (f) Optometric;
- (g) Dental;
- (h) Podiatric;
- (i) Chiropractic;
- (j) Psychiatric;
- (k) Pharmaceutical;
- (l) Therapeutic;
- (m) Preventive;
- (n) Rehabilitative;
- (o) Supportive;
- (p) Geriatric; or
- (q) Long-term care.

(4) "Health care cost growth" means the annual percentage change in total health care expenditures in the state.

(5) "Health care cost growth benchmark" means the target percentage for health care cost growth.

(6) "Health care coverage" means policies, contracts, certificates, and agreements issued or offered by a payer.

(7) "Health care provider" means a person or entity that is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Net cost of private health care coverage" means the difference in premiums received by a payer and the claims for the cost of health care paid by the payer under a policy or certificate of health care coverage.

(9) "Payer" means:

- (a) A health carrier as defined in RCW 48.43.005;
- (b) A publicly funded health care program, including medicaid, medicare, the state children's health insurance program, and public and school employee benefit programs administered under chapter 41.05 RCW;
- (c) A third-party administrator; and
- (d) Any other public or private entity, other than an individual, that pays or reimburses the cost for the provision of health care.

(10) "Total health care expenditures" means all health care expenditures in this state by public and private sources, including:

- (a) All payments on health care providers' claims for reimbursement for the cost of health care provided;
- (b) All payments to health care providers other than payments described in (a) of this subsection;
- (c) All cost-sharing paid by residents of this state, including copayments, deductibles, and coinsurance; and
- (d) The net cost of private health care coverage.

NEW SECTION. Sec. 2. The authority shall establish a board to be known as the health care cost transparency board. The board is responsible for the analysis of total health care expenditures in Washington, identifying trends in health care cost growth, and establishing a health care cost growth benchmark. The board shall provide analysis of the factors impacting these trends in health care cost growth and, after review and consultation with identified entities, shall identify those health care providers and payers that are exceeding the health care cost growth benchmark.

NEW SECTION. Sec. 3. (1) The board shall consist of fourteen members who shall be appointed as follows:

- (a) The insurance commissioner, or the commissioner's designee;
- (b) The administrator of the health care authority, or the administrator's designee;
- (c) The secretary of labor and industries, or the secretary's designee;
- (d) The chief executive officer of the health benefit exchange, or the chief executive officer's designee;
- (e) One member representing local governments that purchase health care for their employees;
- (f) Two members representing consumers;
- (g) One member representing Taft-Hartley health benefit plans;
- (h) Two members representing large employers, at least one of which is a self-funded group health plan;
- (i) One member representing small businesses;
- (j) One member who is an actuary or an expert in health care economics;
- (k) One member who is an expert in health care financing; and
- (l) One nonvoting member who is a member of the advisory committee of health care providers and carriers and has operational experience in health care delivery.

(2) The governor:

(a) Shall appoint the members of the board. Each of the two largest caucuses in both the house of representatives and the senate shall submit to the governor a list of five nominees. The nominees must be for members of the board identified in subsection (1)(f) through (k) of this section, may not be legislators, and, except for the members of the board identified in subsection (1)(j) and (k) of this section, the nominees may not be employees of the state or its political subdivisions. No caucus may submit the same nominee. The caucus nominations must reflect diversity in geography, gender, and ethnicity;

(b) May reject a nominee and request a new submission from a caucus if a nominee does not meet the requirements of this section; and

(c) Must choose at least one nominee from each caucus.

(3) The governor shall appoint the chair of the board.

(4)(a) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(b) A member of the board whose term has expired or who otherwise leaves the board shall be replaced by gubernatorial appointment. Upon the expiration of a member's term, the member shall continue to serve until a successor has been

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

appointed and has assumed office. When the person leaving was nominated by one of the caucuses of the house of representatives or the senate, his or her replacement shall be appointed from a list of five nominees submitted by that caucus within thirty days after the person leaves. If the member to be replaced is the chair, the governor shall appoint a new chair within thirty days after the vacancy occurs. A person appointed to replace a member who leaves the board prior to the expiration of his or her term shall serve only the duration of the unexpired term. Members of the board may be reappointed to multiple terms.

(5) No member of the board may be appointed if the member's participation in the decisions of the board could benefit the member's own financial interests or the financial interests of an entity the member represents. A board member who develops such a conflict of interest shall resign or be removed from the board.

(6) Members of the board must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. Meetings of the board are subject to the call of the chair.

(7) The board and its subcommittees are subject to the provisions of chapter 42.30 RCW, the open public meetings act, and chapter 42.56 RCW, the public records act. The board and its subcommittees may not disclose any health care information that identifies or could reasonably identify the patient or consumer who is the subject of the health care information.

(8) Members of the board are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter.

NEW SECTION. Sec. 4. (1) The board shall establish an advisory committee on data issues and an advisory committee of health care providers and carriers. The board may establish other advisory committees as it finds necessary.

(2) Appointments to the advisory committee on data issues shall be made by the board. Members of the committee must have expertise in health data collection and reporting, health care claims data analysis, health care economic analysis, and actuarial analysis.

(3) Appointments to the advisory committee of health care providers and carriers shall be made by the board and must include the following membership:

(a) One member representing hospitals and hospital systems, selected from a list of three nominees submitted by the Washington state hospital association;

(b) One member representing federally qualified health centers, selected from a list of three nominees submitted by the Washington association for community health;

(c) One physician, selected from a list of three nominees submitted by the Washington state medical association;

(d) One primary care physician, selected from a list of three nominees submitted by the Washington academy of family physicians;

(e) One member representing behavioral health providers, selected from a list of three nominees submitted by the Washington council for behavioral health;

(f) One member representing pharmacists and pharmacies, selected from a list of three nominees submitted by the Washington state pharmacy association;

(g) One member representing advanced registered nurse practitioners, selected from a list of three nominees submitted by ARNPs united of Washington state;

(h) One member representing tribal health providers, selected from a list of three nominees submitted by the American Indian health commission;

(i) One member representing a health maintenance organization, selected from a list of three nominees submitted by the association of Washington health care plans;

(j) One member representing a managed care organization that contracts with the authority to serve medical assistance enrollees, selected from a list of three nominees submitted by the association of Washington health care plans;

(k) One member representing a health care service contractor, selected from a list of three nominees submitted by the association of Washington health care plans;

(l) One member representing an ambulatory surgery center selected from a list of three nominees submitted by the ambulatory surgery center association; and

(m) Three members, at least one of whom represents a disability insurer, selected from a list of six nominees submitted by America's health insurance plans.

NEW SECTION. Sec. 5. (1) The board has the authority to establish and appoint advisory committees, in accordance with the requirements of section 4 of this act, and seek input and recommendations from the advisory committees on topics relevant to the work of the board;

(2) The board shall:

(a) Determine the types and sources of data necessary to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark, including execution of any necessary access and data security agreements with the custodians of the data. The board shall first identify existing data sources, such as the statewide health care claims database established in chapter 43.371 RCW and prescription drug data collected under chapter 43.71C RCW, and primarily rely on these sources when possible in order to minimize the creation of new reporting requirements;

(b) Determine the means and methods for gathering data to annually calculate total health care expenditures and health care cost growth, and to establish the health care cost growth benchmark. The board must select an appropriate economic indicator to use when establishing the health care cost growth benchmark. The activities may include selecting methodologies and determining sources of data. The board shall accept recommendations from the advisory committee on data issues and the advisory committee of health care providers and carriers regarding the value and feasibility of reporting various categories of information under (c) of this subsection, such as urban and rural, public sector and private sector, and major categories of health services, including prescription drugs, inpatient treatment, and outpatient treatment;

(c) Annually calculate total health care expenditures and health care cost growth:

(i) Statewide and by geographic rating area;

(ii) For each health care provider or provider system and each payer, taking into account the health status of the patients of the health care provider or the enrollees of the payer, utilization by the patients of the health care provider or the enrollees of the payer, intensity of services provided to the patients of the health care provider or the enrollees of the payer, and regional differences in input prices. The board must develop an implementation plan for reporting information about health care providers, provider systems, and payers;

- (iii) By market segment;
- (iv) Per capita; and
- (v) For other categories, as recommended by the advisory committees in (b) of this subsection, and approved by the board;
- (d) Annually establish the health care cost growth benchmark for increases in total health expenditures. The board, in determining the health care cost growth benchmark, shall begin with an initial implementation that applies to the highest cost drivers in the health care system and develop a phased plan to include other components of the health system for subsequent years;
- (e) Beginning in 2023, analyze the impacts of cost drivers to health care and incorporate this analysis into determining the annual total health care expenditures and establishing the annual health care cost growth benchmark. The cost drivers may include, to the extent such data is available:
 - (i) Labor, including but not limited to, wages, benefits, and salaries;
 - (ii) Capital costs, including but not limited to new technology;
 - (iii) Supply costs, including but not limited to prescription drug costs;
 - (iv) Uncompensated care;
 - (v) Administrative and compliance costs;
 - (vi) Federal, state, and local taxes;
 - (vii) Capacity, funding, and access to postacute care, long-term services and supports, and housing; and
 - (viii) Regional differences in input prices; and
- (f) Release reports in accordance with section 7 of this act.

NEW SECTION. Sec. 6. (1) The authority may contract with a private nonprofit entity to administer the board and provide support to the board to carry out its responsibilities under this chapter. The authority may not contract with a private nonprofit entity that has a financial interest that may create a potential conflict of interest or introduce bias into the board's deliberations.

(2) The authority or the contracted entity shall actively solicit federal and private funding and in-kind contributions necessary to complete its work in a timely fashion. The contracted entity shall not accept private funds if receipt of such funding could present a potential conflict of interest or introduce bias into the board's deliberations.

NEW SECTION. Sec. 7. (1) By August 1, 2021, the board shall submit a preliminary report to the governor and each chamber of the legislature. The preliminary report shall address the progress toward establishment of the board and advisory committees and the establishment of total health care expenditures, health care cost growth, and the health care cost growth benchmark for the state, including proposed methodologies for determining each of these calculations. The preliminary report shall include a discussion of any obstacles related to conducting the board's work including any deficiencies in data necessary to perform its responsibilities under section 5 of this act and any supplemental data needs.

(2) Beginning August 1, 2022, the board shall submit annual reports to the governor and each chamber of the legislature. The first annual report shall determine the total health care expenditures for the most recent year for which data is available and shall establish the health care cost growth benchmark for the following year. The annual reports may include policy recommendations applicable to the board's activities and analysis of its work, including any recommendations related to lowering health care costs, focusing on private sector purchasers, and the establishment of a rating system of health care providers and payers.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "expenditures;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

MOTION

Senator Cleveland moved that the following floor amendment no. 1331 by Senator Cleveland be adopted:

On page 3, line 6, after "(c) The" strike "secretary" and insert "director"

On page 3, line 6, after "or the" strike "secretary's" and insert "director's"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1331 by Senator Cleveland on page 3, line 6 to the committee striking amendment.

The motion by Senator Cleveland carried and floor amendment no. 1331 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care as amended to Second Substitute House Bill No. 2457.

The motion by Senator Cleveland carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Substitute House Bill No. 2457 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2457 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2457 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 2457 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2728, by House Committee on Appropriations (originally sponsored by Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet)

Implementing a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.061 and 2019 c 325 s 1009 are each amended to read as follows:

(1) The authority shall provide flexibility to encourage licensed or certified community behavioral health agencies to subcontract with an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington (~~((division of public behavioral health and justice policy))~~) department of psychiatry and behavioral sciences. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families

to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3)(a) To the extent that funds are specifically appropriated for this purpose, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(i) Implement a (~~((program))~~) partnership access line to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(ii) Beginning January 1, 2019, implement a two-year pilot program (~~((called the partnership access line for moms and kids))~~) to:

(A) (~~((Support))~~) Create the partnership access line for moms to support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(B) (~~((Facilitate))~~) Create the partnership access line for kids referral and assistance service to facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(b) The program activities described in (a)(i) and (a)(ii)(A) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

- (d) A description of resources provided;
- (e) Average time frames from receipt of call to referral for services or resources provided; and
- (f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

(7) Subsections (4) through (6) of this section expire January 1, 2021.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose or nonstate funds are available, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences shall implement a psychiatric consultation call center to provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(2) When clinically appropriate and technically feasible, the clinical consultation may occur via telemedicine.

(3) Beginning in fiscal year 2021, to the extent that adequate funds are appropriated, the service shall be available seven days a week, twenty-four hours a day.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the partnership access line described in RCW 71.24.061(3)(a)(i), partnership access line for moms described in RCW 71.24.061(3)(a)(ii)(A), and the psychiatric consultation line described in section 2 of this act, in coordination with any hospital that it collaborates with to administer the programs:

- (a) The number of individuals served;
- (b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;
- (c) Demographic information regarding the providers placing the calls, including type of practice, and city and county of practice;
- (d) Insurance information, including health plan and carrier, as available;
- (e) A description of the resources provided; and
- (f) Provider satisfaction.

(2) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the program called the partnership access line for kids referral and assistance service described in RCW 71.24.061(3)(a)(ii)(B), in coordination with any hospital that it collaborates with to administer the program:

- (a) The number of individuals served;
- (b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and

county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the parents or guardians placing the calls, including family location;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided;

(f) Average time frames from receipt of the call to referral for services or resources provided;

(g) The most frequently requested issues that parents and guardians are asking for assistance with;

(h) The most frequently requested issues that families are asking for referral assistance with;

(i) The number of individuals that receive an appointment based on referral assistance; and

(j) Parent or guardian satisfaction.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning July 1, 2021, the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act, shall be funded as follows:

(a) The authority, in consultation with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall determine the annual costs of operating each program, as well as the authority's costs for administering the programs.

(b) For each program, the authority shall calculate the proportion of clients that are covered by programs administered pursuant to chapter 74.09 RCW. The state must cover the cost for programs administered pursuant to chapter 74.09 RCW through state and federal funds, as appropriated.

(c)(i) The authority shall collect a proportional share of program costs from each of the following entities that are not for covered lives under contract with the authority as medicaid managed care organizations:

(A) Health carriers, as defined in RCW 48.43.005;

(B) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010;

(C) Employers or other entities that provide health care in this state, including self-funding entities or employee welfare benefit plans.

(ii) For entities listed in (c)(i) of this subsection, a proportional share of the entity's annual program costs for each program must be calculated by determining the annual cost of operating the program not covered under (b) of this subsection and multiplying it by a fraction that in which the numerator is the entity's total number of resident insured persons among the population served by the program and the denominator is the total number of residents in the state who are served by the program and not covered by programs administered pursuant to chapter 74.09 RCW. The total number of resident insured persons among the population served by the program shall be determined according to the covered lives per calendar year determined by covered person months.

(iii) The entities listed in (c)(i) of this subsection shall provide information needed to calculate the proportional share of program costs under this section to the authority.

(d) The authority's administrative costs for these programs may not be included in the assessments.

(2) The authority may contract with a third-party administrator to calculate and administer the assessments of the entities identified in subsection (1)(c)(i) of this section.

(3) The authority shall develop separate performance measures for the partnership access lines described in RCW

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act.

(4) The University of Washington department of psychiatry and behavioral sciences, in coordination with any hospital that it collaborates with to administer the programs, shall provide quarterly reports to the authority on the demographic data collected by each program, as described in section 3 (1) and (2) of this act, any performance measures specified by the authority, and systemic barriers to services, as determined and defined by the authority, the University of Washington, and Seattle children's hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

Using data from the reports required in RCW 71.24.061(5), the legislature shall decide whether to make the partnership access line for moms and the partnership access line for kids referral and assistance programs, as described in RCW 71.24.061(3)(a)(ii), permanent programs. If the legislature decides to make the programs permanent, the programs shall be funded in the same manner as in section 2 of this act beginning July 1, 2021.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct a review, in consultation with the authority, the University of Washington department of psychiatry and behavioral science and Seattle children's hospital, of the programs as described in RCW 71.24.061(3)(a) and section 2 of this act, covering the period from January 1, 2019, through December 30, 2021. The review shall evaluate the programs' success at addressing patients' issues related to access to mental health and substance use disorder services.

(2) The joint legislative audit and review committee shall submit the review, including its findings and recommendations, to the legislature by December 1, 2022.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

The telebehavioral health access account is created in the state treasury. All receipts from collections under section 4 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for supporting telebehavioral health programs identified in RCW 71.24.061(3)(a) and section 2 of this act.

Sec. 8. RCW 70.290.060 and 2010 c 174 s 6 are each amended to read as follows:

In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under RCW 70.290.030. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must

be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

(5) Upon request of the health care authority, the secretary and the association must provide the health care authority with any available information maintained by the association needed to calculate the proportional share of program costs under section 4 of this act."

On page 1, line 4 of the title, after "center;" strike the remainder of the title and insert "amending RCW 71.24.061 and 70.290.060; adding new sections to chapter 71.24 RCW; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2728.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2728 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2728 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2728 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2728 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2826, by Representatives Peterson and Pollet

Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, House Bill No. 2826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2826.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2826 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1390, by Representatives Leavitt, Volz, Dolan, Fitzgibbon, Caldier, Wylie, Pellicciotti, MacEwen, Griffey, Callan, Kilduff, Appleton, Jinkins, Tharinger, Blake, Ramos, Eslick, Slatter, Valdez, Schmick, Shewmake, Doglio, Goodman, Pollet and Ortiz-Self

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.1987 and 2018 c 151 s 2 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

Sec. 2. RCW 41.32.4992 and 2018 c 151 s 1 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(2) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed sixty-two dollars and fifty cents.

(3) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2020."

On page 1, line 3 of the title, after "plan 1;" strike the remainder of the title and insert "amending RCW 41.40.1987 and 41.32.4992; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1390.

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

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed House Bill No. 1390 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1390 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1390 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED HOUSE BILL NO. 1390 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2739, by Representatives Kloba, Stonier, Appleton, Davis and Duerr

Adjusting certain requirements of the shared leave program.

The measure was read the second time.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care, for a period of up to sixteen weeks immediately after the birth or placement. However, if the birth parent has a pregnancy disability, the parental leave will begin immediately after the pregnancy disability has resolved. When parental leave is used after a pregnancy disability has resolved, it must be used within the first year after birth.

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 2. RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a) (v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection(~~(-However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve))~~); and

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection(~~(-and~~

~~(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection))~~).

(2)(a) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, the agency head may not prevent an employee from using shared

leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section "shortly deplete" means that the employee will have forty hours or less of the applicable leave type under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave in reserve."

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

On page 1, line 2 of the title, after "program;", strike the remainder of the title and insert "and amending RCW 41.04.655 and 41.04.665."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to House Bill No. 2739.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hunt moved that the following striking floor amendment no. 1307 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care(~~(- for a period of up to sixteen weeks after the birth or placement)~~).

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons

designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 2. RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a) (v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection(~~(-However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve))~~);

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

~~(f) ((The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection))~~ Until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, an agency head may permit an employee to receive shared leave under this section if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). An agency head may permit use of shared leave under this subsection (1)(f) without considering the requirements of (a) through (e) of this subsection.

(2)(a) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, the agency head may not prevent an employee from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to

another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section, "shortly deplete" means that the employee will have forty hours or less of the applicable leave types under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave types in reserve.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

(1) Parental leave received under RCW 41.04.665 must be used within the sixteen weeks immediately after birth or placement, except as provided in subsection (2) of this section.

(2) If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.04.655 and 41.04.665; and adding a new section to chapter 41.04 RCW."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1307 by Senator Hunt to House Bill No. 2739.

The motion by Senator Hunt carried and striking floor amendment no. 1307 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2739 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Zeiger and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2739 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2739 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2739 as amended by the Senate, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2499, by House Committee on Appropriations (originally sponsored by Appleton, Klippert and Goodman)

Certifying corrections officers.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.101.085 and 2006 c 22 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and

(9) ~~((7))~~ Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process.

Sec. 2. RCW 43.101.010 and 2008 c 69 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as

distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) A peace officer or corrections officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)(a) "Discharged for disqualifying misconduct" ~~((means))~~ has the following meanings:

(i) A peace officer terminated from employment for: ((a)) (A) Conviction of ((b)) (I) any crime committed under color of authority as a peace officer, ((b)) (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), ((b)) (III) the unlawful use or possession of a controlled substance, or ((b)) (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; ((b)) (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or ((b)) (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or

(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

~~((9)) (b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) ((of this section)) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8) ((of this section)).~~

~~((10)) (9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.~~

~~((11)) (10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.~~

((11)) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of sections 3 through 13 of this act, "corrections officer" does not include individuals employed by state agencies.

NEW SECTION. Sec. 3. (1) As a condition of continuing employment as corrections officers, all Washington state corrections officers shall: (a) Timely obtain certification as corrections officers, or timely obtain exemption therefrom, by meeting all requirements of RCW 43.101.220, as that section is administered under the rules of the commission, as well as by meeting any additional requirements under this chapter; and (b) maintain the basic certification as corrections officers under this chapter. The commission shall certify corrections officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.220 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a corrections officer, the applicant shall submit to a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States or a lawful permanent resident, a psychological examination, and a polygraph or similar assessment as administered by the corrections agency, the results of which shall be used to determine the applicant's suitability for employment as a corrections officer.

(3) The commission shall allow a corrections officer to retain status as a certified corrections officer as long as the officer: (a) Timely meets the basic corrections officer training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.220 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(4) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a corrections officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

NEW SECTION. Sec. 4. Upon request by a corrections officer's employer or on its own initiative, the commission may deny or revoke certification of any corrections officer after written notice and hearing, if a hearing is timely requested by the corrections officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The corrections officer has failed to timely meet all requirements for obtaining a certificate of basic corrections training, or a certificate of exemption from the training;

(2) The corrections officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The corrections officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified corrections officer was convicted of a felony before being employed as a corrections officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing corrections agency;

(4) The corrections officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The corrections officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The corrections officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

NEW SECTION. Sec. 5. (1) A person denied a certification based upon dismissal or withdrawal from a basic corrections academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement.

The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A corrections officer whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

NEW SECTION. Sec. 6. A corrections officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time corrections officer. A break in full-time corrections service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

NEW SECTION. Sec. 7. Upon termination of a corrections officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 4 of this act. The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400.

NEW SECTION. Sec. 8. A corrections officer or duly authorized representative of a corrections agency may submit a written complaint to the commission charging that a corrections officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

NEW SECTION. Sec. 9. (1) If the commission determines, upon investigation, that there is probable cause to believe that a corrections officer's certification should be denied or revoked under section 4 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current corrections employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the

officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after the officer requests a hearing; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

Sec. 10. RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155 or section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission may, but need not, be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear ~~((appeals from))~~ certification actions:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two certified Washington peace officers who are at or below the level of first line supervisor, one of whom is from a city or county law enforcement agency, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) Two heads of either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) two corrections officers who are at or below the level of first line supervisor, who are from city, county, or state corrections agencies, and who have at least ten years' experience as corrections officers; and (iii) one person who is not currently a corrections officer and who represents a community college or four-year college or university.

(d) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) either one police chief or one sheriff; (ii) one tribal police chief; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v)

one person who is not currently a peace officer and who represents a community college or four-year college or university.

~~((4))~~ (e) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or section 4(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 11. An individual whose peace officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a corrections officer without first satisfying the requirements of eligibility for certification or reinstatement of certification. A corrections officer whose corrections officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a peace officer without first satisfying the requirements of eligibility for certification or reinstatement of certification.

Sec. 12. RCW 43.101.400 and 2001 c 167 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or section 7 of this act; (b) all files, papers, and other information obtained by the commission pursuant to RCW 43.101.095~~((3))~~ (5) or section 3 of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

Sec. 13. RCW 43.101.080 and 2018 c 32 s 4 are each amended to read as follows:

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel

and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer ((~~or~~))₂ a reserve officer, or a corrections officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer ((~~or~~))₂ a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and section 3 of this act for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer ((~~or~~))₂ reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer ((~~or~~))₂ reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who

may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 14. RCW 43.101.220 and 2019 c 415 s 970 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the certification requirement under section 3 of this act who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 and 2019-2021 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 3 through 9 and 11 of this act are each added to chapter 43.101 RCW."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220; and adding new sections to chapter 43.101 RCW."

MOTION

Senator Walsh moved that the following floor amendment no. 1341 by Senator Walsh be adopted:

Beginning on page 15, line 16, strike all of section 14

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

On page 16, line 18, after "43.101.400," strike "43.101.080, and 43.101.220" and insert "and 43.101.080"

Senators Walsh and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1341 by Senator Walsh on page 15, line 16 to the committee striking amendment.

The motion by Senator Walsh did not carry and floor amendment no. 1341 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2499.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Second Substitute House Bill No. 2499 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Padden and Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2499 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2499 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 2499 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1645, by House Committee on Human Services & Early Learning (originally sponsored by Ortiz-Self, Frame, Gregerson, Valdez, Jinkins, Davis, Santos and Morgan)

Certifying parental improvement.

The measure was read the second time.

MOTION

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

On motion of Senator Darneille, the rules were suspended, Second Substitute House Bill No. 1645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1645.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1645 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Wagoner

SECOND SUBSTITUTE HOUSE BILL NO. 1645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2819, by Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake and Boehnke

Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed House Bill No. 2819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator King, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2819.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2819 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Liias, Lovelett, McCoy, Schoesler and Wellman

Excused: Senator Sheldon

ENGROSSED HOUSE BILL NO. 2819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Liias moved, pursuant to Rule No. 18, that House Bill No. 1841, establishing minimum crew size on certain trains, be made a special order of business to be considered at 4:55 p.m.

Senator Short objected to the motion by Senator Liias.

Senator Liias spoke in favor of the motion.

MOTION

Senator Schoesler moved that the Senate adjourn.

Senator Schoesler demanded a roll call.

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

MOTION

On motion of Senator Braun, Senator Rivers was excused.

The President declared the question before the Senate to the motion by Senator Schoesler that the senate adjourn.

ROLL CALL

The Secretary called the roll on the motion by Senator Schoesler to adjourn and the motion did not carry by the following vote: Yeas, 19; Nays 29; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L., and Zeiger.

Voting nay: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Absent: Senator Rivers.

The President declared the question before the senate to be the motion by Senator Liias that House Bill No. 1841 be a special order of business to be considered at 4:55 p.m.

The motion by Senator Liias carried and House Bill No. 1841 was made a special order of business by voice vote.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2793, by House Committee on Appropriations (originally sponsored by Hansen and Irwin)

Vacating criminal records.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The administrative office of the courts shall conduct a study and a pilot project on streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process established under section 2 of this act.

(2) The administrative office of the courts shall:

(a) Determine the types of data currently available to the administrative office of the courts to assess eligibility under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2);

(b) Evaluate additional types of information that should be reported to judicial information systems or directly to sentencing courts or the administrative office of the courts to improve the reliability of the screening process;

(c) Propose procedures for conducting queries of available records to assess eligibility, which may include, for example: (i) If applicable, whether a person is currently incarcerated for a criminal offense may be determined by reviewing the term of confinement reflected in the judgment and sentence document for his or her most recent criminal conviction; (ii) if applicable, whether a person completed his or her sentencing conditions, excluding legal financial obligations, and satisfied the waiting period under RCW 9.96.060(2)(b) (vi)(D) or (vii) or 9.94A.640(2) (e) or (f) may be determined by adding the waiting period to the terms of confinement and community custody reflected in the applicable judgment and sentence document; (iii) if applicable, the period for which a person must not have been convicted of any new criminal offense under RCW 9.96.060(2)(b)(viii) or 9.94A.640(2) (c) or (d) may be determined based on the date of the query conducted by the administrative office of the courts, rather than the date of application; and (iv) any other procedures deemed necessary by the administrative office of the courts;

(d) Assess whether any changes to laws, policies, or practices or additional resources are necessary to improve the reliability of the process for the pilot program and for launching a similar program statewide;

(e) Develop an implementation plan for the pilot program under section 2 of this act; and

(f) Make additional recommendations deemed appropriate and necessary by the administrative office of the courts.

(3) The administrative office of the courts shall report to the governor and the appropriate committees of the legislature, as follows:

(a) A report with findings, recommendations, and an implementation plan must be submitted by December 1, 2020;

(b) A status update on the pilot program must be submitted by December 1, 2021; and

(c) A final report on the pilot program, including a summary of data collected under section 2 of this act and other findings and recommendations, must be submitted by December 1, 2022.

(4) When conducting the evaluation and pilot program required under this section and section 2 of this act, the administrative office of the courts shall consult with county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, county and city departments, national and local organizations with interest or experience in vacating or sealing criminal convictions, national and local organizations with experience in developing automated vacating or sealing procedures in other states, organizations and persons with relevant technical expertise in computer and records systems, and any other entities with relevant records.

(5) This section expires June 30, 2025.

NEW SECTION. Sec. 2. (1) Beginning July 1, 2021, through June 30, 2022, the administrative office of the courts shall conduct a pilot program for streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process. After consulting with courts of general and limited jurisdiction, the administrative office of the courts shall select a county in which to conduct the pilot program. The sentencing courts within the county selected for the pilot program shall comply with the requirements of this section, and further provide information to the administrative office of the courts necessary for the reporting requirement under subsection (4) of this section.

(2) When conducting the pilot program, the administrative office of the courts shall review convictions from the participating county for the purpose of determining whether those convictions should be scheduled for administrative vacation hearings. If appropriate and necessary for producing reliable notifications to sentencing courts participating in the pilot program, the administrative office of the courts may limit the screening process to certain types or classes of convictions or defendants. The process must:

(a) Review convictions beginning at the earliest period for which electronic court records are reliable, provided that the review applies to convictions beginning no later than January 1, 2000;

(b) Rely upon records available to the administrative office of the courts through judicial information systems and other agencies including, but not limited to, the Washington state patrol and the department of corrections;

(c) Determine whether a defendant is currently incarcerated for a criminal offense, and whether available records indicate that he or she is precluded from qualifying to vacate his or her misdemeanor conviction under RCW 9.96.060 (2)(b) or (5)(a) or his or her felony conviction under RCW 9.94A.640(2), which may be based on queries and other procedures developed by the administrative office of the courts including, but not limited to, those referenced in section 1(2)(c) of this act;

(d) Notify sentencing courts to schedule an administrative vacation hearing for any defendant where a review of available records does not indicate that the defendant is precluded from qualifying to vacate his or her conviction;

(e) Prioritize potentially qualifying defendants according to criteria established by the administrative office of the courts so as not to hinder sentencing courts with excessing notifications; and

(f) Review records and provide notifications on a monthly or quarterly basis, as determined by the administrative office of the courts.

(3)(a) Beginning July 1, 2021, through June 30, 2022, sentencing courts within the county selected for the pilot program under this section shall conduct regularly scheduled administrative vacation hearings.

(b) When a participating sentencing court receives notice from the administrative office of the courts under subsection (2) of this

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

section regarding a defendant potentially qualifying to vacate his or her conviction, the court shall set an administrative vacation hearing. At an administrative vacation hearing, the court shall determine whether to vacate the conviction based on the requirements for the particular offense under RCW 9.96.060 (2)(b) or (5)(a) or 9.94A.640(2). The defendant is presumed to meet the requirements and the court shall vacate the conviction, unless: Court records indicate that the defendant does not meet the requirements; or the prosecutor objects on the basis that the defendant does not meet the requirements or that the defendant is currently incarcerated for a criminal offense, provided that such objection is made with sufficient particularity and supporting information. If the court determines the defendant is not currently eligible, but is likely to become eligible in the future, the court may set a subsequent administrative vacation hearing at an appropriate date determined by the court. Otherwise, the court may decline to vacate the conviction without setting a subsequent hearing.

(c) For the purposes of conducting proceedings under this section, the requirements under RCW 9.96.060 (2)(b) and (5)(a) apply to misdemeanors and the requirements under RCW 9.94A.640(2) apply to felonies, except a defendant is not required to: File a petition or application; provide notice to relevant parties; or appear at an administrative hearing. If the court vacates a conviction under this section, it shall achieve the vacation through the procedure provided in RCW 9.96.060(1). A vacation under this section is processed in the same manner and has the same effect as provided under RCW 9.96.060 (6) and (7) for a misdemeanor or RCW 9.94A.640(3) for a felony. Regardless of whether a hearing under this section has previously occurred or is scheduled at a future date, nothing in this section prohibits a defendant from applying to the court to: Vacate a conviction under RCW 9.96.060 or 9.94A.640; or seal his or her conviction or vacation records under court rules.

(4) The administrative office of the courts shall collect the following information with respect to convictions where notifications were sent to sentencing courts through the pilot program, including: The number of notifications sent to sentencing courts; the number of administrative hearings held; the number of vacations granted at administrative hearings; the number of convictions where the court set a future administrative hearing based on predicted eligibility; the number of convictions where the court declined to vacate the convictions without setting a future administrative hearing; and other data deemed relevant by the administrative office of the courts. The administrative office of the courts shall include a summary of the data, including by type of court and for the entire pilot program, in its reports required under section 1(3) (b) and (c) of this act.

(5) This section expires June 30, 2025.

Sec. 3. RCW 9.96.060 and 2019 c 400 s 1, 2019 c 331 s 4, and 2019 c 46 s 5010 are each reenacted and amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2)(a) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of (b) of this

subsection, the court may in its discretion vacate the record of conviction.

(b) Except as provided in subsections (3), (4), and (5) of this section, ~~((an applicant))~~ a defendant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

~~((a))~~ (i) The ~~((applicant))~~ defendant has not completed all of the terms of the sentence for the offense;

~~((b))~~ (ii) There are any criminal charges against the ~~((applicant))~~ defendant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

~~((c))~~ (iii) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

~~((d))~~ (iv) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the ~~((applicant))~~ defendant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

~~((e))~~ (v) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

~~((f))~~ (vi) The ~~((applicant))~~ defendant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

~~((i))~~ ~~The applicant~~ (A) If the defendant is requesting a vacation through an application, the defendant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

~~((ii))~~ (B) The ~~((applicant))~~ defendant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

~~((iii))~~ (C) The ~~((applicant))~~ defendant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

~~((iv))~~ (D) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

~~((v))~~ (vii) For any offense other than those described in ~~((f))~~ (vi) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

~~((h))~~ (viii) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

~~((i))~~ (ix) The ~~((applicant))~~ defendant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5)(a) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, ~~((may apply to the sentencing court for a vacation of the applicant's))~~ qualifies to have his or her record of conviction for the offense vacated by the sentencing court. A misdemeanor marijuana offense includes, but is not limited to: Any offense

under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance.

~~(b) If ((an applicant qualifies))~~ a qualifying defendant applies to the sentencing court under this subsection, the court shall vacate the record of conviction.

(6)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Second Substitute House Bill No. 2793.

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

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Pedersen, the rules were suspended, Second Substitute House Bill No. 2793 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2793 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2793 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato and Wagoner
Excused: Senator Rivers

SECOND SUBSTITUTE HOUSE BILL NO. 2793 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2491, by Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff

Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.

The measure was read the second time.

MOTION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 2491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2491.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen
Excused: Senator Rivers

HOUSE BILL NO. 2491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2051, by Representatives Lovick, Chapman, Griffey and Dent

Concerning firefighters and law enforcement officers pension and disability boards.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.16.010 and 2009 c 521 s 88 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(2) "Board" shall mean the municipal firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for firefighter and who is actively employed as a firefighter; and shall include any "prior firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(8) "Fund" shall mean the firefighters' pension fund created herein.

(9) "Municipality" shall mean every city ~~((and))~~, town, and regional fire protection service authority, having a regularly organized full time, paid, fire department employing firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firefighters and shall include services of an emergency nature rendered while off regular duty,

but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior firefighter" shall mean a firefighter who was actively employed as a firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired firefighter" shall mean and include a person employed as a firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife, husband, or state registered domestic partner of a retired firefighter who was retired on account of length of service and who was lawfully married to, or in a state registered domestic partnership with, such firefighter; and whenever that term is used with reference to the wife or former wife, husband or former husband, or current or former state registered domestic partner of a retired firefighter who was retired because of disability, it shall mean his or her lawfully married wife, husband, or state registered domestic partner on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife, husband, or state registered domestic partner who by process of law within one year prior to the retired firefighter's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

Sec. 2. RCW 41.16.020 and 2007 c 218 s 19 are each amended to read as follows:

(1) There is hereby created in each city and town a municipal firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be chairperson of the board, the city comptroller or clerk, the chairperson of finance of the city council, or if there is no chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be, a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.18, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

Sec. 3. RCW 41.18.010 and 2009 c 521 s 90 are each reenacted and amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired firefighter at the date of his or her retirement, without regard to extra compensation which such firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(2) "Beneficiary" shall mean any person or persons designated by a firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased firefighter under this chapter.

(3) "Board" shall mean the municipal firefighters' pension board.

(4) "Child" or "children" means a firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such firefighter at the time of his death or her death.

(5) "Contributions" shall mean and include all sums deducted from the salary of firefighters and paid into the fund as hereinafter provided.

(6) "Disability" shall mean and include injuries or sickness sustained by a firefighter.

(7) "Earned interest" means and includes all annual increments to the firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firefighters' accounts as of January 1st of each year.

(8) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firefighters of the municipality.

(9) "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for firefighters and who is actively employed as a firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex. sess. shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time chapter 209, Laws of 1969 ex. sess. takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a firefighter or as a member of the fire department as a firefighter or fire dispatcher.

(10) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(11) "Municipality" shall mean every city, town ~~((and)),~~ fire protection district, or regional fire protection service authority having a regularly organized full time, paid, fire department employing firefighters.

(12) "Performance of duty" shall mean the performance of work or labor regularly required of firefighters and shall include services of an emergency nature normally rendered while off regular duty.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(13) "Retired firefighter" means and includes a person employed as a firefighter and retired under the provisions of this chapter.

(14) "Widow or widower" means the surviving spouse of a firefighter and shall include the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of length of service, who was lawfully married to, or in a state registered domestic partnership with, him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife, husband, or state registered domestic partner of a firefighter, retired on account of disability, who was lawfully married to, or in a state registered domestic partnership with, him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband or former state registered domestic partner of an active or retired firefighter.

Sec. 4. RCW 41.18.015 and 2007 c 218 s 42 are each amended to read as follows:

(1) There is hereby created in each fire protection district which qualifies under this chapter, a firefighters' pension board to consist of the following five members, the chairperson of the fire commissioners for said district who shall be chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairperson to act, the board may select a chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

(2) If no eligible regularly employed or retired firefighters are willing or able to be elected to the board under subsection (1) of this section, then the following individuals may be elected to the board under subsection (1) of this section:

(a) Any active or retired firefighters who reside within the jurisdiction served by the board. This includes active and retired firefighters under this chapter and chapters 41.16, 41.26, and 52.26 RCW;

(b) The widow or widower of a firefighter subject to the jurisdiction of the board.

Sec. 5. RCW 41.20.010 and 2012 c 117 s 20 are each amended to read as follows:

(1) The mayor or his or her designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three active or retired members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department and the retired law enforcement officers of each city of the first class shall elect three members to act as members of the board. Members shall be elected for three year terms. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member or retired member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members or retired members of the department, and nothing herein contained shall prevent any member or retired member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member and each retired member of the police department shall be entitled to vote at the election for one nominee as a member of the board. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his or her term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. Retired members who are subject to the jurisdiction of the board have both the right to elect and the right to be elected under this section. Ballots shall contain all names of those nominated, both active and retired. Notice of nomination and voting by retired members shall be conducted by the board.

(4) If no eligible active or retired members of the police department are willing or able to be elected to the board under subsection (3) of this section, then the following individuals may be elected to the board under subsection (3) of this section:

(a) Any active or retired law enforcement officers who reside within the jurisdiction served by the board. This includes active and retired law enforcement officers under this chapter and chapter 41.26 RCW;

(b) The widow or widower of a law enforcement officer subject to the jurisdiction of the board.

Sec. 6. RCW 41.26.030 and 2018 c 230 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member

to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, ~~((or))~~ district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, ~~((or))~~ public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer; and

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection((§)) (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

Sec. 7. RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are each reenacted and amended to read as follows:

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board authorized to be created in this section.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by those cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor; one active or retired firefighter employed by or retired from the city to be elected by the firefighters employed by or retired from the city who are subject to the jurisdiction of the board; one active or retired law enforcement officer employed by or retired from the city to be elected by the law enforcement officers employed by or retired from the city who are subject to the jurisdiction of the board; and one member from the public at large who resides within the city to be appointed by the other four members designated in this subsection. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from the city are eligible for election. Each of the elected members shall serve a two year term. If there are either no firefighters or law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers or firefighters eligible to vote. The members appointed pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firefighters' pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by firefighters or law enforcement officers as provided under the Washington law enforcement officers' and firefighters' retirement system act.

(b) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (a) of this subsection, then the following individuals may be elected to the board under (a) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(c) Each county shall establish a disability board having jurisdiction over all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be

appointed by the county legislative body; one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to (a) of this subsection to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board; one active firefighter or retired firefighter employed by or retired from an employer within the county to be elected by the firefighters employed or retired from an employer within the county ~~((who are not employed by or retired from a city in which a disability board is established and))~~ who are subject to the jurisdiction of that board; one law enforcement officer or retired law enforcement officer employed by or retired from an employer within the county to be elected by the law enforcement officers employed in or retired from an employer within the county ~~((who are not employed by or retired from a city in which a disability board is established and))~~ who are subject to the jurisdiction of that board; and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four members designated in this subsection. However, in counties with a population less than sixty thousand, the member of the disability board appointed by a majority of the mayors of the cities and towns within the county that do not contain a city disability board must be a resident of one of the cities and towns but need not be a member of a city or town legislative body. Only those active or retired firefighters and law enforcement officers who are subject to the jurisdiction of the board have the right to elect under this section. All firefighters and law enforcement officers employed by or retired from an employer within the county ~~((who are not employed by or retired from a city in which a disability board is established))~~ are eligible for election. All members appointed or elected pursuant to this subsection shall serve for two year terms. If there are no firefighters under the jurisdiction of the board eligible to vote, a second eligible employee representative shall be elected by the law enforcement officers eligible to vote. If there are no law enforcement officers under the jurisdiction of the board eligible to vote, a second eligible representative shall be elected by the firefighters eligible to vote.

(d) If no eligible active or retired firefighter or law enforcement officer is willing or able to be elected to the board under (c) of this subsection, then the following individuals may be elected to the board under (c) of this subsection:

(i) Any active or retired firefighter under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers under this chapter or chapter 41.20 RCW who resides within the jurisdiction served by the board;

(ii) The surviving spouse or domestic partner of a firefighter or law enforcement officer subject to the jurisdiction of the board.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but the members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter."

On page 1, line 2 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 41.16.010, 41.16.020, 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW 41.18.010 and 41.26.110."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2051.

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

MOTION

On motion of Senator Conway, the rules were suspended, House Bill No. 2051 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2051 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2051 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 2051, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2380, by Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba and Appleton

Changing the home care agency vendor rate and repealing electronic timekeeping.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 2380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2380.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2380 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 2380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Appropriations (originally sponsored by Chandler and Ormsby)

Concerning the higher education retirement plans.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

Sec. 2. RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420((3)) and ((28B.10.423)) this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420((3)) and ((28B.10.423)) this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

(4)(a) ~~((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

(b)) From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((c))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund

the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d))~~ (c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.00 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may ~~((=~~

~~((=~~ Adopt), by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature((=

~~((ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility)).~~

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

Sec. 3. RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement

system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

Sec. 4. RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((40))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((44))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

Sec. 5. RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system

plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

NEW SECTION. Sec. 6. A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education

retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

Sec. 7. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of

interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool

account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 8. This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1661.

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

MOTION

On motion of Senator Conway, the rules were suspended, Second Substitute House Bill No. 1661 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1661 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1661 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhirga, Ericksen, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SECOND SUBSTITUTE HOUSE BILL NO. 1661 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2926, by Representatives Maycumber, Blake, Kretz, MacEwen, Van Werven, Mosbrucker, Graham, Hoff, Griffey, Stokesbary, Chambers, Ybarra, Dent, Barkis, Gochner, Chandler, Kraft, Goodman, Lovick, Ortiz-Self, Senn, Gildon, Sells, Boehnke, Davis, Smith, Dye, Orwall, Eslick, Shewmake, Pollet, Riccelli and Harris

Expanding access to critical incident stress management programs.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall conduct outreach and coordinate with local law enforcement agencies, fire departments, and other first responder service providers for the purpose of expanding critical incident stress management programs to law enforcement personnel, firefighters, and other first responders statewide. The commission shall conduct an inventory of the current critical incident stress management programs in the state, including an assessment of underserved agencies and regions. The commission shall coordinate with law enforcement agencies, law enforcement organizations, community partners, fire departments, and other first response service organizations to provide greater access to critical incident stress management programs, including peer support group counselors under RCW 5.60.060, and may further assist agencies with establishing interagency and regional service agreements to facilitate expansion of these programs.

(2) The commission shall submit a preliminary report by July 1, 2021, and submit a final report, including a summary of the inventory and efforts to expand programs, by July 1, 2022, to the governor and the appropriate committees of the legislature.

(3) This section expires January 1, 2023."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 43.101 RCW; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2926.

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

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 2926 as amended by the Senate was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2926 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2926 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 2926, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2458, by Representatives Stonier, Sells, Dolan, Schmick, Boehnke, Bergquist, Vick, Pollet and Wylie

Concerning optional benefits offered by school districts.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.400.280 and 2018 c 260 s 29 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2)(a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must ~~((be outside))~~ not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740((46)) or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority. ~~((The school employees' benefits board shall review the optional benefits offered by districts and: (a) Determine if the optional~~

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

~~benefits conflict with school employees' benefits board's plans offering authority and, if not, (b) evaluate whether to seek additional benefit offerings authority from the legislature. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, and may include employee))~~

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in section 3(1) (a) through (i) of this act, offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts ((that can be liquidated by the employee on termination of employment)), including benefit plans authorized in RCW 28A.400.210(3).

((Optional benefit plans may be offered only if:

(a) Each full time employee, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

(b) For part-time employees, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.))

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education.

Sec. 2. RCW 28A.400.350 and 2019 c 411 s 6 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability

insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent,

and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized under RCW 28A.400.280. Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) In addition to the benefits offering authority under this chapter, the school employees' benefits board may study and, subject to the availability of funding, offer the following benefits:

- (a) Emergency transportation;
- (b) Identity protection;
- (c) Legal aid;
- (d) Long-term care insurance;
- (e) Noncommercial personal automobile insurance;
- (f) Personal homeowner's or renter's insurance;
- (g) Pet insurance;
- (h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit regulated by the office of the insurance commissioner;

(i) Travel insurance; and

(j) Voluntary employees' beneficiary association accounts.

(2) The health care authority, in consultation with the school employees' benefits board, shall review the optional benefits reported by school districts as required in RCW 28A.400.280 and determine if the optional benefits are in competition with benefits currently offered under either the authority's or the board's authorities. If a school district benefit offering is determined to be in competition with the benefits offered under either the authority's or the board's authorities, the health care authority must inform the school district of the benefits conflict and work with the school district, and the applicable carrier, to either modify and remove competing components of the district-based benefit or end the district-based offering. If a carrier is in the process of modifying benefits, including seeking any required regulatory approval, a school district may continue to offer the original benefit.

(3) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered pursuant to this section as an independent, noncoordinated benefit is not a health plan as defined in RCW 48.43.005."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.400.280

and 28A.400.350; and adding a new section to chapter 41.05 RCW."

MOTION

Senator Braun moved that the following floor amendment no. 1342 by Senator Braun be adopted:

On page 5, line 24 of the amendment, after "following" insert "employee-paid, voluntary"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1342 by Senator Braun on page 5, line 24 to the committee striking amendment.

The motion by Senator Braun carried and floor amendment no. 1342 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to House Bill No. 2458.

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

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2458 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2458 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2458 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frock, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Erickson

Excused: Senator Rivers

HOUSE BILL NO. 2458 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2587, by Representatives Ramel, Shewmake, Duerr, Stonier, Dufault, Doglio, Mead, Thai, Lekanoff, Fitzgibbon, Pollet, Leavitt and Davis

Establishing a program for the designation of state scenic bikeways.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79A.05 RCW to read as follows:

(1) In addition to its other powers, duties, and functions, the commission must establish a scenic bikeways program for the designation and promotion of bicycle routes of notable scenic, recreational, cultural, or historic value.

(2)(a) Any person may propose the designation of a scenic bikeway route by the commission. Prior to the designation of a scenic bike route by the commission, the commission must provide an opportunity for public comment.

(b) When proposing routes for commission approval, proponents are encouraged to:

(i) Consider the criteria under this section by which the commission will review and approve scenic bikeway designations, including the criteria specified in subsections (4) and (6) of this section; and

(ii) Locate routes in such a way as to encourage local economic development in proximity to designated scenic bikeways, including opportunities for bicycle repairs, food, lodging, camping, recreation, and other tourist activities.

(3)(a) Scenic bikeways may be comprised of bicycle paths, multiple-use trails, highways, or trail facilities managed by the commission.

(b)(i) Scenic bikeways may be located over public lands with the consent of each federal, state, or local governmental entity that has jurisdiction over the public lands or through which a proposed route passes.

(ii) Scenic bikeways may be located over privately owned lands with the consent of the private landowner.

(4) Prior to designating a scenic bikeway, the commission must review the proposed designation in consultation with the department of transportation and confirm the designated bicycle route:

(a) Is of notable scenic, recreational, cultural, or historic value, or some combination thereof;

(b) Is consented to as required under subsection (3) of this section; and

(c) To the extent feasible and consistent with the goals of this section:

(i) Is not located on heavily trafficked roads when less-trafficked roads are available as a suitable alternative;

(ii) Is not located on highways without shoulders or bike lanes when highways with shoulders or bike lanes are available as a suitable alternative;

(iii) Avoids complex intersections or other locations that would reduce the ease of use of the scenic bikeway by users;

(iv) Is colocated with locally developed bicycle-supportive infrastructure, including bike lanes, multiuse trails, greenways, or other designated bicycle routes; and

(v) Is designed to minimize adverse effects on adjacent landowners.

(5) Prior to designating a scenic bikeway, the commission must consult with a local government legislative authority if the scenic

bikeway will be located within the local government's jurisdiction.

(6) To the extent that funds available for the development of scenic bikeways limit the number of designated scenic bikeways that the commission is able to approve and implement each biennium, the commission must give priority to the designation and implementation of scenic bikeways that will add variety to the geographic location, topography, route length and difficulty, and cultural, historic, scenic, and recreational value of the statewide scenic bikeway system or that will complete existing bicycling networks.

(7) The commission must periodically review designated scenic bikeways to ensure that routes continue to meet the criteria of subsection (4) of this section. Upon review, the commission may alter the route or revoke the designation of a scenic bikeway.

(8)(a) In consultation with the department of transportation, the commission must develop signage to be placed along the routes of each designated scenic bikeway.

(b) On the commission's web site, the commission must promote the use of designated scenic bikeways.

(c) The commission may develop promotional materials, including maps or telecommunications applications for purposes of facilitating public use of designed scenic bikeways. Promotional materials created by the commission must indicate whether the bikeway is paved or gravel and any other conditions of the bikeway that affect the safety of users. Consistent with the standards of RCW 79A.05.087, the commission may encourage local economic development in proximity to designated scenic bikeways in the promotional materials by noting opportunities for bicycle repair, food, lodging, camping, recreation, and other tourist activities.

(d) The commission must evaluate each designated scenic bikeway to determine whether the bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles. If the commission determines that a designated scenic bikeway, or a portion thereof, is suitable for the use of electric bicycles and tricycles, the commission must allow their use on those bikeways or portions of bikeways.

(9) A recreational access pass issued under chapter 79A.80 RCW is not required in order to use a designated scenic bikeway, except that the access pass requirements of chapter 79A.80 RCW apply to motor vehicles used to park or operate on any portion of a scenic bikeway located on a recreational site or lands, as that term is defined in RCW 79A.80.010.

(10) The designation of a facility or roadway as a scenic bikeway by the commission does not change the liability of the commission or any other state or local government entity with respect to unintentional injury sustained by a user of a scenic bikeway. Nothing in this subsection applies or limits the applicability of the provisions of RCW 4.24.210 to roads or facilities designated as scenic bikeways.

(11) Nothing in this section authorizes the commission to acquire property or property rights solely for purposes of development of a scenic bikeway.

(12) The commission may enter into sponsorship agreements with nonprofit entities or private businesses or entities for sponsorship signs to be displayed on designated scenic bikeways or portions of designated scenic bikeways. The commission may establish the cost for entering into a sponsor agreement. Sponsorship agreements must comply with (a) through (d) of this subsection.

(a) Space for a sponsorship sign may be provided by the commission on a designated scenic bikeway.

(b) Signage erected pursuant to a sponsorship agreement must be consistent with criteria established by the commission relating to size, materials, colors, wording, and location.

(c) The nonprofit entity or private business or entity must pay all costs of a display, including development, construction, installation, operation, maintenance, and removal costs.

(d) Proceeds from the sponsorship agreements must be used to fund commission activities related to the scenic bikeways program. Any surplus funds resulting from sponsorship agreements must be deposited into the state parks renewal and stewardship account under RCW 79A.05.215.

(13) The commission may adopt rules to administer the scenic bikeways program."

On page 1, line 2 of the title, after "bikeways;" strike the remainder of the title and insert "and adding a new section to chapter 79A.05 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to House Bill No. 2587.

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

MOTION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 2587 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2587 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2587 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Schoesler and Wagoner

Excused: Senator Rivers

HOUSE BILL NO. 2587 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2555, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman)

Concerning background check requirements for firearms classified as other under federal firearms laws.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2555.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2555 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2622, by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff, Walen, Senn, Pollet and Davis)

Concerning procedures for ensuring compliance with court orders requiring surrender of firearms, weapons, and concealed pistol licenses.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.801 and 2019 c 245 s 2 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in his or her custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((Alternatively, if personal service is not required because the respondent was present at the hearing at which the order was entered, the))~~ The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within twenty-four hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender weapons under

RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in their custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide ~~((testimony to the court under oath verifying))~~ proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender weapons.

(f) The court may order a respondent found in contempt of the order to surrender weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

~~((8))~~ (9) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

Sec. 2. RCW 7.94.090 and 2017 c 3 s 10 (Initiative Measure No. 1491) are each amended to read as follows:

(1) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. The order must be personally served upon the respondent or defendant if the order is entered in open court in the presence of the respondent or defendant. The respondent or defendant shall acknowledge receipt and service. If the respondent or defendant refuses service, an agent of the court may indicate on the record that the respondent or defendant refused service. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. Alternatively, if personal service by a law enforcement officer is not possible, ~~((or not required because the respondent was present at the extreme risk protection order hearing.))~~ the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service ~~((or within forty-eight hours of the hearing at which the respondent was present)).~~

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(b) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the ~~((person subject to the order))~~ respondent has surrendered any firearms in ~~((his or her))~~ the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The court may dismiss the hearing upon a satisfactory showing that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8) All law enforcement agencies must develop policies and procedures by June 1, 2017, regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained."

On page 1, line 3 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 9.41.801 and 7.94.090."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 2622.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2622 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2622 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2622 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Froct, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2622, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2320, by House Committee on Consumer Protection & Business (originally sponsored by Leavitt, Van Werven, Orwall, Eslick, Barkis, Shewmake, Lovick, Harris, Sells, Kilduff, Tarleton, Fey, Irwin, Wylie, Doglio, Pellicciotti, Kloba and Riccelli)

Requiring training on human trafficking.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that human trafficking is a serious problem in the United States and in the state of Washington. Polaris project, the largest anti-human trafficking organization in the United States, hosts the national human trafficking hotline. Since the hotline's inception in 2007, over fifty thousand human trafficking cases have been discovered. In 2018, the hotline identified over twenty-three thousand survivors of human trafficking nationally. Human trafficking is an international problem that will continue to exploit the most vulnerable individuals in a community if proper training and identification support is not provided to the community at large.

(2) The legislature also recognizes that human trafficking is prevalent within hotels and motels across the country and in Washington. In 2018, eighty-one percent of the active sex trafficking cases in the United States involved a victim who was compelled to provide a commercial sexual act at a hotel. In 2017, forty-five percent of youth victims surveyed reported having been exploited in hotels. There is evidence to suggest that training can be an effective way of raising awareness about human trafficking. According to the Washington-based anti-trafficking group businesses ending slavery and trafficking, hoteliers who received human trafficking awareness training reported a significant increase in the likelihood that they would call law enforcement if they suspected trafficking.

(3) It is the intent of the legislature to work toward the goal of ridding hotels and other places of accommodation in Washington of human trafficking.

NEW SECTION. Sec. 2. A new section is added to chapter 70.62 RCW to read as follows:

(1) A transient accommodation shall provide annual training regarding human trafficking to each of its employees.

(2) Training must be provided to all employees no later than January 1, 2021, and to new employees no later than ninety days after they begin their employment.

(3) The training required under this section must include, at a minimum, the following:

(a) The definition of human trafficking and commercial exploitation of children, and the difference between sex trafficking and labor trafficking;

(b) Content that is culturally responsive;

(c) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking based on behaviors and traits of trafficking regardless of race, creed, color, national origin, sex, sexual orientation, or class;

(d) Guidance concerning the role of the employees in appropriately responding to suspected human trafficking; and

(e) The contact information of appropriate agencies, including a national human trafficking hotline telephone number and the telephone numbers of appropriate local law enforcement agencies.

(4) By January 1, 2021, every operator of a transient accommodation shall post in a location conspicuous to employees signage regarding human trafficking awareness, printed in an easily legible font in English and any other language spoken by at least ten percent of the employees.

(5) By January 1, 2021, every operator of a transient accommodation shall implement procedures for the voluntary reporting of suspected human trafficking to the national human trafficking hotline or to a local law enforcement agency, and a policy to act as a guide for all employees on human trafficking prevention.

(6) Contents of the training and copies of the signage must be made available for inspection, upon request by the department.

Sec. 3. RCW 70.62.260 and 2004 c 162 s 1 are each amended to read as follows:

(1)(a) No person shall operate a transient accommodation as defined in this chapter without having a valid license issued by the department. Applications for a transient accommodation license shall be filed with the department sixty days or more before initiating business as a transient accommodation. All licenses issued under the provisions of this chapter shall expire one year from the effective date.

(b) The department may not renew or issue a license to an applicant without first receiving written certification from the applicant that the human trafficking training requirements under section 2 of this act regarding training, signage, and procedures for reporting have been met.

(2) All applications for renewal of licenses shall be either: (a) Postmarked no later than midnight on the date the license expires; or (b) if personally presented to the department or sent by electronic means, received by the department by 5:00 p.m. on the date the license expires.

(3) A licensee that submits a license renewal application in accordance with this section and the rules and fee schedule adopted under this chapter shall be deemed to possess a valid license for the year following the expiration date of the expiring license, or until the department suspends or revokes the license pursuant to RCW 70.62.270.

(4) The license of a licensee that fails to submit a license renewal application in accordance with this section, and the rules and fee schedule adopted under this chapter, shall become invalid on the thirty-fifth day after the expiration date, unless the licensee shall have corrected any and all deficiencies in the renewal application and paid a penalty fee as established by rule by the department before the thirty-fifth day following the expiration date. An invalid license may be reinstated upon reapplication as an applicant for a new license under subsection (1) of this section.

(5) Each license shall be issued only for the premises and persons named in the application."

On page 1, line 1 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section."

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

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

MOTION

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

Senators Pedersen and Padden spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2320 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1552, by Representatives Dolan, Doglio, Fey, Senn, Appleton, Robinson, Ryu, Jenkins, Macri and Leavitt

Concerning health care provider credentialing by health carriers.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1344 by Senator Van De Wege be adopted:

On page 3, after line 10, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

(1) In order to protect patients and ensure that they benefit from seamless quality care when contracted providers are absent from their practices or when there is a temporary vacancy in a position while a hospital, rural health clinic, or rural provider is recruiting to meet patient demand, hospitals, rural health clinics, and rural providers may use substitute providers to provide services. Medicaid managed care organizations must allow for the use of substitute providers and provide payment consistent with the provisions in this section.

(2) Hospitals, rural health clinics, and rural providers that are contracted with a medicaid managed care organization may use substitute providers that are not contracted with a managed care organization when:

(a) A contracted provider is absent for a limited period of time due to vacation, illness, disability, continuing medical education, or other short-term absence; or

(b) A contracted hospital, rural health clinic, or rural provider is recruiting to fill an open position.

(3) For a substitute provider providing services under subsection (2)(a) of this section, a contracted hospital, rural health clinic, or rural provider may bill and receive payment for services at the contracted rate under its contract with the managed care organization for up to sixty days.

(4) To be eligible for reimbursement under this section for services provided on behalf of a contracted provider for greater than sixty days, a substitute provider must enroll in a medicaid managed care organization. Enrollment of a substitute provider in a medicaid managed care organization is effective on the later of:

(a) The date the substitute provider filed an enrollment application that was subsequently approved; or

(b) The date the substitute provider first began providing services at the hospital, rural health clinic, or rural provider.

(5) A substitute provider who enrolls with a medicaid managed care organization may not bill under subsection (4) of this section for any services billed to the medicaid managed care organization pursuant to subsection (3) of this section.

(6) Nothing in this section obligates a managed care organization to enroll any substitute provider who requests enrollment if they do not meet the organizations enrollment criteria.

(7) For purposes of this section:

(a) "Circumstances precluded enrollment" means that the provider has met all program requirements including state licensure during the thirty-day period before an application was submitted and no final adverse determination precluded enrollment. If a final adverse determination precluded enrollment during this thirty-day period, the contractor shall only establish an effective billing date the day after the date that the final adverse action was resolved, as long as it is not more than thirty days prior to the date on which the application was submitted.

(b) "Contracted provider" means a provider who is contracted with a medicaid managed care organization.

(c) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(d) "Rural health clinic" means a federally designated rural health clinic.

(e) "Rural provider" means physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW, who are located in a rural county as defined in RCW 82.14.370.

(f) "Substitute provider" includes physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, podiatric physicians and surgeons licensed under chapter 18.22 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physician assistants licensed under chapter 18.57A RCW, and advanced registered nurse practitioners licensed under chapter 18.79 RCW.

NEW SECTION. Sec. 4. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "48.43.750;", strike "and"

On page 1, line 3, after "RCW" insert "; adding a new section to chapter 74.09 RCW; and declaring an emergency"

Senators Randall and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1344 by Senator Van De Wege on page 3, after line 10 to Engrossed House Bill No. 1552.

The motion by Senator Randall carried and floor amendment no. 1344 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed House Bill No. 1552 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1552 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1552 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED HOUSE BILL NO. 1552, as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1154, by House Committee on Capital Budget (originally sponsored by DeBolt)

Concerning the financing of Chehalis basin flood damage reduction and habitat restoration projects.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the office of the Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule, submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus capital appropriations act, with a report of out-biennia detail, containing:

- (1) A specific list of projects;
- (2) Project costs and suggested fund sources;
- (3) Location information; and
- (4) A time frame, including initiation and completion.

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

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 43.21A RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1154.

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

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1154 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1154 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1154 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 1154, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1847, by House Committee on Local Government (originally sponsored by Pellicciotti, Orwall, Gregerson, Reeves and Santos)

Addressing aircraft noise abatement.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 1847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1847.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1847 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, King, Padden, Sheldon, Short, Wagoner, Walsh, Warnick and Wilson, L.

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 1847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2545, by Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby

Making jail records available to managed health care systems.

The measure was read the second time.

MOTION

Senator Darneille moved that the following striking floor amendment no. 1338 by Senators Darneille and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.48.100 and 2016 c 154 s 6 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsections (3) and (4) of this section, the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes;

(f) To federal, state, or local agencies to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veterans' services, and to allow for the provision of treatment to inmates during their stay or after release. Records disclosed for eligibility determination or treatment services must be held in confidence by the receiving agency, and the receiving agency must comply with all relevant state and federal statutes regarding the privacy of the disclosed records; or

(g) Upon the written permission of the person.

(3) The records of a person confined in jail may be made available to a managed health care system, including managed care organizations and behavioral health administrative services organizations as defined in RCW 71.24.025, for the purpose of care coordination activities. The receiving system or organization must hold records in confidence and comply with all relevant state and federal statutes regarding privacy of disclosed records.

(4)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

((4)) (5) Any jail that provides inmate records in accordance with subsection (2) or (3) of this section is not responsible for any unlawful secondary dissemination of the provided inmate records.

(6) For purposes of this section:

(a) "Managed care organization" and "behavioral health administrative services organization" have the same meaning as in RCW 71.24.025.

(b) "Managed health care system" has the same meaning as in RCW 74.09.522."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 70.48.100."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1338 by Senators Darneille and O'Ban to House Bill No. 2545.

The motion by Senator Darneille carried and striking floor amendment no. 1338 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 2545 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2545 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2545 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 2545 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2250, by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Fitzgibbon, Lekanoff and Tharinger)

Concerning coastal crab derelict gear recovery.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2250.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2250 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, by House Committee on Transportation (originally sponsored by Kloba, Boehnke and Hudgins)

Establishing minimum requirements for the testing of autonomous vehicles.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.30 RCW to read as follows:

(1) No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program unless:

(a) The entity holds an umbrella liability insurance policy that covers the entity in an amount not less than five million dollars per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous motor vehicle for which information is provided under the autonomous vehicle self-certification testing pilot program; and

(b) The entity maintains proof of this policy with the department in a form and manner specified by the department.

(2) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

NEW SECTION. Sec. 2. (1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle:

(a) Contact information specified by the department;

(b) Local jurisdictions where testing is planned;

(c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and

(d) Proof of an insurance policy that meets the requirements of section 1 of this act.

(2) Any autonomous motor vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

(3)(a) The self-certifying entity testing the autonomous motor vehicle on any public roadway must notify the department of:

(i) Any collisions that are required to be reported to law enforcement under RCW 46.52.030, involving an autonomous motor vehicle that originate from the operation of the autonomous motor vehicle with the automated driving system engaged on any public roadway; and

(ii) Any moving violations, as defined in administrative rule as authorized under RCW 46.20.2891, involving an autonomous motor vehicle that originate from the operation of the autonomous motor vehicle with the automated driving system engaged on any public roadway.

(b) By February 1st of each year, the self-certifying entity must submit a report to the department covering reportable events from the prior calendar year.

(c) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at the time of or immediately prior to the collision or moving violation, and in the case of a collision, details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.

(d) The provisions of this section are supplemental to all other rights and duties under law applicable in the event of a motor vehicle collision.

(4) The self-certifying entity testing the autonomous motor vehicle on public roadways under the department's autonomous vehicle self-certification testing pilot program must provide written notice in advance of testing to local and state law

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

enforcement agencies with jurisdiction over any of the public roadways on which testing will occur that includes the expected period of time during which testing will occur in the applicable jurisdictions, including city police departments within city limits where testing will occur, county sheriff departments outside of city limits in counties where testing will occur, and the Washington state patrol when testing will occur on limited access highways, as defined in RCW 47.52.010. However, for testing primarily on limited access highways that travels through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity must only provide written notice as specified in this subsection to the Washington state patrol. Written notice provided under this subsection must include the physical description of the motor vehicle or vehicles being tested.

(5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.

(6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of the legislature summarizing the information reported by self-certifying entities under this section.

(7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.

NEW SECTION. Sec. 3. Section 2 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. Sec. 4. Section 2 of this act takes effect October 1, 2021."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Das and without objection, floor amendment no. 1323 by Senator Das on page 2, line 12 to the committee striking amendment was withdrawn.

MOTION

Senator Das moved that the following floor amendment no. 1345 by Senator Das be adopted:

On page 2, line 12 of the amendment, after "vehicle", strike all material through "engaged" on line 13 and insert "during testing"

On page 2, line 16 of the amendment, after "RCW 46.20.2891," insert "for which a citation or infraction was issued,"

On page 2, line 17 of the amendment, after "vehicle", strike all material through "engaged" on line 18 and insert "during testing"

On page 3, line 9 of the amendment, after "must" strike "include" and insert the following:

": (a) Be provided not less than fourteen and not more than sixty days in advance of testing; (b) Include contact information where the law enforcement agency can communicate with the self-certifying entity testing the autonomous vehicle regarding the testing planned in that jurisdiction; and (c) Provide"

On page 3, line 10 of the amendment, after "tested" insert ", including make, model, color and license plate number"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1345 by Senator Das on page 2, line 12 to committee striking amendment.

The motion by Senator Das carried and floor amendment no. 1345 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 2676.

The motion by Senator Hobbs carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2676 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2676 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2676 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2464, by House Committee on Health Care & Wellness (originally sponsored by Gildon and Young)

Protecting patients from excess prescription medication charges.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Beginning January 1, 2021, the maximum amount a health carrier or pharmacy benefit manager may require a person to pay at the point of sale for a covered prescription medication is the lesser of:

(a) The applicable cost sharing for the prescription medication; or

(b) The amount the person would pay for the prescription medication if the person purchased the prescription medication without using a health plan.

(2) A health carrier or pharmacy benefit manager may not require a pharmacist to dispense a brand name prescription medication when a less expensive therapeutically equivalent generic prescription medication is available.

(3) For purposes of this section, "pharmacy benefit manager" has the same meaning as in RCW 19.340.010."

On page 1, line 2 of the title, after "medications;" strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 2464.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2464 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2464 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2464 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2464 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2338, by House Committee on Health Care & Wellness (originally sponsored by Macri, Thai, Wylie, Doglio, Cody and Pollet)

Prohibiting discrimination in health care coverage.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senators O'Ban and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2338.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2338 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule No. 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced House Bill No. 1841 to be before the Senate and the measure was immediately considered.

SECOND READING

HOUSE BILL NO. 1841, by Representatives Riccelli, Chandler, Blake, Boehnke, Macri, Eslick, Santos, Young, Ryu, Jenkin, Sells, Stokesbary, Senn, Griffey, Harris, Stonier, Morgan, Walsh, Gregerson, Lovick, Fey, Volz, Wylie, Hoff, Ramos, Chambers, Stanford, McCaslin, Fitzgibbon, Van Werven, Peterson, MacEwen, Dent, Graham, Hudgins, Valdez, Pollet, Ortiz-Self, Ybarra, Walen, Ormsby, Dolan, Frame, Cody, Jinkins, Tarleton, Appleton, Bergquist, Callan, Chapman, Pellicciotti, Shewmake, Kilduff, Lekanoff, Davis, Pettigrew, Doglio and Entenman

Establishing minimum crew size on certain trains.

The measure was read the second time.

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

MOTION

At 4:57 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 5:07 p.m. by President Habib.

The Senate resumed consideration of House Bill No 1841.

SECOND READING

HOUSE BILL NO. 1841, by Representatives Riccelli, Chandler, Blake, Boehnke, Macri, Eslick, Santos, Young, Ryu, Jenkin, Sells, Stokesbary, Senn, Griffey, Harris, Stonier, Morgan, Walsh, Gregerson, Lovick, Fey, Volz, Wylie, Hoff, Ramos, Chambers, Stanford, McCaslin, Fitzgibbon, Van Werven, Peterson, MacEwen, Dent, Graham, Hudgins, Valdez, Pollet, Ortiz-Self, Ybarra, Walen, Ormsby, Dolan, Frame, Cody, Jinkins, Tarleton, Appleton, Bergquist, Callan, Chapman, Pellicciotti, Shewmake, Kilduff, Lekanoff, Davis, Pettigrew, Doglio and Entenman

Establishing minimum crew size on certain trains.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Labor & Commerce be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the increasing transportation of hazardous and volatile materials on the railroads operating within our state, as well as significantly longer trains operating over the unique and widely varying geographical terrain existing in our state coupled with decreasing train crew size, creates a significant safety hazard to the public, railroad employees, and the environment. Adequate personnel are critical to ensuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities, as well as in the interest of the safety of passengers and the general public. Therefore, the legislature declares that this act regulating minimum railroad employee staffing to reduce risk to localities constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive and/or pristine lands and waterways.

NEW SECTION. Sec. 2. A new section is added to chapter 81.40 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class III" means a railroad carrier designated as a class III railroad by the United States surface transportation board and is owned and operated by entities whose combined total railroad operational ownership and controlling interest meets the United States surface transportation board designation as a class III railroad carrier.

(2) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(3) "Crewmember" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(4) "Hazardous material" means spent nuclear fuel, high-level nuclear waste, class 1 substances or materials with a mass explosion hazard, class 2 flammable gases, or class 3 flammable liquids, as defined in the hazardous materials regulations of the United States department of transportation in 49 C.F.R. Sec. 174.310 as of the effective date of this section.

(5) "Hazardous material train" means:

(a) Any train carrying any combination of twenty or more carloads of class 2 flammable gases and class 3 flammable liquids, as defined by the United States department of transportation in 49 C.F.R. Part 173 as of the effective date of this section;

(b) Any train with one or more carloads of class 1 explosive materials with a mass explosion hazard, class 7 spent nuclear fuel, or high-level nuclear waste, as defined by the United States department of transportation in 49 C.F.R. Sec. 174.310 as of the effective date of this section; or

(c) Any high-hazard flammable train as defined by the United States department of transportation in 49 C.F.R. Sec. 174.310 as of the effective date of this section.

(6) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes any officers and agents of the railroad carrier.

NEW SECTION. Sec. 3. A new section is added to chapter 81.40 RCW to read as follows:

Except as provided in section 4 of this act, the following minimum employee requirements apply:

(1) Any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate and manage all trains and switching assignments over its road with crews consisting of no less than two crewmembers.

(2) Railroad carriers shall operate all hazardous material trains over its road with crews consisting of no less than two crewmembers as ordered by the commission.

NEW SECTION. Sec. 4. A new section is added to chapter 81.40 RCW to read as follows:

(1) Trains transporting hazardous material shipments a distance of five miles or less may operate the train with the required crew members positioned on the lead locomotive.

(2) Class III carriers transporting fewer than twenty loaded hazardous material cars on trains operating on their road while at a speed of twenty-five miles per hour or less are not required to maintain additional train crewmembers specified in section 3(2) of this act. The commission may grant waivers to the minimum crew size requirements specified in section 3(1) of this act to:

(a) Class III railroad carriers exclusively transporting agricultural commodities;

(b) Class III railroad carriers having not more than nine employees that do not transport loaded railcars containing dangerous commodities on their road; or

(c) Class III railroad carriers meeting conditions consistent with the intent of this section as ordered by the commission. Waivers must be issued for a specific period of time and subject to regular review by the commission.

(3)(a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the

public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety.

NEW SECTION. Sec. 5. A new section is added to chapter 81.40 RCW to read as follows:

(1) Each train or engine run in violation of section 3 of this act constitutes a separate offense. However, section 3 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(2) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 3 of this act may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(3) The commission may impose fines exceeding the provisions in subsection (2) of this section when a serious injury or fatality occurs involving a carrier's violation of this act. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(4) It is the duty of the commission to enforce this section.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "trains;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Labor & Commerce to House Bill No. 1841.

The motion by Senator Kuderer carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following striking floor amendment no. 1244 by Senator Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that adequate personnel are critical to ensuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities, as well as in the interest of the safety of passengers and the general public. Therefore, the legislature declares that this act regulating minimum railroad employee staffing to reduce risk to localities constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive and/or pristine lands and waterways.

NEW SECTION. Sec. 2. A new section is added to chapter 81.40 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class I" means a railroad carrier designated as a class I railroad by the United States surface transportation board and its subsidiaries or is owned and operated by entities whose combined total railroad operational ownership and controlling interest meets the United States surface transportation board designation as a class I railroad carrier.

(2) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(3) "Crewmember" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(4) "Other railroad carrier" means a railroad carrier that is not a class I carrier.

(5) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes any officers and agents of the railroad carrier.

NEW SECTION. Sec. 3. A new section is added to chapter 81.40 RCW to read as follows:

Except as provided in section 4 of this act, any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate and manage all trains and switching assignments over its road with crews consisting of no less than two crewmembers.

NEW SECTION. Sec. 4. A new section is added to chapter 81.40 RCW to read as follows:

(1) The commission may grant waivers to the minimum crew size requirements specified in section 3 of this act to:

(a) Other railroad carriers exclusively transporting agricultural commodities;

(b) Other railroad carriers having not more than nine employees that do not transport loaded railcars containing dangerous commodities on their road; or

FIFTY FOURTH DAY, MARCH 6, 2020

2020 REGULAR SESSION

(c) Other railroad carriers meeting conditions consistent with the intent of this section as ordered by the commission.

(2) Waivers must be issued for a specific period of time and subject to regular review by the commission.

(3) The commission must act to ensure that railroad carriers supplement trains entering Washington state with the requisite number of train crewmembers pursuant to this act, at the closest regular station stop or crew change point located in proximity to and adjacent with either side of the state border, having been established and in use by the carrier on January 1, 2020.

(4)(a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety.

NEW SECTION. Sec. 5. A new section is added to chapter 81.40 RCW to read as follows:

(1) Pursuant to the enforcement of the provisions of this act, the highest priority and paramount obligation of the commission must be its duty to ensure the safety and protection of the public, passengers, railroad employees, communities, environment, and areas of cultural significance in the furtherance of the highest degree of safety in railroad transportation.

(2) Each train or engine run in violation of section 3 of this act constitutes a separate offense. However, section 3 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(3) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 3 of this act may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(4) The commission may impose fines exceeding the provisions in subsection (3) of this section when a serious injury or fatality occurs involving a carrier's violation of this act. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(5) It is the duty of the commission to enforce this section.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1)RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2)RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person, entity, or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "trains;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency."

MOTION

Senator King moved that the following floor amendment no. 1347 by Senators King and Keiser be adopted:

On page 1, line 24, after "(2)" insert "Class III" means a railroad carrier designated as a class III railroad by the United States surface transportation board.

(3)"

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

On page 2, at the beginning of line 8, insert "(1)"

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

"(2) Class III railroad carriers operating on their roads while at a speed of twenty-five miles per hour or less are exempt from subsection (1) of this section."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1347 by Senators King and Keiser on page 1, line 24 to striking floor amendment no. 1244.

The motion by Senator King carried and floor amendment no. 1347 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1348 by Senator King be adopted:

On page 2, beginning on line 17, strike all of subsections (1) and (2) and insert the following:

"(1) On the effective date of this section, automatic waivers to the train crew size requirement in section 3 of this act shall be granted to other railroad carriers.

(2) Such automatic waivers will remain in effect until ordered by the commission."

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

Senators Keiser and Stanford spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1348 by Senator King on page 2, line 17 to striking floor amendment no. 1244.

The motion by Senator King carried and floor amendment no. 1348 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1244 by Senator Kuderer as amended to House Bill No. 1841.

The motion by Senator Kuderer carried and striking floor amendment no. 1244 as amended was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1841 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Conway, Stanford, Keiser, Hobbs and Lovelett spoke in favor of passage of the bill.

Senators Schoesler, Holy, Ericksen, Becker and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1841 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1841 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Honeyford, King, Muzzall, O'Ban, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

HOUSE BILL NO. 1841 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentlemen, I want to ask Senator Lynda Wilson to please stand. Guess what? Guess who has a birthday? And she spent it with us getting cutoff with the rest of us on this Friday afternoon. Please join me in congratulating Lynda Wilson on her birthday."

The Senate rose and applauded the anniversary of the birth of Senator Lynda Wilson, performing a rendition of "Happy Birthday."

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261,
HOUSE BILL NO. 1347,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
SECOND SUBSTITUTE HOUSE BILL NO. 1651,

THIRD SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 2017,
SECOND SUBSTITUTE HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265,
SUBSTITUTE HOUSE BILL NO. 2295,
SUBSTITUTE HOUSE BILL NO. 2417,
SUBSTITUTE HOUSE BILL NO. 2448,
SUBSTITUTE HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2525,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551,
SUBSTITUTE HOUSE BILL NO. 2567,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576,
HOUSE BILL NO. 2602,
SUBSTITUTE HOUSE BILL NO. 2613,
SUBSTITUTE HOUSE BILL NO. 2614,
HOUSE BILL NO. 2617,
HOUSE BILL NO. 2619,
SUBSTITUTE HOUSE BILL NO. 2673,
ENGROSSED HOUSE BILL NO. 2755,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783,
HOUSE BILL NO. 2837,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias announced a brief meeting of the Committee on Rules at the bar of the senate immediately upon adjournment.

At 5:44 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Saturday, March 7, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, March 7, 2020

The Senate was called to order at 9:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Interns Mr. Cory Christopherson and Miss Bre Hayden, presented the Colors. Intern Mr. Cory Christopherson led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Mike Padden of 4th Legislative District, Spokane.

MOTION

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

MOTION

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

MOTION

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION

8708

By Senators Pedersen, Das, Braun, Wagoner, Kuderer, Fortunato, Nguyen, Hunt, Takko, Salomon, Sheldon, Hasegawa, Conway, Randall, Carlyle, Wilson, C., Short, McCoy, Rolfes, Becker, Frockt, Darneille, Stanford, Keiser, Lovelett, Van De Wege, Honeyford, King, O'Ban, Padden, Schoesler, Hawkins, Rivers, Cleveland, Hobbs, Dhingra, Saldaña, Mullet, Liias, Walsh, Warnick, Wilson, L., Holy, Ericksen, Zeiger, Muzzall, Billig, Wellman, and Brown

WHEREAS, James R. Ellis, distinguished attorney, committed civic activist, and beloved family man, passed away following a lifetime of dedicated public service; and

WHEREAS, Historylink.org reports that "James R. Ellis never held public office . . . yet, as a citizen activist for more than half a century, he left a bigger footprint on Seattle and King County than perhaps any other single individual"; and

WHEREAS, Before embarking on a career as a community leader and lawyer, Mr. Ellis graduated from Franklin High School in Seattle and Yale University, served in the Army Air Corps during World War II, and resolved to honor the life of his brother Bob, who was killed in the war, by improving the lives of others; and

WHEREAS, Following graduation from the University of Washington School of Law, Mr. Ellis joined the Seattle law firm of Preston, Thorgrimson & Horowitz and developed his specialty and expertise in municipal bonds; and

WHEREAS, Mr. Ellis married the love of his life, Mary Lou, and together raised four children at their home on the shores of Lake Washington, enjoying the magnificent outdoors of the Pacific Northwest; and

WHEREAS, Mr. Ellis, thanks to his tireless advocacy for a new form of regional government to address local problems, became instrumental in the formation of the Municipality of Metropolitan Seattle, responsible for the cleanup of Lake Washington and creation of an innovative countywide transit system; and

WHEREAS, In recognition of his involvement in cleaning up Lake Washington, Mr. Ellis was appointed to the National Water Commission and was offered the position of the first director of the Environmental Protection Agency, eventually declining in the belief he could do more good staying in Washington; and

WHEREAS, Mr. Ellis's unwavering efforts led to the establishment of The Mountains to Sound Greenway Trust, responsible for creating the permanent greenway, stretching from the Puget Sound to the Kittitas foothills along the I-90 corridor; and

WHEREAS, Mr. Ellis shaped the lives of the people of Washington by improving public infrastructure, parks, trails, and the accessibility of resources to the public and underserved through his roles as leader of Forward Thrust, trustee of the Ford Foundation, regent for the University of Washington, and first chairman of the Washington State Convention Center;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its deepest condolences to the family, friends, colleagues, and others whose lives were improved by the public service of James Reed Ellis, and acknowledge his invaluable contributions to the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of James R. Ellis.

Senators Pedersen, Braun, Carlyle and Wellman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family and friends of Mr. James R. Ellis including: Mrs. Lynn and Mr. Mark Erickson and their family and Mr. Bob and Mrs. Jean Ellis and their family who were seated in the gallery.

MOTION

At 9:28 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 10:56 a.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5197,
 SECOND SUBSTITUTE SENATE BILL NO. 5572,
 SUBSTITUTE SENATE BILL NO. 5976,
 SENATE BILL NO. 6045,
 SUBSTITUTE SENATE BILL NO. 6058,
 SENATE BILL NO. 6066,
 SUBSTITUTE SENATE BILL NO. 6074,
 SUBSTITUTE SENATE BILL NO. 6084,
 SUBSTITUTE SENATE BILL NO. 6086,
 SUBSTITUTE SENATE BILL NO. 6091,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
 SENATE BILL NO. 6123,
 SUBSTITUTE SENATE BILL NO. 6135,
 SENATE BILL NO. 6212,
 SENATE BILL NO. 6236,
 SUBSTITUTE SENATE BILL NO. 6319,
 SENATE BILL NO. 6357,
 SUBSTITUTE SENATE BILL NO. 6415,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6419,
 SENATE BILL NO. 6430,
 SUBSTITUTE SENATE BILL NO. 6499,
 SENATE BILL NO. 6567,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
 and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dhingra moved that George Hackney, Senate Gubernatorial Appointment No. 9291, be confirmed as a member of the Human Rights Commission.

Senator Dhingra spoke in favor of the motion.

MOTIONS

On motion of Senator Rivers, Senators Schoesler and Sheldon were excused.

On motion of Senator Wilson, C., Senators Das, Frockt and Rolfes were excused.

APPOINTMENT OF GEORGE HACKNEY

The President declared the question before the Senate to be the confirmation of George Hackney, Senate Gubernatorial Appointment No. 9291, as a member of the Human Rights Commission.

The Secretary called the roll on the confirmation of George Hackney, Senate Gubernatorial Appointment No. 9291, as a member of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Hasegawa

Excused: Senators Frockt, Rolfes and Schoesler

George Hackney, Senate Gubernatorial Appointment No. 9291, having received the constitutional majority was declared confirmed as a member of the Human Rights Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Grace Huang, Senate Gubernatorial Appointment No. 9300, be confirmed as a member of the Washington State Women.

APPOINTMENT OF GRACE HUANG

The President declared the question before the Senate to be the confirmation of Grace Huang, Senate Gubernatorial Appointment No. 9300, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Grace Huang, Senate Gubernatorial Appointment No. 9300, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Erickson

Excused: Senators Frockt, Rolfes and Schoesler

Grace Huang, Senate Gubernatorial Appointment No. 9300, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Bill Kallappa, Senate Gubernatorial Appointment No. 9277, be confirmed as a member of the State Board of Education.

Senator Wellman spoke in favor of the motion.

APPOINTMENT OF BILL KALLAPPA

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Bill Kallappa, Senate Gubernatorial Appointment No. 9277, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Bill Kallappa, Senate Gubernatorial Appointment No. 9277, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senators Frockt, Rolfes and Schoesler

Bill Kallappa, Senate Gubernatorial Appointment No. 9277, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Billig moved that James Murphy, Senate Gubernatorial Appointment No. 9223, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senators Billig, Holy and Padden spoke in favor of passage of the motion.

MOTION

On motion of Senator King, Senator Ericksen was excused.

APPOINTMENT OF JAMES MURPHY

The President declared the question before the Senate to be the confirmation of James Murphy, Senate Gubernatorial Appointment No. 9223, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of James Murphy, Senate Gubernatorial Appointment No. 9223, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Frockt

James Murphy, Senate Gubernatorial Appointment No. 9223, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Vicki Wilson, Senate Gubernatorial Appointment No. 9225, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF VICKI WILSON

The President declared the question before the Senate to be the confirmation of Vicki Wilson, Senate Gubernatorial Appointment No. 9225, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Vicki Wilson, Senate Gubernatorial Appointment No. 9225, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Frockt

Vicki Wilson, Senate Gubernatorial Appointment No. 9225, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Transportation (originally sponsored by Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton)

Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.63.170 and 2015 3rd sp.s. c 44 s 406 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) ~~((The))~~ Except for proposed locations used solely for the pilot program purposes permitted under subsection (6) of this section, the appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; ~~((or))~~ speed violations subject to (c) of this subsection; or violations included in subsection (6) of this section for the duration of the pilot program authorized under subsection (6) of this section. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection and subsection (6) of this section, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

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

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection

and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

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

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). ~~((The))~~ Except as provided otherwise in subsection (6) of this section, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

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

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

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

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

(5)(a) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(b) For the purposes of the pilot program authorized under subsection (6) of this section, "automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. The device, including all technology defined under "automated traffic safety camera," must not reveal the face of the driver or the passengers in vehicles, and must not use any facial recognition technology in real time or after capturing any information. If the face of any individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public nor used for any purpose including, but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under this section.

(6) ~~((During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.))~~ (a)(i) A city with a population greater than five hundred thousand may adopt an ordinance creating a pilot program authorizing automated traffic safety cameras to be used to detect one or more of the following violations: Stopping when traffic obstructed violations; stopping at intersection or crosswalk violations; public transportation only lane violations; and stopping or traveling in restricted lane violations. Under the pilot program, stopping at intersection or crosswalk violations may only be enforced at the twenty intersections where the city would most like to address safety concerns related to stopping at intersection or crosswalk violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage.

(ii) Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this section apply to the use of automated traffic safety cameras in the pilot program established in this subsection (6).

(iii) As used in this subsection (6), "public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on

behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the meaning provided in RCW 9.91.025.

(b) Use of automated traffic safety cameras as authorized in this subsection (6) is restricted to the following locations only: Locations authorized in subsection (1)(b) of this section; and midblock on arterials. Additionally, the use of automated traffic safety cameras as authorized in this subsection (6) is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(c) However, automated traffic safety cameras may not be used on an on-ramp to an interstate.

(d) From the effective date of this section through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). Beginning January 1, 2021, a notice of infraction must be issued, in a manner consistent with subsections (1)(e) and (3) of this section, for a violation generated through the use of an automated traffic safety camera authorized in this subsection (6). However, the penalty for the violation may not exceed seventy-five dollars.

(e) For infractions issued as authorized in this subsection (6), a city with a pilot program shall remit monthly to the state fifty percent of the noninterest money received under this subsection (6) in excess of the cost to install, operate, and maintain the automated traffic safety cameras for use in the pilot program. Money remitted under this subsection to the state treasurer shall be deposited in the Cooper Jones active transportation safety account created in section 2 of this act. The remaining fifty percent retained by the city must be used only for improvements to transportation that support equitable access and mobility for persons with disabilities.

(f) A transit authority may not take disciplinary action, regarding a warning or infraction issued pursuant to this subsection (6), against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

(g) A city that implements a pilot program under this subsection (6) must provide a preliminary report to the transportation committees of the legislature by June 30, 2022, and a final report by January 1, 2023, on the pilot program that includes the locations chosen for the automated traffic safety cameras used in the pilot program, the number of warnings and traffic infractions issued under the pilot program, the number of traffic infractions issued with respect to vehicles registered outside of the county in which the city is located, the infrastructure improvements made using the penalty moneys as required under (e) of this subsection, an equity analysis that

includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior of the use of automated traffic safety cameras in the pilot program, and any recommendations on the use of automated traffic safety cameras to enforce the violations that these cameras were authorized to detect under the pilot program.

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under RCW 46.63.170(6)(e) shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2023."

On page 1, line 3 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 46.63.170; adding a new section to chapter 46.68 RCW; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1793.

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

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 1793 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senators King, Honeyford and Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1793 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1793 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko and Wilson, C.

Voting nay: Senators Becker, Braun, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2787, by House Committee on Human Services & Early Learning (originally sponsored by Callan, Harris, Eslick, Senn, Stonier, Santos, Tharinger and Pollet)

Completing the transfer of the early support for infants and toddlers program from the office of the superintendent of public instruction to the department of children, youth, and families.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2787.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2787 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Holy and Honeyford

SUBSTITUTE HOUSE BILL NO. 2787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1948, by Representatives Entenman, Stokesbary, Sullivan, Senn, Chambers, Ramos, Callan and Graham

Supporting warehousing and manufacturing job centers.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that changes in sales tax sourcing laws created a significant negative fiscal impact on communities with a concentration of warehousing, manufacturing, and shipping. These communities are vital job centers to our state economy. Furthermore, the

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

infrastructure demands to support these industries are significant. The legislature hereby creates the warehousing and manufacturing job center assistance program to provide these communities with revenue to mitigate for the negative fiscal impact of changes in sales tax sourcing laws, and fund important infrastructure to maintain these key job centers.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title, the state treasurer, on July 1, 2020, and each July 1st thereafter through July 1, 2026, must transfer into the manufacturing and warehousing job centers account from the general fund the sum required to mitigate actual net losses as determined under this section.

(2) The department must determine each qualified local taxing jurisdiction's annual loss. The department must determine annual losses by comparing at least twelve months of data from tax return information and tax collections for each qualified local taxing jurisdiction before and after July 1, 2008. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made from the manufacturing and warehousing job centers account by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing jurisdiction, for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing one-fourth of the jurisdiction's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each local taxing jurisdiction from part II of chapter 28, Laws of 2017 3rd sp. sess. as estimated by the department in RCW 82.14.500(6).

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least one hundred fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under this title, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(4) This section expires January 1, 2026.

NEW SECTION. Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:

The manufacturing and warehousing job centers account is created in the state treasury. All receipts from section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account

may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and section 502, chapter 6, Laws of 2007."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1948.

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

MOTION

On motion of Senator Das, the rules were suspended, Engrossed House Bill No. 1948 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das, Fortunato and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1948 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1948 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Carlyle, Ericksen, Frock, Honeyford, Pedersen and Wilson, L.

ENGROSSED HOUSE BILL NO. 1948, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1293, by House Committee on Appropriations (originally sponsored by Tharinger, Blake, Kretz and Mosbrucker)

Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1293 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1293.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, by House Committee on Environment & Energy (originally sponsored by Smith, Eslick and Pollet)

Concerning the photovoltaic module stewardship and takeback program.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.355.010 and 2017 3rd sp.s. c 36 s 12 are each amended to read as follows:

(1) ~~((Findings.))~~ The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) ~~((Definitions. For purposes of this section the following definitions apply.))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

(b) "Department" means the department of ecology.

(c) "Distributor" means a person who markets and sells photovoltaic modules to retailers in Washington.

(d) "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

(e) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a photovoltaic module under its own brand names for use or sale in or into this state;

(ii) Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a photovoltaic module into the United States that is used or sold in or into this state. However, if the imported photovoltaic module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under ~~((e))~~ (e)(i) through ~~((f))~~ (vi) of this subsection, that person is the manufacturer;

(vi) Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under ~~((f))~~ (e)(i) through (vi) of this subsection.

~~((f))~~ (f) "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(i) Are installed on, connected to, or integral with buildings;
~~((g))~~

(ii) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(iii) Are part of a system connected to the grid or utility service.

~~((h))~~ (g) "Predecessor" means an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. "Predecessor" does not include entities from which a manufacturer purchased only manufacturing equipment.

(h) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

~~((i))~~ (i) "Reuse" means any operation by which a photovoltaic module or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

~~((j))~~ (j) "Retailer" means a person who offers photovoltaic modules for retail sale in the state through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or internet sales.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(k) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

~~((h))~~ (l) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

(3) ~~((Program guidance, review, and approval.))~~ The department must develop guidance for a photovoltaic module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2018, the department must establish a process to develop guidance for photovoltaic module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by July 1, 2019.

(4) ~~((Stewardship organization as agent of manufacturer.))~~ A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

(5) ~~((Stewardship plans.))~~ Each manufacturer must prepare and submit a stewardship plan to the department by the later of ~~((January 1, 2020))~~ July 1, 2022, or within thirty days of its first sale of a photovoltaic module in or into the state.

(a) A stewardship plan must, at a minimum:

(i) Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all of their photovoltaic modules sold in or into the state after July 1, 2017;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which ~~((the))~~ their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate must be no less than eighty-five percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

(6) ~~((Plan approval.))~~ The department must approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

(7) ~~((Annual report.))~~ (a) Beginning April 1, ~~((2022))~~ 2024, and by April 1st in each subsequent year, a manufacturer, or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible web site.

(8) ~~((Enforcement.))~~ Beginning ~~((January 1, 2021))~~ July 1, 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department must send a written warning to a manufacturer that is not participating in a plan. The written warning must inform the manufacturer that it must submit a plan or participate in a plan within thirty days of the notice. The department may assess a penalty of up to ten thousand dollars upon a manufacturer for each sale that occurs in or into the state of a photovoltaic module ((in or into the state that occurs)) for which a stewardship plan has not been submitted by the manufacturer and approved by the department after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston county within one hundred eighty days of receipt of the notice.

(b) The department must send a written warning to a distributor, retailer, or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the department within thirty days of the notice.

(9) ~~((Fee.))~~ The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

(10) ~~((Account.))~~ The photovoltaic module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the

account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) ~~((Rule-making))~~ The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) ~~((National program))~~ In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in Washington, the department must notify the manufacturer and the manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within thirty days of notification.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program must convene a photovoltaic module recovery, reuse, and recycling work group to review and provide recommendations on potential methodologies for the management of end-of-life photovoltaic modules, including modules from utility scale solar projects.

(2) The membership of the work group convened under this section must include, but is not limited to, members representing:

- (a) A manufacturer of photovoltaic modules located in the state;
 - (b) A manufacturer of photovoltaic modules located outside the state;
 - (c) A national solar industry group;
 - (d) Solar installers in the state;
 - (e) A utility scale solar project;
 - (f) A nonprofit environmental organization with expertise in waste minimization;
 - (g) A city solid waste program;
 - (h) A county solid waste program;
 - (i) An organization with expertise in photovoltaic module recycling;
 - (j) A community-based environmental justice group; and
 - (k) The department of ecology.
- (3) Participation in the work group convened under this section is strictly voluntary and without compensation or reimbursement.
- (4) The Washington State University extension energy program must submit its findings and recommendations in a final report to the legislature and the governor, consistent with RCW 43.01.036, by December 1, 2021.

(5) This section expires January 31, 2022."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.355.010; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Substitute House Bill No. 2645.

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

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute House Bill No. 2645 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Ericksen and Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2645 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2645 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6312, by Senators Zeiger, O'Ban and Rolfes

Making the nonprofit and library fund-raising exemption permanent.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 6312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6312.

ROLL CALL

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6331, by Senators Mullet, Wilson and L.

Concerning captive insurers. Revised for 2nd Substitute: Concerning captive insurance.

MOTION

On motion of Senator Mullet, Second Substitute Senate Bill No. 6331 was substituted for Senate Bill No. 6331 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following striking floor amendment no. 1340 by Senators Mullet and Wilson, L. be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that creating a framework for Washington corporations and public institutions of higher education to manage their risks through captive insurers will facilitate the growth and safety of those entities and protect the public interest. The legislature further finds that captive insurance promotes prudent risk management and provides access to insurance and reinsurance markets that may not be available to these Washington entities otherwise. The legislature believes that encouraging the use of captive insurance will support those who rely upon the strength and stability of employers in this state.

The legislature notes that, under the federal McCarran-Ferguson act, the regulation and taxation of insurance is left to the states. The due process clauses of the Fifth and Fourteenth Amendments to the United States Constitution limit the ability of states to regulate and tax transactions outside their territorial boundaries. In *State Board of Insurance v. Todd Shipyards Corp.*, 370 U.S. 451 (1962), the United States supreme court ruled that a state may not tax an insurance transaction that has no connection with the state other than the location of the risk.

However, that decision has been called into question following the United States supreme court's decision in *South Dakota v. Wayfair, Inc.*, 585 U.S. ____ (2018), in which the court held that states may charge tax on purchases made from out-of-state sellers, even those without a physical presence in the taxing state. The legislature finds that although the *Wayfair* decision dealt

expressly with sales tax, its impact extends to any transactions made over the internet, which, in modern commerce, means transactions in nearly every industry, including insurance.

The legislature finds that the ability of out-of-state corporations to use captive insurers to manage risk associated with economic activity in Washington discourages corporations from subjecting themselves to regulation and taxation by the state of Washington, and seriously impairs the capacity of the state of Washington to provide and enforce effective regulation of the insurance business. Accordingly, the legislature finds it necessary and proper to regulate and tax captive insurers that are used to manage the Washington risk of out-of-state corporations that have purposefully availed themselves of the benefits of an economic market in Washington.

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

(1) "Affiliate" means an entity directly or indirectly controlling, controlled by, or under common control with another entity. "Affiliate" also means any person that holds an insured interest because that person has or had an employment or sales contract with an insured person.

(2) "Control" means possession of the power to direct the management and policies of an entity through ownership of voting securities, by contract, or otherwise.

(3) "Foreign captive insurer" means an insurance company with the following characteristics:

(a) It is wholly owned by a corporation, that:

(i) Has its principal place of business in another state or territory of the United States other than this state, or the District of Columbia;

(ii) Is itself not an insurer; and

(iii) Has total assets worth at least twenty-five million dollars as verified by audited financial statements prepared by independent certified accountants;

(b) It insures risks of the parent corporation, the parent corporation's other affiliates, or both; and

(c) It is licensed as a captive insurer by the jurisdiction in which it is domiciled.

(4) "Washington captive insurer" means an insurance company with the following characteristics:

(a) It is wholly owned by a corporation or a public institution of higher education as defined in RCW 28B.10.016, that:

(i) Has its principal place of business in Washington;

(ii) Is not itself an insurer; and

(iii) Has total assets worth at least twenty-five million dollars as verified by audited financial statements prepared by independent certified accountants;

(b) It insures risks of the parent corporation or institution, the parent corporation's or institution's other affiliates, or both; and

(c) It is licensed as a captive insurer by the jurisdiction in which it is domiciled.

NEW SECTION. Sec. 3. (1) Within one hundred twenty days after the effective date of this section or, if later, within one hundred twenty days after first issuing a policy that covers Washington risks, a Washington captive insurer must register with the commissioner. Upon furnishing evidence of good standing in its state of domicile and paying a fee of two thousand five hundred dollars, a Washington captive insurer is entitled to receive a certificate of captive authority as a registered Washington captive insurer. No other documents, deposits, or payments may be required to obtain this certificate.

(2) A registered Washington captive insurer may renew its certificate of captive authority for successive periods of twelve

months each by paying a fee not to exceed two thousand five hundred dollars for each such period.

(3) A registered Washington captive insurer may provide insurance to a parent corporation that has its principal place of business in this state, to the parent corporation's other affiliates, or both. A registered Washington captive insurer owned by an institution of higher education as defined in RCW 28B.10.016 may provide insurance to that institution, its affiliates, or both.

(4) A registered Washington captive insurer may insure risks of its affiliates and obtain or provide reinsurance for risks insured in this state.

NEW SECTION. Sec. 4. (1) Within one hundred twenty days after the effective date of this section or, if later, within one hundred twenty days after first issuing a policy that covers Washington risks, a foreign captive insurer must register with the commissioner. Upon furnishing evidence of good standing in its state of domicile and paying a tax of two thousand five hundred dollars, a foreign captive insurer is entitled to receive a certificate of authority as a registered foreign captive insurer. No other documents, deposits, or payments may be required to obtain this certificate.

(2) A registered foreign captive insurer may renew its certificate of authority for successive periods of twelve months each by paying a tax not to exceed two thousand five hundred dollars for each period.

(3) A registered foreign captive insurer may insure risks of its affiliates and obtain or provide reinsurance for risks insured in this state.

(4) On or before the first day of March of each year, a registered foreign captive insurer must remit to the state treasurer through the commissioner a tax in the amount of two percent of the premiums, exclusive of returned premiums and sums collected to cover federal and state taxes and examination fees, for insurance directly procured by and provided to its parent or another affiliate for Washington risks during the preceding calendar year. The tax when collected must be credited to the general fund.

(5) For the purposes of this section, "Washington risks" means the share of risk covered by the premiums that is allocable to this state, based upon where the underlying risks are located or where the losses or injuries giving rise to covered claims arise. The foreign captive insurer may use any reasonable method of determining such an allocation, including actuarial analysis or use of a proxy such as sales, property value, or payroll. The foreign captive insurer must share their methodology and relevant analysis in determining their allocation with the commissioner. Whether paid directly or by reimbursement, neither the timing nor the nature of a foreign captive insurer's payment may be deemed to reflect, create, or constitute Washington risks.

(6) If a registered foreign captive insurer fails to remit the tax provided by this section by the last day of the month in which the tax becomes due, the registered foreign captive insurer must pay the penalties and interest provided in RCW 48.14.060. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner must be paid to the state treasurer and credited to the general fund.

(7) A foreign captive insurer that registers with the commissioner may not be deemed to be an unauthorized insurer for any period preceding or following such registration. A registered foreign captive insurer is exempt from sanctions set forth in RCW 48.14.095, for violations of RCW 48.05.030(1), 48.14.060, or 48.15.020 regardless of when such violations are alleged to have occurred.

(8) Taxes on premiums may not be imposed or collected on a foreign captive insurer for any period before January 1, 2010, and

all taxes must be limited to a foreign captive insurer's Washington risk.

(9) For periods beginning January 1, 2020, a registered foreign captive insurer is subject to the sanctions in subsection (6) of this section.

(10) This section does not apply to institutions of higher education as defined in RCW 28B.10.016.

NEW SECTION. Sec. 5. (1) On or before the first day of March of each year, a registered Washington captive insurer must remit to the state treasurer through the commissioner a tax in the amount of two percent of the premiums, exclusive of returned premiums and sums collected to cover federal and state taxes and examination fees, for insurance directly procured by and provided to its parent or another affiliate for Washington risks during the preceding calendar year. The tax when collected must be credited to the general fund.

(2) For the purposes of this section, "Washington risks" means the share of risk covered by the premiums that is allocable to this state, based upon where the underlying risks are located or where the losses or injuries giving rise to covered claims arise. The captive insurer may use any reasonable method of determining such an allocation, including actuarial analysis or use of a proxy such as sales, property value, or payroll. The captive insurer must share their methodology and relevant analysis in determining their allocation with the commissioner. Whether paid directly or by reimbursement, neither the timing nor the nature of a captive insurer's payment may be deemed to reflect, create, or constitute Washington risks.

(3) If a registered Washington captive insurer fails to remit the tax provided by this section by the last day of the month in which the tax becomes due, the registered Washington captive insurer must pay the penalties and interest provided in RCW 48.14.060. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner must be paid to the state treasurer and credited to the general fund.

(4) A Washington captive insurer that registers with the commissioner as provided in section 3 of this act may not be deemed to be an unauthorized insurer for any period preceding or following such registration. A registered Washington captive insurer is exempt from sanctions set forth in RCW 48.14.095, for violations of RCW 48.05.030(1), 48.14.060, or 48.15.020 regardless of when such violations are alleged to have occurred.

(5) Taxes on premiums may not be imposed or collected on a Washington captive insurer for any period before January 1, 2010, and all taxes must be limited to a Washington captive insurer's Washington risk. Taxes on premiums may not be imposed or collected on a Washington captive insurer affiliated with a public institution of higher education for any period.

(6) For periods beginning January 1, 2020, a registered Washington captive insurer is subject to the sanctions in subsection (3) of this section.

(7) Subsections (1), (2), (3), and (6) of this section do not apply to institutions of higher education as defined in RCW 28B.10.016.

NEW SECTION. Sec. 6. The commissioner may adopt rules as necessary to implement this act, but such rules must recognize the differences between captive insurance and commercial insurance offered to Washington insureds by unrelated companies.

Sec. 7. RCW 48.14.020 and 2016 c 133 s 1 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers and registered Washington captive insurers as defined in section 2 of this act shall on or before the first day of March of each year pay to the state treasurer through

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

the commissioner's office a tax on premiums. Except as provided in subsection (3) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer under RCW 48.14.090 during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2)(a) The taxes imposed in this section do not apply to amounts received by any life and disability insurer for health care services included within the definition of practice of dentistry under RCW 18.32.020 except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended, and for stand-alone family dental plans as defined in RCW 43.71.080(4)(a), only when offered in the individual market, as defined in RCW 48.43.005((27)), or to a small group, as defined in RCW 48.43.005((33)).

(b) Beginning January 1, 2014, moneys collected for premiums written on qualified health benefit plans and qualified dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(3) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during each calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their appointed insurance producers, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or these insurance producers.

(6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

Sec. 8. RCW 48.14.095 and 2008 c 217 s 8 are each amended to read as follows:

(1) This section applies to any insurer or taxpayer, as defined in RCW 48.14.0201, violating or failing to comply with RCW 48.05.030(1), 48.17.060, 48.36A.290(1), 48.44.015(1), or 48.46.027(1).

(2) Except as provided in subsections (7) and (8) of this section, RCW 48.14.020, 48.14.0201, and 48.14.060 apply to insurers or taxpayers identified in subsection (1) of this section.

(3) If an insurance contract, health care services contract, or health maintenance agreement covers risks or exposures, or enrolled participants only partially in this state, the tax payable is computed on the portion of the premium that is properly allocated to a risk or exposure located in this state, or enrolled participants residing in this state.

(4) In determining the amount of taxable premiums under subsection (3) of this section, all premiums, other than premiums properly allocated or apportioned and reported as taxable premiums of another state, that are written, procured, or received in this state, or that are for a policy or contract negotiated in this state, are considered to be written on risks or property resident, situated, or to be performed in this state, or for health care services to be provided to enrolled participants residing in this state.

(5) Insurance on risks or property resident, situated, or to be performed in this state, or health coverage for the provision of health care services for residents of this state, is considered to be insurance procured, continued, renewed, or performed in this state, regardless of the location from which the application is made, the negotiations are conducted, or the premiums are remitted.

(6) Premiums on risks or exposures that are properly allocated to federal waters or international waters or under the jurisdiction of a foreign government are not taxable by this state.

(7) This section does not apply to premiums on insurance procured by a licensed surplus line broker under chapter 48.15 RCW.

(8) This section does not apply to premiums on insurance that is issued by a Washington captive insurer under chapter 48.--- RCW (the new chapter created in section 12 of this act).

Sec. 9. RCW 48.15.160 and 2008 c 217 s 11 are each amended to read as follows:

(1) The provisions of this chapter controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance, to insurance issued by a Washington captive insurer under chapter 48.--- RCW (the new chapter created in section 12 of this act), or to the following insurances when so placed by licensed insurance producers of this state:

(a) Ocean marine and foreign trade insurances.

(b) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(c) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(d) Insurance of aircraft owned or operated by manufacturers of aircraft, or of aircraft operated in schedule interstate flight, or cargo of such aircraft, or against liability, other than workers' compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft.

(2) Insurance producers so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under this chapter and shall meet the requirements imposed upon a surplus line broker pursuant to RCW 48.15.090 and any regulations adopted thereunder. The record shall be preserved for not less than five years from the effective date of the insurance and shall be kept available in this state and open to the examination of the commissioner. The insurance producer shall furnish to the commissioner at the commissioner's request and on forms as designated and furnished by him or her a report of all such coverages so placed in a designated calendar year.

Sec. 10. RCW 82.04.320 and 1961 c 15 s 82.04.320 are each amended to read as follows:

~~((This))~~ (1) Except as otherwise provided in this section, this chapter ((shall)) does not apply to any person in respect to insurance business upon which a tax based on gross premiums is paid to the state(=PROVIDED, That the)).

(2) The provisions of this section ((shall)) do not exempt any person engaging in the business of representing any insurance company, whether as general or local agent, or acting as broker for such companies(=PROVIDED FURTHER, That the)).

(3) The provisions of this section ((shall)) do not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

(4) For purposes of this section, for periods preceding the effective date of this section, Washington captive insurers as defined in section 2 of this act are deemed to be persons in respect to insurance business that have paid a tax on gross premiums to the state.

Sec. 11. RCW 48.14.090 and 2009 c 161 s 4 are each amended to read as follows:

In determining the amount of direct premium taxable in this state other than for policies issued by a Washington captive insurer as defined in section 2 of this act, all such premiums written, procured, or received in this state shall be deemed written upon risks or property resident, situated, or to be performed in this state except such premiums as are properly allocated or apportioned and reported as taxable premiums of any other state or states. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement.

NEW SECTION. **Sec. 12.** Sections 1 through 6 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** Sections 8 through 11 of this act apply both retroactively and prospectively.

NEW SECTION. **Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.14.020, 48.14.095, 48.15.160, 82.04.320, and 48.14.090; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1340 by Senators Mullet and Wilson, L. to Second Substitute Senate Bill No. 6331.

The motion by Senator Mullet carried and striking floor amendment no. 1340 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6331.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6331 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5147, by Senators Wilson, L., Brown, Carlyle, Conway, Darneille, Palumbo, Keiser, Mullet, O'Ban, Short, Wagoner and Warnick

Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. Revised for 1st Substitute: Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax.

MOTION

On motion of Senator Wilson, L., Substitute Senate Bill No. 5147 was substituted for Senate Bill No. 5147 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 1352 by Senators Rolfes and Wilson, L. be adopted:

On page 1, line 1 of the title, after "relief" strike all material through "products" on line 2 and insert "by exempting menstrual products"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1352 by Senators Rolfes and Wilson, L. on page 1, line 1 to Substitute Senate Bill No. 5147.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

The motion by Senator Rolfes carried and floor amendment no. 1352 was adopted by voice vote.

MOTION

On motion of Senator Wilson, L., the rules were suspended, Engrossed Substitute Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, L., Cleveland, Becker, Wagoner and Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:18 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 1:23 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 with the following amendment(s): 6189-S.E AMH BERG PRIN 661

On page 3, after line 18, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school

employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), who is enrolled in school employee benefits, when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189 and ask the House to recede therefrom.

Senators Wellman and Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189 and ask the House to recede therefrom.

The motion by Senator Wellman carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6050 with the following amendment(s): 6050-S AMH HCW H5123.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.32A.015 and 2001 c 50 s 2 are each amended to read as follows:

(1) The purpose of this chapter is to protect, subject to certain limitations, the persons specified in RCW 48.32A.025(1) against

failure in the performance of contractual obligations, under life ~~((and))~~ insurance, disability insurance ~~((policies))~~, health benefit plans, and certificates of coverage, and annuity policies, plans, or contracts specified in RCW 48.32A.025(2), because of the impairment or insolvency of the member insurer that issued the policies, plans, or contracts.

(2) To provide this protection, an association of member insurers is created to pay benefits and to continue coverages as limited by this chapter, and members of the association are subject to assessment to provide funds to carry out the purpose of this chapter.

Sec. 2. RCW 48.32A.025 and 2001 c 50 s 3 are each amended to read as follows:

(1) This chapter provides coverage for the policies and contracts specified in subsection (2) of this section as follows:

(a) To persons who, regardless of where they reside, except for nonresident certificate holders or enrollees under group policies or contracts, are the beneficiaries, assignees, or payees, including health care providers and facilities rendering services covered under health benefit plans, policies, or certificates of coverage, of the persons covered under (b) of this subsection;

(b) To persons who are owners of or certificate holders or enrollees under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

- (i) Are residents; or
- (ii) Are not residents, but only under all of the following conditions:

(A) The member insurer that issued the policies or contracts is domiciled in this state;

(B) The states in which the persons reside have associations similar to the association created by this chapter; and

(C) The persons are not eligible for coverage by an association in any other state due to the fact that the insurer, health care service contractor, or health maintenance organization was not licensed in the state at the time specified in the state's guaranty association law;

(c) For unallocated annuity contracts specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to:

(i) Persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(ii) Persons who are owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents;

(d) For structured settlement annuities specified in subsection (2) of this section, (a) and (b) of this subsection do not apply, and this chapter, except as provided in (e) and (f) of this subsection, does provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

(i) Is a resident, regardless of where the contract owner resides; or

(ii) Is not a resident, but only under both of the following conditions:

(A)(I) The contract owner of the structured settlement annuity is a resident; or

(II) The contract owner of the structured settlement annuity is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state; and the state in which the contract owner resides has an association similar to the association created by this chapter; and

(B) Neither the payee, nor beneficiary, nor enrollee, nor the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides;

(e) This chapter does not provide coverage to:

(i) A person who is a payee, or beneficiary, of a contract owner resident of this state, if the payee, or beneficiary, is afforded any coverage by the association of another state; ~~((or))~~

(ii) A person covered under (c) of this subsection, if any coverage is provided by the association of another state to the person; or

(iii) A person who acquires rights to receive payments through a structured settlement factoring transaction as defined in 26 U.S.C. Sec. 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective; and

(f) This chapter is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this chapter is provided coverage under the laws of any other state, the person shall not be provided coverage under this chapter. In determining the application of this subsection (1)(f) in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary, enrollee, or assignee, this chapter shall be construed in conjunction with other state laws to result in coverage by only one association.

(2)(a) This chapter provides coverage to the persons specified in subsection (1) of this section for policies, plans, or contracts of direct, nongroup life, disability, health benefit, or ~~((annuity policies or contracts))~~ annuities and supplemental contracts to any of these, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include but are not limited to guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, annuities issued to or in connection with government lotteries, and any immediate or deferred annuity contracts. However, any annuity contracts that are unallocated annuity contracts are subject to the specific provisions in this chapter for unallocated annuity contracts.

~~((This))~~ Except as provided in (c) of this subsection, this chapter does not provide coverage for:

(i) A portion of a policy or contract not guaranteed by the member insurer, or under which the risk is borne by the policy or contract owner;

(ii) A policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(iii) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier; and

(B) On and after the date on which the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier, exceeds the rate of interest determined by subtracting

FIFTY FIFTH DAY, MARCH 7, 2020

three percentage points from Moody's corporate bond yield average as most recently available;

(iv) A portion of a policy or contract issued to a plan or program of an employer, association, or other person to provide life, disability, health, or annuity benefits to its employees, members, or others, to the extent that the plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or other person under:

(A) A multiple employer welfare arrangement as defined in 29 U.S.C. Sec. ~~((4144))~~ 1002;

(B) A minimum premium group insurance plan;

(C) A stop-loss group insurance plan; or

(D) An administrative services only contract;

(v) A portion of a policy or contract to the extent that it provides for:

(A) Dividends or experience rating credits;

(B) Voting rights; or

(C) Payment of any fees or allowances to any person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

(vi) A policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;

(vii) An unallocated annuity contract issued to or in connection with a benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether the federal pension benefit guaranty corporation has yet become liable to make any payments with respect to the benefit plan;

(viii) A portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union, or association of natural persons benefit plan or a government lottery;

(ix) A portion of a policy or contract to the extent that the assessments required by RCW 48.32A.085 with respect to the policy or contract are preempted by federal or state law;

(x) An obligation that does not arise under the express written terms of the policy or contract issued by the member insurer to the enrollee, contract owner, certificate holder, or policy owner, including without limitation:

(A) Claims based on marketing materials;

(B) Claims based on side letters, riders, or other documents that were issued by the member insurer without meeting applicable policy or contract form filing or approval requirements;

(C) Misrepresentations of or regarding policy or contract benefits;

(D) Extra-contractual claims; or

(E) A claim for penalties or consequential or incidental damages;

(xi) A contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer; ~~((or))~~

(xii) A portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this chapter, whichever is earlier. If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this subsection (2)(b)(xii), the interest or change in value determined by using the procedures defined in

2020 REGULAR SESSION

the policy or contract will be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture;

(xiii) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to parts C and D of subchapter XVIII, chapter 7 of Title 42, United States Code (commonly known as medicare parts C and D) or subchapter XIX, chapter 7 of Title 42, United States Code (commonly known as medicaid), and any regulations issued pursuant thereto, or chapter 74.09 RCW and any regulations issued pursuant thereto; or

(xiv) Structured settlement annuity benefits to which a payee or beneficiary has transferred his or her rights in a structured settlement factoring transaction as defined in 26 U.S.C. Sec. 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective.

(c) The exclusion from coverage referenced in (b)(iii) of this subsection does not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other health benefits.

(3) The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(a) The contractual obligations for which the member insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(b)(i) With respect to one life, regardless of the number of policies or contracts:

(A) Five hundred thousand dollars in life insurance death benefits, but not more than five hundred thousand dollars in net cash surrender and net cash withdrawal values for life insurance;

(B) In disability insurance and health benefit plan benefits:

(I) Five hundred thousand dollars for coverages not defined as disability income insurance or ~~((basic hospital, medical, and surgical insurance or major medical insurance))~~ health benefit plans including any net cash surrender and net cash withdrawal values;

(II) Five hundred thousand dollars for disability income insurance;

(III) Five hundred thousand dollars for ~~((basic hospital, medical, and surgical insurance or major medical insurance))~~ health benefit plans;

(IV) Five hundred thousand dollars for long-term care insurance; or

(C) Five hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, except as provided in (b)(ii), (iii), and (v) of this subsection (3)~~((b))~~;

(ii) With respect to each individual participating in a governmental retirement benefit plan established under section 401, 403(b), or 457 of the United States Internal Revenue Code covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, one hundred thousand dollars in present value annuity benefits, including net cash surrender and net cash withdrawal values;

(iii) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, five hundred thousand dollars in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any;

(iv) However, in no event shall the association be obligated to cover more than: (A) An aggregate of five hundred thousand dollars in benefits with respect to any one life under (b)(i), (ii), ~~((and))~~ (iii), and (iv) of this subsection (3)~~((b))~~ except with respect to benefits for ~~((basic hospital, medical, and surgical~~

~~insurance and major medical insurance))~~ health benefit plans under ~~(b)(i)(B))~~ of this subsection (3)(~~(b))~~), in which case the aggregate liability of the association shall not exceed five hundred thousand dollars with respect to any one individual; or (B) with respect to one owner of multiple nongroup policies of life insurance, whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, more than five million dollars in benefits, regardless of the number of policies and contracts held by the owner;

(v) With respect to either: (A) One contract owner provided coverage under subsection (1)(d)(ii) of this section; or (B) one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts not included in ~~(b)(ii))~~ of this subsection (3)(~~(b))~~), five million dollars in benefits, irrespective of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts under this chapter and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state and in no event shall the association be obligated to cover more than five million dollars in benefits with respect to all these unallocated contracts; ~~((or))~~

(vi) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights; or

(vii) For purposes of this chapter, benefits provided by a long-term care rider to a life insurance policy or annuity contract must be considered the same type of benefits as the base life insurance policy or annuity contract to which it relates.

(4) In performing its obligations to provide coverage under RCW 48.32A.075, the association is not required to guarantee, assume, reinsure, reissue, or perform, or cause to be guaranteed, assumed, reinsured, reissued, or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

Sec. 3. RCW 48.32A.045 and 2001 c 50 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means either of the two accounts created under RCW 48.32A.055.

(2) "Association" means the Washington life and disability insurance guaranty association created under RCW 48.32A.055.

(3) "Authorized assessment" or the term "authorized" when used in the context of assessments means a resolution by the board of directors has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed.

(4) "Benefit plan" means a specific employee, union, or association of natural persons benefit plan issued pursuant to the requirements of chapter 48.20 RCW.

(5) "Called assessment" or the term "called" when used in the context of assessments means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the

notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers.

(6) "Commissioner" means the insurance commissioner of this state.

(7) "Contractual obligation" means an obligation under a policy or contract or certificate under a group policy or contract, or portion thereof for which coverage is provided under RCW 48.32A.025.

(8) "Covered policy" or "covered contract" means a policy or contract or portion of a policy or contract for which coverage is provided under RCW 48.32A.025.

(9) "Extra-contractual claims" includes, for example, claims relating to bad faith in the payment of claims, punitive or exemplary damages, or attorneys' fees and costs.

(10) "Health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services, except the following:

(a) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(b) Coverage supplemental to the coverage provided under chapter 55 of Title 10 of the United States Code;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property or casualty liability insurance policy, such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage;

(k) Plans deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the commissioner;

(l) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(m) Long-term care insurance as defined under chapter 48.83 or 48.84 RCW, or benefits for home health care, community-based care, or any combination thereof.

(11) "Impaired insurer" means a member insurer which, after July 22, 2001, is not an insolvent insurer, and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

~~((+))~~ (12) "Insolvent insurer" means a member insurer which, after July 22, 2001, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

~~((+))~~ (13) "Member insurer" means an insurer, health care service contractor, or health maintenance organization licensed, or that holds a certificate of authority, or a certificate of registration, to transact in this state any kind of business related to insurance or a health benefit plan for which coverage is provided under RCW 48.32A.025, and includes an insurer, health care service contractor, or health maintenance organization whose license, certificate of registration, or certificate of authority in this state may have been suspended, revoked, not renewed, or voluntarily withdrawn, but does not include:

(a) ((A health care service contractor, whether profit or nonprofit;

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

~~((b))~~ ~~A health maintenance organization;~~
~~((e))~~ A fraternal benefit society;
~~((d))~~ ~~(b)~~ A mandatory state pooling plan;
~~((e))~~ ~~(c)~~ A mutual assessment company or other person that operates on an assessment basis;

~~((f))~~ ~~(d)~~ An insurance exchange;
~~((g))~~ ~~(e)~~ An organization that has a certificate or license limited to the issuance of charitable gift annuities under RCW 48.38.010;

(f) A nonrisk-bearing hospital or medical service organization, whether for profit or not for profit;

(g) A multiple employer welfare arrangement under chapter 48.125 RCW; or

(h) An entity similar to (a) through (g) of this subsection.

~~((14))~~ (14) "Moody's corporate bond yield average" means the monthly average corporates as published by Moody's investors service, inc., or any successor thereto.

~~((15))~~ (15) "Owner" of a policy or contract and "policy holder," "policy owner," and "contract owner" mean the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the member insurer. "Owner," "policy holder," "contract owner," and "policy owner" do not include persons with a mere beneficial interest in a policy or contract.

~~((16))~~ (16) "Person" means an individual, corporation, limited liability company, partnership, association, governmental body or entity, or voluntary organization.

~~((17))~~ (17) "Plan sponsor" means:

(a) The employer in the case of a benefit plan established or maintained by a single employer;

(b) The employee organization in the case of a benefit plan established or maintained by an employee organization; or

(c) In the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan.

~~((18))~~ (18) "Premiums" means amounts or considerations, by whatever name called, received on covered policies or contracts less returned premiums, considerations, and deposits and less dividends and experience credits. "Premiums" does not include amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under RCW 48.32A.025(2), except that assessable premium shall not be reduced on account of RCW 48.32A.025(2)(b)(iii) relating to interest limitations and RCW 48.32A.025(3)(b) relating to limitations with respect to one individual, one participant, and one policy or contract owner. "Premiums" does not include:

(a) Premiums in excess of five million dollars on an unallocated annuity contract not issued under a governmental retirement benefit plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code; or

(b) With respect to multiple nongroup policies of life insurance owned by one owner, whether the policy or contract owner is an individual, firm, corporation, or other person, and whether the persons insured are officers, managers, employees, or other persons, premiums in excess of five million dollars with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner.

~~((19))~~ (19)(a) "Principal place of business" of a plan sponsor or a person other than a natural person means the single state in which the natural persons who establish policy for the direction,

control, and coordination of the operations of the entity as a whole primarily exercise that function, determined by the association in its reasonable judgment by considering the following factors:

(i) The state in which the primary executive and administrative headquarters of the entity is located;

(ii) The state in which the principal office of the chief executive officer of the entity is located;

(iii) The state in which the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(iv) The state in which the executive or management committee of the board of directors, or similar governing person or persons, of the entity conducts the majority of its meetings;

(v) The state from which the management of the overall operations of the entity is directed; and

(vi) In the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using the factors in (a)(i) through (v) of this subsection.

However, in the case of a plan sponsor, if more than fifty percent of the participants in the benefit plan are employed in a single state, that state is the principal place of business of the plan sponsor.

(b) The principal place of business of a plan sponsor of a benefit plan described in subsection ~~((16))~~ (17)(c) of this section is the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, is the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question.

~~((19))~~ (20) "Receivership court" means the court in the insolvent or impaired insurer's state having jurisdiction over the conservation, rehabilitation, or liquidation of the member insurer.

~~((20))~~ (21) "Resident" means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer, whichever occurs first. A person may be a resident of only one state, which in the case of a person other than a natural person is its principal place of business. Citizens of the United States that are either (a) residents of foreign countries, or (b) residents of United States possessions, territories, or protectorates that do not have an association similar to the association created by this chapter, are residents of the state of domicile of the member insurer that issued the policies or contracts.

~~((21))~~ (22) "Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

~~((22))~~ (23) "State" means a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

~~((23))~~ (24) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, disability, or annuity policy or contract.

~~((24))~~ (25) "Unallocated annuity contract" means an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by ~~((25))~~ a member insurer under the contract or certificate.

Sec. 4. RCW 48.32A.055 and 2001 c 50 s 6 are each amended to read as follows:

(1) There is created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association which is composed of the commissioner ex officio and each member insurer. All member insurers must be and remain members of the association as a condition of their authority to transact the business of insurance, health care service contractor business, or health maintenance organization business in this state. The association shall perform its functions under the plan of operation established and approved under RCW 48.32A.095 and shall exercise its powers through a board of directors established under RCW 48.32A.065. For purposes of administration and assessment, the association shall maintain two accounts:

(a) The life insurance and annuity account which includes the following subaccounts:

- (i) Life insurance account;
- (ii) Annuity account which includes annuity contracts owned by a governmental retirement plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code, but otherwise excludes unallocated annuities; and
- (iii) Unallocated annuity account, which excludes contracts owned by a governmental retirement benefit plan, or its trustee, established under section 401, 403(b), or 457 of the United States Internal Revenue Code; and

(b) The disability insurance account, which includes health benefit plans, disability benefit policies and contracts, and long-term care policies and contracts.

(2) The association is under the immediate supervision of the commissioner and is subject to the applicable provisions of the insurance laws of this state. Meetings or records of the association may be opened to the public upon majority vote of the board of directors of the association.

Sec. 5. RCW 48.32A.065 and 2001 c 50 s 7 are each amended to read as follows:

(1) The board of directors of the association consists of the commissioner ex officio and not less than ~~((five))~~ seven nor more than ~~((nine))~~ eleven member insurers serving terms as established in the plan of operation. The insurer members of the board are selected by member insurers subject to the approval of the commissioner.

Vacancies on the board are filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner.

(2) In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but members of the board are not otherwise compensated by the association for their services.

Sec. 6. RCW 48.32A.075 and 2001 c 50 s 8 are each amended to read as follows:

(1) If a member insurer is an impaired insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the commissioner:

(a) ~~((Guaranty))~~ Guarantee, assume, reissue, or reinsure, or cause to be guaranteed, reissued, assumed, or reinsured, any or all of the policies or contracts of the impaired insurer; or

(b) Provide such moneys, pledges, loans, notes, guarantees, or other means as are proper to effectuate (a) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under (a) of this subsection.

(2) If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(a)(i)(A) ~~((Guaranty))~~ Guarantee, assume, reissue, or reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, the policies or contracts of the insolvent insurer; or

(B) Assure payment of the contractual obligations of the insolvent insurer; and

(ii) Provide moneys, pledges, loans, notes, guarantees, or other means reasonably necessary to discharge the association's duties; or

(b) Provide benefits and coverages in accordance with the following provisions:

(i) With respect to ~~((life and disability insurance))~~ policies and ~~((annuities))~~ contracts, assure payment of benefits ~~((for premiums identical to the premiums and benefits, except for terms of conversion and renewability,))~~ that would have been payable under the policies or contracts of the insolvent insurer~~((s))~~ for claims incurred:

(A) With respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five days, but in no event less than thirty days, after the date on which the association becomes obligated with respect to the policies and contracts;

(B) With respect to nongroup policies, contracts, and annuities not later than the earlier of the next renewal date, if any, under the policies or contracts or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to the policies or contracts;

(ii) Make diligent efforts to provide all known insureds, enrollees, or annuitants, for nongroup policies and contracts, or group policy or contract owners with respect to group policies and contracts, thirty days notice of the termination of the benefits provided;

(iii) With respect to nongroup ~~((life and disability insurance))~~ policies ~~((and annuities))~~ or contracts covered by the association, make diligent efforts to make available to each known insured, enrollee, or annuitant, or owner if other than the insured, enrollee, or annuitant, and with respect to an individual formerly insured, formerly an enrollee, or formerly an annuitant under a group policy who is not eligible for replacement group coverage, make diligent efforts to make available substitute coverage on an individual basis in accordance with the provisions of (b)(iv) of this subsection, if the insureds, enrollees, or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy or annuity in force until a specified age or for a specified time, during which the member insurer, health care service contractor, or health maintenance organization had no right unilaterally to make changes in any provision of the policy, contract, or annuity or had a right only to make changes in premium by class;

(iv)(A) The substitute coverage under (b)(iii) of this subsection, must be offered through a solvent, admitted member insurer. In the alternative, the association in its discretion, and subject to any conditions imposed by the association and approved by the commissioner, may reissue the terminated coverage or issue an alternative policy or contract at actuarially justified rates, subject to the prior approval of the commissioner;

(B) Substituted coverage must be offered without requiring evidence of insurability, and may not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract;

(C) The association may reinsure any alternative or reissued policy or contract;

(v) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium must be actuarially justified and

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

set by the association in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to approval of the ~~((domiciliary insurer))~~ commissioner ~~((and the receivership court))~~;

(vi) If the association elects to issue alternative coverage:

(A) Alternative policies or contracts adopted by the association must be subject to the approval of the commissioner. The association may adopt alternative policies or contracts of various types for future issuance without regard to any particular impairment or insolvency.

(B) Alternative policies or contracts must contain at least the minimum statutory provisions required in this state and provide benefits that cannot be unreasonable in relation to the premium charged. The association must set the premium in accordance with a table of rates that it must adopt. The premium must reflect the amount of insurance benefits or coverage to be provided and the age and class of risk of each insured, but must not reflect any changes in the health of the insured after the original policy or contract was last underwritten.

(C) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association;

(vii) The association's obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued policy or contract cease on the date the coverage or policy or contract is replaced by another similar policy or contract by the policy or contract owner, the insured, the enrollee, or the association; or

~~((viii))~~ (viii) When proceeding under this subsection (2)(b) with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with RCW 48.32A.025(2)(b)(iii).

(3) Nonpayment of premiums within thirty-one days after the date required under the terms of any guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage terminates the association's obligations under the policy, contract, or coverage under this chapter with respect to the policy, contract, or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this chapter.

(4) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer belong to and are payable at the direction of the association, and the association is liable for unearned premiums due to policy or contract owners arising after the entry of the order.

(5) The protection provided by this chapter does not apply when any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(6) In carrying out its duties under subsection (2) of this section, the association may:

(a) Subject to approval by a court in this state, impose permanent policy or contract liens in connection with a guarantee, assumption, or reinsurance agreement, if the association finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the association's duties under this chapter, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens, are in the public interest; and

(b) Subject to approval by a court in this state, impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any

contractual provisions for deferral of cash or policy loan value. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans, or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

(7) A deposit in this state, held pursuant to law or required by the commissioner for the benefit of creditors, including policy or contract owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of ~~((an))~~ a member insurer domiciled in this state or in a reciprocal state, under RCW 48.31.171, shall be promptly paid to the association. The association is entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy or contract owners' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy or contract owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association and not retained under this subsection. Any amount so paid to the association less the amount not retained by it shall be treated as a distribution of estate assets under RCW 48.31.185 or similar provision of the state of domicile of the impaired or insolvent insurer.

(8) If the association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in subsection (2) of this section, the commissioner has the powers and duties of the association under this chapter with respect to the insolvent insurer.

(9) The association may render assistance and advice to the commissioner, upon the commissioner's request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of an impaired or insolvent insurer.

(10) The association has standing to appear or intervene before a court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter or with jurisdiction over any person or property against which the association may have rights through subrogation or otherwise. Standing extends to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reissuing, reinsuring, modifying, or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The association also has the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise.

(11)(a) A person receiving benefits under this chapter is deemed to have assigned the rights under, and any causes of action against any person for losses arising under, resulting from, or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received because of this chapter, whether the benefits are payments of or on account of contractual obligations, continuation of coverage, or provision of substitute or alternative policies, contracts, or coverages. The association may require an assignment to it of such rights and

cause of action by any enrollee, payee, policy or contract owner, beneficiary, insured, or annuitant as a condition precedent to the receipt of any right or benefits conferred by this chapter upon the person.

(b) The subrogation rights of the association under this subsection have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

(c) In addition to (a) and (b) of this subsection, the association has all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, enrollee, beneficiary, or payee of a policy or contract with respect to the policy or contracts, including without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received under this chapter, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excepting any such person responsible solely by reason of serving as an assignee in respect of a qualified assignment under section 130 of the United States Internal Revenue Code.

(d) If (a) through (c) of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies or contracts, or portion thereof, covered by the association.

(e) If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in this subsection, the person shall pay to the association the portion of the recovery attributable to the policies or contracts, or portion thereof, covered by the association.

(12) In addition to the rights and powers elsewhere in this chapter, the association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(b) Sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under RCW 48.32A.085 and to settle claims or potential claims against it;

(c) Borrow money to effect the purposes of this chapter; any notes or other evidence of indebtedness of the association not in default are legal investments for domestic insurers and may be carried as admitted assets;

(d) Employ or retain such persons as are necessary or appropriate to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this chapter;

(e) Take such legal action as may be necessary or appropriate to avoid or recover payment of improper claims;

(f) Exercise, for the purposes of this chapter and to the extent approved by the commissioner, the powers of a domestic life ~~((or))~~ insurer, disability insurer, health care service contractor, or health maintenance organization, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this chapter;

(g) Organize itself as a corporation or in other legal form permitted by the laws of the state;

(h) Request information from a person seeking coverage from the association in order to aid the association in determining its obligations under this chapter with respect to the person, and the person shall promptly comply with the request; ~~((and))~~

(i) In accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for

any policy or contract for which it provides coverage under this chapter; and

(j) Take other necessary or appropriate action to discharge its duties and obligations under this chapter or to exercise its powers under this chapter.

(13) The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association.

(14)(a) At any time within one year after the coverage date, which is the date on which the association becomes responsible for the obligations of a member insurer, the association may elect to succeed to the rights and obligations of the member insurer, that accrue on or after the coverage date and that relate to policies, contracts, or annuities, covered ~~((s))~~ in whole or in part ~~((s))~~ by the association, under any one or more indemnity reinsurance agreements entered into by the member insurer as a ceding insurer and selected by the association. However, the association may not exercise an election with respect to a reinsurance agreement if the receiver, rehabilitator, or liquidator of the member insurer has previously and expressly disaffirmed the reinsurance agreement. The election is effective when notice is provided to the receiver, rehabilitator, or liquidator and to the affected reinsurers. If the association makes an election, the following provisions apply with respect to the agreements selected by the association:

(i) The association is responsible for all unpaid premiums due under the agreements, for periods both before and after the coverage date, and is responsible for the performance of all other obligations to be performed after the coverage date, in each case which relate to policies, contracts, or annuities, covered ~~((s))~~ in whole or in part ~~((s))~~ by the association. The association may charge policies, contracts, or annuities, covered in part by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association;

(ii) The association is entitled to any amounts payable by the reinsurer under the agreements with respect to losses or events that occur in periods after the coverage date and that relate to policies, contracts, or annuities, covered by the association ~~((s))~~ in whole or in part. However, upon receipt of any such amounts, the association is obliged to pay to the beneficiary under the policy ~~((or))~~ contract, or annuity on account of which the amounts were paid a portion of the amount equal to the excess of: The amount received by the association, over the benefits paid by the association on account of the policy ~~((or))~~ contract, or annuity, less the retention of the impaired or insolvent member insurer applicable to the loss or event;

(iii) Within thirty days following the association's election, the association and each indemnity reinsurer shall calculate the net balance due to or from the association under each reinsurance agreement as of the date of the association's election, giving full credit to all items paid by either the member insurer, or its receiver, rehabilitator, or liquidator, or the indemnity reinsurer during the period between the coverage date and the date of the association's election. Either the association or indemnity reinsurer shall pay the net balance due the other within five days of the completion of this calculation. If the receiver, rehabilitator, or liquidator has received any amounts due the association pursuant to (a)(ii) of this subsection, the receiver, rehabilitator, or liquidator shall remit the same to the association as promptly as practicable; and

(iv) If the association, within sixty days of the election, pays the premiums due for periods both before and after the coverage date that relate to policies, contracts, or annuities, covered by the association ~~((s))~~ in whole or in part, the reinsurer is not entitled to terminate the reinsurance agreements, insofar as the agreements relate to policies, contracts, or annuities, covered by the association ~~((s))~~ in whole or in part, and is not entitled to set off

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

any unpaid premium due for periods prior to the coverage date against amounts due the association;

(b) In the event the association transfers its obligations to another member insurer, and if the association and the other member insurers agree, the other member insurer succeeds to the rights and obligations of the association under (a) of this subsection effective as of the date agreed upon by the association and the other member insurers and regardless of whether the association has made the election referred to in (a) of this subsection. However:

(i) The indemnity reinsurance agreements automatically terminate for new reinsurance unless the indemnity reinsurer and the other member insurers agree to the contrary;

(ii) The obligations described in (a)(ii) of this subsection no longer apply on and after the date the indemnity reinsurance agreement is transferred to the third party member insurer; and

(iii) This subsection (14)(b) does not apply if the association has previously expressly determined in writing that it will not exercise the election referred to in (a) of this subsection;

(c) The provisions of this subsection supersede the provisions of any law of this state or of any affected reinsurance agreement that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the coverage date, to the receiver, liquidator, or rehabilitator of the insolvent ((member)) insurer. The receiver, rehabilitator, or liquidator remains entitled to any amounts payable by the reinsurer under the reinsurance agreement with respect to losses or events that occur in periods prior to the coverage date, subject to applicable setoff provisions; and

(d) Except as set forth under this subsection, this subsection does not alter or modify the terms and conditions of the indemnity reinsurance agreements of the insolvent ((member)) insurer. This subsection does not abrogate or limit any rights of any reinsurer to claim that it is entitled to rescind a reinsurance agreement. This subsection does not give a policy or contract owner, an enrollee, or a beneficiary an independent cause of action against an indemnity reinsurer that is not otherwise set forth in the indemnity reinsurance agreement.

(15) The board of directors of the association has discretion and may exercise reasonable business judgment to determine the means by which the association provides the benefits of this chapter in an economical and efficient manner.

(16) When the association has arranged or offered to provide the benefits of this chapter to a covered person under a plan or arrangement that fulfills the association's obligations under this chapter, the person is not entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

(17) Venue in a suit against the association arising under this chapter is in the county in which liquidation or rehabilitation proceedings have been filed in the case of a domestic member insurer. In other cases, venue is in King county or Thurston county. The association is not required to give an appeal bond in an appeal that relates to a cause of action arising under this chapter.

(18) In carrying out its duties in connection with guaranteeing, assuming, reissuing, or reinsuring policies or contracts under subsection (1) or (2) of this section, the association may((~~subject to approval of the receivership court,~~)) issue substitute coverage for a policy or contract that provides an interest rate, crediting rate, or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(a) In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for: (i) A fixed interest rate; (ii) payment of dividends with minimum guarantees; or (iii) a different method for calculating interest or changes in value;

(b) There is no requirement for evidence of insurability, waiting period, or other exclusion that would not have applied under the replaced policy or contract; and

(c) The alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

Sec. 7. RCW 48.32A.085 and 2001 c 50 s 9 are each amended to read as follows:

(1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments are due not less than thirty days after prior written notice to the member insurers and accrue interest at twelve percent per annum on and after the due date.

(2) There are two classes of assessments, as follows:

(a) Class A assessments are authorized and called for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer; and

(b) Class B assessments are authorized and called to the extent necessary to carry out the powers and duties of the association under RCW 48.32A.075 with regard to an impaired or an insolvent insurer.

(3)(a) The amount of a class A assessment is determined by the board and may be authorized and called on a pro rata or nonpro rata basis. If pro rata, the board may provide that it be credited against future class B assessments. ~~((The total of all nonpro rata assessments may not exceed one hundred fifty dollars per member insurer in any one calendar year.))~~

((b)) The amount of a class B assessment ~~((may))~~, except for assessments related to long-term care insurance, must be allocated for assessment purposes ((among)) between the accounts and among the subaccounts of the life insurance and annuity accounts, pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard determined by the board to be fair and reasonable under the circumstances.

~~((b))~~ ((c)) The amount of the class B assessment for long-term care insurance written by an impaired or insolvent insurer must be allocated according to a methodology included in the plan of operation and approved by the commissioner. The methodology must provide for fifty percent of the assessment to be allocated to disability and health member insurers and fifty percent to be allocated to life and annuity member insurers.

((d)) Class B assessments against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available preceding the year in which the insurer became insolvent or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bears to premiums received on business in this state for those calendar years by all assessed member insurers.

~~((e))~~ ((e)) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer may not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under

subsection (2) of this section and computation of assessments under this subsection must be made with a reasonable degree of accuracy, recognizing that exact determinations are not always possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty days after the assessment is authorized.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.

(5)(a)(i) Subject to the provisions of (a)(ii) of this subsection, the total of all assessments authorized by the association with respect to a member insurer for each subaccount of the life insurance and annuity account and for the ~~((health))~~ disability insurance account may not in one calendar year exceed two percent of that member insurer's average annual premiums received in this state on the policies and contracts covered by the subaccount or account during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer.

(ii) If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation in (a)(i) of this subsection must be equal and limited to the higher of the three-year average annual premiums for the applicable subaccount or account as calculated under this section.

(iii) If the maximum assessment, together with the other assets of the association in an account, does not provide in one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds must be assessed as soon thereafter as permitted by this chapter.

(b) The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment is insufficient to cover anticipated claims.

(c) If the maximum assessment for a subaccount of the life and annuity account in one year does not provide an amount sufficient to carry out the responsibilities of the association, then under subsection (3)~~((b))~~ (d) of this section, the board shall access the other subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in (a) of this subsection.

(6) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each member insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains, and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses claims.

(7) Any member insurer may when determining its premium rates and policy owner dividends, as to any kind of insurance, health care service contractor business, or health maintenance

organization business within the scope of this chapter, consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(8) The association shall issue to each member insurer paying an assessment under this chapter, other than a class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount of the assessment paid. All outstanding certificates must be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the member insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

(9)(a) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment is available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment must be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest.

(b) Within sixty days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest.

(c) Within thirty days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the commissioner.

(d) In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the commissioner for a final decision, with or without a recommendation from the association.

(e) If the protest or appeal on the assessment is upheld, the amount paid in error or excess must be returned to the member ~~((company))~~ insurer. Interest on a refund due a protesting member must be paid at the rate actually earned by the association.

(10) The association may request information of member insurers in order to aid in the exercise of its power under this section and member insurers shall promptly comply with a request.

Sec. 8. RCW 48.32A.095 and 2001 c 50 s 10 are each amended to read as follows:

(1)(a) The association shall submit to the commissioner a plan of operation and any amendments necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments are effective upon the commissioner's written approval or unless it has not been disapproved within thirty days.

(b) If the association fails to submit a suitable plan of operation within one hundred twenty days following July 22, 2001, or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt reasonable rules as necessary or advisable to effectuate the provisions of this chapter. The rules continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation must, in addition to requirements enumerated elsewhere in this chapter:

(a) Establish procedures for handling the assets of the association;

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(b) Establish the amount and method of reimbursing members of the board of directors under RCW 48.32A.065;

(c) Establish regular places and times for meetings including telephone conference calls of the board of directors;

(d) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(e) Establish the procedures whereby selections for the board of directors are made and submitted to the commissioner;

(f) Establish any additional procedures for assessments under RCW 48.32A.085; ~~((and))~~

(g) Establish procedures whereby a director may be removed for cause, including in the case where a member insurer becomes an impaired or insolvent insurer;

(h) Require the board of directors to establish policies and procedures for addressing conflicts of interests among the board of directors and the member insurers they represent; and

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under RCW 48.32A.075(12)(c) and 48.32A.085, are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association, or organization must be reimbursed for any payments made on behalf of the association and must be paid for its performance of any function of the association. A delegation under this subsection takes effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

Sec. 9. RCW 48.32A.115 and 2001 c 50 s 12 are each amended to read as follows:

The commissioner shall aid in the detection and prevention of member insurer insolvencies or impairments.

(1) It is the duty of the commissioner to:

(a) Notify the commissioners of all the other states, territories of the United States, and the District of Columbia within thirty days following the action taken or the date the action occurs, when the commissioner takes any of the following actions against a member insurer:

(i) Revocation of license;

(ii) Suspension of license; or

(iii) Makes a formal order that the ~~((company))~~ member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policy owners, certificate holders, contract owners, or creditors;

(b) Report to the board of directors when the commissioner has taken any of the actions set forth in (a) of this subsection or has received a report from any other commissioner indicating that any such action has been taken in another state. The report to the board of directors must contain all significant details of the action taken or the report received from another commissioner;

(c) Report to the board of directors when the commissioner has reasonable cause to believe from an examination, whether completed or in process, of any member insurer that the insurer may be an impaired or insolvent insurer; and

(d) Furnish to the board of directors the national association of insurance commissioners insurance regulatory information system ratios and listings of companies not included in the ratios developed by the national association of insurance

commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and the information must be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

(2) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the duties and responsibilities of the commissioner regarding the financial condition of member insurers and ~~((companies))~~ insurers, health care service contractors, or health maintenance organizations seeking admission to transact ~~((insurance))~~ business in this state.

(3) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer or germane to the solvency of any ~~((company))~~ insurer, health care service contractor, or health maintenance organization seeking to do ~~((an insurance))~~ business in this state. The reports and recommendations are not public documents.

(4) The board of directors may, upon majority vote, notify the commissioner of any information indicating a member insurer may be an impaired or insolvent insurer.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of member insurer insolvencies.

Sec. 10. RCW 48.32A.135 and 2001 c 50 s 14 are each amended to read as follows:

(1) This chapter does not reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(2) Records must be kept of all meetings of the board of directors to discuss the activities of the association in carrying out its powers and duties under RCW 48.32A.075. The records of the association with respect to an impaired or insolvent insurer may not be disclosed prior to the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. This subsection does not limit the duty of the association to render a report of its activities under RCW 48.32A.145.

(3) For the purpose of carrying out its obligations under this chapter, the association is a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee under RCW 48.32A.075(11). Assets of the impaired or insolvent insurer attributable to covered policies must be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. Assets attributable to covered policies, as used in this subsection, are that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(4) As a creditor of the impaired or insolvent insurer as established in subsection (3) of this section, the association and other similar associations are entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty days of a final determination of insolvency of ~~((an))~~ a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations

having obligations because of the insolvency, then the association is entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

(5)(a) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, ~~((the))~~ shareholders, contract owners, certificate holders, enrollees, and ~~((the))~~ policy owners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination, consideration must be given to the welfare of the policy owners, contract owners, certificate holders, and enrollees of the continuing or successor member insurer.

(b) A distribution to stockholders, if any, of an impaired or insolvent insurer shall not be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under RCW 48.32A.075 with respect to the member insurer have been fully recovered by the association.

(6)(a) If an order for liquidation or rehabilitation of ~~((an))~~ a member insurer domiciled in this state has been entered, the receiver appointed under the order has a right to recover on behalf of the member insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of (b) through (d) of this subsection.

(b) A distribution is not recoverable if the member insurer shows that when paid the distribution was lawful and reasonable, and that the member insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the member insurer to fulfill its contractual obligations.

(c) Any person who was an affiliate that controlled the member insurer at the time the distributions were paid is liable up to the amount of distributions received. Any person who was an affiliate that controlled the member insurer at the time the distributions were declared, is liable up to the amount of distributions which would have been received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(d) The maximum amount recoverable under this subsection is the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(e) If any person liable under (c) of this subsection is insolvent, all its affiliates that controlled it at the time the distribution was paid are jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

Sec. 11. RCW 48.32A.175 and 2001 c 50 s 18 are each amended to read as follows:

All proceedings in which the insolvent insurer is a party in any court in this state are stayed ~~((sixty))~~ one hundred eighty days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default the association may apply to have such a judgment set aside by the same court that made such a judgment and must be permitted to defend against the suit on the merits.

Sec. 12. RCW 48.32A.185 and 2005 c 274 s 313 are each amended to read as follows:

(1) No person, including ~~((an))~~ a member insurer, agent, or affiliate of ~~((an))~~ a member insurer may make, publish, disseminate, circulate, or place before the public, or cause directly

or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, any advertisement, announcement, or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation, or inducement to purchase any form of insurance or other coverage covered by the Washington life and disability insurance guaranty association act. However, this section does not apply to the Washington life and disability insurance guaranty association or any other entity which does not sell or solicit insurance or coverage by a health care service contractor or health maintenance organization.

(2) ~~((Within one hundred eighty days after July 22, 2001, the))~~ The association shall prepare a summary document describing the general purposes and current limitations of this chapter and complying with subsection (3) of this section. This summary document must be submitted to the commissioner for approval. The summary document must also be available upon request by a policy owner, contract owner, certificate owner, or enrollee. The distribution, delivery, contents, or interpretation of this document does not guarantee that either the policy or the contract or the ~~((owner of the policy or contract))~~ policy owner, contract owner, certificate holder, or enrollee is covered in the event of the impairment or insolvency of a member insurer. The ~~((description))~~ summary document must be revised by the association as amendments to this chapter may require. Failure to receive this document does not give the policy owner, contract owner, certificate holder, enrollee, or insured any greater rights than those stated in this chapter.

(3) The summary document prepared under subsection (2) of this section must contain a clear and conspicuous disclaimer on its face. The commissioner shall establish the form and content of the disclaimer. The disclaimer must:

(a) State the name and address of the life and disability insurance guaranty association and insurance department;

(b) Prominently warn the ~~((policy or contract owner))~~ policy owner, contract owner, certificate holder, or enrollee that the life and disability insurance guaranty association may not cover the policy or contract or, if coverage is available, it is subject to substantial limitations and exclusions and conditioned on continued residence in this state;

(c) State the types of policies or contracts for which guaranty funds provide coverage;

(d) State that the member insurer and its agents are prohibited by law from using the existence of the life and disability insurance guaranty association for the purpose of sales, solicitation, or inducement to purchase any form of insurance, health care service contractor coverage, or health maintenance organization coverage;

(e) State that the policy ~~((or))~~ owner, contract owner, certificate holder, insured, or enrollee should not rely on coverage under the life and disability insurance guaranty association when selecting an insurer, health care service contractor, or health maintenance organization;

(f) Explain rights available and procedures for filing a complaint to allege a violation of any provisions of this chapter; and

(g) Provide other information as directed by the commissioner including but not limited to, sources for information about the financial condition of member insurers provided that the information is not proprietary and is subject to disclosure under chapter 42.56 RCW.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(4) A member insurer must retain evidence of compliance with subsection (2) of this section for as long as the policy or contract for which the notice is given remains in effect."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6050 and ask the House to recede therefrom.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6050 and ask the House to recede therefrom.

The motion by Senator Cleveland carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6050 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6280 with the following amendment(s): 6280-S.E AMH ENGR H5405.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services in a variety of beneficial ways, such as locating missing or incapacitated persons, identifying victims of crime, and keeping the public safe.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure

outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 8 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Serious criminal offense" means any offense defined under RCW 9.94A.030 (26), (33), (42), (43), (47), or (56).

(13) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 3. (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report required in this section only upon the approval of the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 8 of this act, and how the

agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 6 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be adopted by a legislative authority in a public meeting before the agency may develop, procure, or use a facial recognition service.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to the consolidated technology services agency established in RCW 43.105.006. The consolidated technology services agency must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) A state or local government agency that is using a facial recognition service as of the effective date of this section must suspend its use of the service until it complies with the requirements of this chapter.

NEW SECTION. Sec. 4. (1) State and local government agencies using a facial recognition service are required to prepare and publish an annual report that discloses:

(a) The extent and effectiveness of their use of such services, including nonidentifying demographic data about individuals subjected to a facial recognition service;

(b) An assessment of compliance with the terms of their accountability report;

(c) Any known or reasonably suspected violations of their accountability report, including categories of complaints alleging violations; and

(d) Any revisions to the accountability report recommended by the agency during the next update of the policy.

(2) The annual report must be submitted to the office of privacy and data protection.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(3) All agencies must hold community meetings to review and discuss their annual report within sixty days of its adoption by a legislative authority and public release.

NEW SECTION. Sec. 5. State and local government agencies using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

NEW SECTION. Sec. 6. Prior to deploying a facial recognition service in the context in which it will be used, state and local government agencies using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effect on individuals must test the facial recognition service in operational conditions. State and local government agencies must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

NEW SECTION. Sec. 7. (1)(a) A facial recognition service provider that provides or intends to provide facial recognition services to state or local government agencies must make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

NEW SECTION. Sec. 8. State and local government agencies using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

NEW SECTION. Sec. 9. (1) State and local government agencies must disclose their use of a facial recognition service on

a criminal defendant to that defendant in a timely manner prior to trial.

(2) State and local government agencies using a facial recognition service shall maintain records of their use of the service that are sufficient to facilitate public reporting and auditing of compliance with agencies' facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 13(1) of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 13(1) of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

NEW SECTION. Sec. 10. This chapter does not apply to a state or local government agency that is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate. A state or local government agency must report the mandated use of a facial recognition service to a legislative authority.

NEW SECTION. Sec. 11. (1) Any person who has been subjected to a facial recognition service in violation of this chapter or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this chapter.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

NEW SECTION. Sec. 12. (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Hispanic American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

NEW SECTION. Sec. 13. A new section is added to chapter 9.73 RCW to read as follows:

(1) State and local government agencies may not use a facial recognition service to engage in any surveillance including, but not limited to, engaging in ongoing surveillance, creating a facial template, conducting an identification, starting persistent surveillance, or performing a recognition, without a warrant, unless exigent circumstances exist. A warrant is not required if a facial recognition service is used solely for purposes of locating a missing child or identifying a deceased person.

(2) State and local government agencies must not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) State and local government agencies may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) Law enforcement agencies that utilize body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) State and local law enforcement agencies may not use the results of a facial recognition service as the sole basis to establish

probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) State and local law enforcement agencies may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) State and local law enforcement agencies may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training.

NEW SECTION. Sec. 14. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" means a natural person who is a Washington resident.

(2) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

(3) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of a consumer and adds the facial template to a gallery used by the facial recognition service for identification, verification, or persistent tracking of consumers. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(4) "Facial recognition service" means technology that analyzes facial features and is used for the identification, verification, or persistent tracking of consumers in still or video images.

(5) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(6) "Identification" means the use of a facial recognition service by a controller to determine whether an unknown consumer matches any consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 15(8) of this act and who have the authority to alter the decision under review.

(8) "Persistent tracking" means the use of a facial recognition service to track the movements of a consumer on a persistent basis without identification or verification of that consumer. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking uses a facial recognition service for more than forty-eight hours after the first enrolling of that template; or

(b) The data created by the facial recognition service in connection with the tracking of the movements of the consumer are linked to any other data such that the consumer who has been tracked is identified or identifiable.

(9) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(10) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(11) "Recognition" means the use of a facial recognition service to determine whether:

(a) An unknown consumer matches any consumer who has been enrolled in a gallery used by the facial recognition service; or

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(b) An unknown consumer matches a specific consumer who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a controller to determine whether a consumer is a specific consumer whose identity is known to the controller and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 15. (1)(a) Processors that provide facial recognition services must make available an application programming interface or other technical capability, chosen by the processor, to enable controllers or third parties to conduct legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics, such as (i) race, skin tone, ethnicity, gender, age, or disability status, or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of that independent testing identify material unfair performance differences across subpopulations, the processor must develop and implement a plan to mitigate the identified performance differences. Nothing in this subsection prevents a processor from prohibiting the use of the processor's facial recognition service by a competitor for competitive purposes.

(b) Making an application programming interface or other technical capability does not require processors to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Processors bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Processors that provide facial recognition services must provide documentation that includes general information that:

(a) Explains the capabilities and limitations of the services in plain language; and

(b) Enables testing of the services in accordance with this section.

(3) Processors that provide facial recognition services must prohibit by contract the use of facial recognition services by controllers to unlawfully discriminate under federal or state law against individual consumers or groups of consumers.

(4) Controllers must provide a conspicuous and contextually appropriate notice whenever a facial recognition service is deployed in a physical premise open to the public that includes, at minimum, the following:

(a) The purpose or purposes for which the facial recognition service is deployed; and

(b) Information about where consumers can obtain additional information about the facial recognition service including, but not limited to, a link to any applicable online notice, terms, or policy that provides information about where and how consumers can exercise any rights that they have with respect to the facial recognition service.

(5) Controllers must obtain consent from a consumer prior to enrolling an image of that consumer in a facial recognition service used in a physical premise open to the public.

(6) Controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must ensure that those decisions are subject to meaningful human review.

(7) Prior to deploying a facial recognition service in the context in which it will be used, controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must test the facial recognition service in operational conditions. Controllers must

take commercially reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

(8) Controllers using a facial recognition service must conduct periodic training of all individuals that operate a facial recognition service or that process personal data obtained from the use of facial recognition services. Such training shall include, but not be limited to, coverage of:

(a) The capabilities and limitations of the facial recognition service;

(b) Procedures to interpret and act on the output of the facial recognition service; and

(c) The meaningful human review requirement for decisions that produce legal effects on consumers or similarly significant effects on consumers, to the extent applicable to the deployment context.

(9) Controllers shall not knowingly disclose personal data obtained from a facial recognition service to a law enforcement agency, except when such disclosure is:

(a) Pursuant to the consent of the consumer to whom the personal data relates;

(b) Required by federal, state, or local law in response to a warrant;

(c) Necessary to prevent or respond to an emergency involving danger of death or serious physical injury to any person, upon a good faith belief by the controller; or

(d) To the national center for missing and exploited children, in connection with a report submitted thereto under Title 18 U.S.C. Sec. 2258A.

(10) Voluntary facial recognition services used to verify an aviation passenger's identity in connection with services regulated by the secretary of transportation under Title 49 U.S.C. Sec. 41712 and exempt from state regulation under Title 49 U.S.C. Sec. 41713(b)(1) are exempt from this section. Images captured by an airline must not be retained for more than twenty-four hours and, upon request of the attorney general, airlines must certify that they do not retain the image for more than twenty-four hours. An airline facial recognition service must disclose and obtain consent from the customer prior to capturing an image.

NEW SECTION. Sec. 16. (1) Any person who has been subjected to a facial recognition service in violation of this chapter, or about whom information has been obtained, retained, accessed, or used in violation of this chapter, may institute proceedings in any court of competent jurisdiction to obtain injunctive relief or declaratory relief, or to recover actual damages, but not less than statutory damages of seven thousand five hundred dollars per violation, whichever is greater.

(2) A court shall award costs and reasonable attorneys' fees to a prevailing plaintiff in an action brought under subsection (1) of this section.

NEW SECTION. Sec. 17. Nothing in this act applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

NEW SECTION. Sec. 18. (1) Sections 1 through 11 and 17 of this act constitute a new chapter in Title 43 RCW.

(2) Sections 14 through 16 of this act constitute a new chapter in Title 19 RCW."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Carlyle moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6280 and ask the House to recede therefrom.

Senator Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6280 and ask the House to recede therefrom.

The motion by Senator Carlyle carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6280 and asked the House to recede therefrom by voice vote.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. I believe this is the correct motion. I have a letter addressed to the Office of Management and Budget in Congress, in Washington D.C., regarding the closure of the Archives in Seattle and asking them to reconsider. So I have that letter on my desk and a signature page for people to sign, so being run in the other body by Representative Tharinger, and trying to get as many signatures as possible to protest the potential closure of the Archives. So, signature sheet is on my desk. Thank you."

EDITOR'S NOTE: The federal Public Buildings Reform Board recommended closure and sale of the National Archives and Records Administration (NARA) facility in Seattle's Sand Point neighborhood. National Archives at Seattle maintains and provide access to permanent records created by Federal agencies and courts in Alaska, Idaho, Oregon, and Washington and is used by academic and other researchers, Federal agencies, and other customers. The Office of Management and Budget approved the sale in late January of 2020.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6141 with the following amendment(s): 6141-S.E AMH CWD H5163.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the increasing importance of postsecondary education as a tool for economic resilience and mobility, as well as the financial barriers many students in our state face in pursuing postsecondary education. In light of the 2019 expansion of the Washington college grant, it is also important to share information about new financial aid opportunities available to prospective postsecondary students. The legislature also acknowledges Washington's low completion rate of the free application for federal student aid in comparison with other states, as well as other states' successes in increasing these rates by expanding supports for students and their families. Research has shown that increased completion of student aid applications in other states has led to increases in high school graduation and college matriculation, especially for students in underrepresented groups. Given these facts, the legislature intends to undertake several actions to improve financial aid awareness and to increase coordination in this area among schools, districts, agencies, and institutions of higher education.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.77 RCW to read as follows:

(1) The council shall adopt a centralized online statewide calculator tool for the purposes of estimating federal Pell grant and Washington college grant awards for all public four-year institutions of higher education in Washington state.

(2) The tool must provide an estimate of state and federal aid based on student and family financial circumstances.

(3) The calculator tool must be published on a web site managed by the council.

(4) The financial aid calculator must be for estimation purposes only and is not a guarantee of state aid. Neither this section nor the estimates provided by the financial aid calculator constitute an entitlement on the part of the state, and no institution, agency, or their agents or employees may be held liable for any estimates created through its usage.

(5) The financial aid calculator must be designed for anonymous use and may not be used to collect or share any data.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.77 RCW to read as follows:

(1) In collaboration with financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state, the Washington student achievement council shall develop clear, consistent definitions for institutions of higher education to adopt regarding financial aid package award letters.

(2) By July 1, 2021, all public four-year and two-year institutions of higher education, as well as all independent colleges in Washington state, must adopt uniform terminology and a standardized template for financial aid award packages so that students may easily compare them.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with the 2020-21 school year, all school districts with a high school must provide a financial aid advising day, as defined in section 5 of this act.

(b) Districts must provide both a financial aid advising day and notification of financial aid opportunities at the beginning of each school year to parents and guardians of any student entering the twelfth grade. The notification must include information regarding:

(i) The eligibility requirements of the Washington college grant;

(ii) The requirements of the financial aid advising day;

(iii) The process for opting out of the financial aid advising day; and

(iv) Any community-based resources available to assist parents and guardians in understanding the requirements of and how to complete the free application for federal student aid and the Washington application for state financial aid.

(2) Districts may administer the financial aid advising day, as defined in section 5 of this act, in accordance with information-sharing requirements set in the high school and beyond plan in RCW 28A.230.090.

(3) The Washington state school directors' association, with assistance from the office of the superintendent of public instruction and the Washington student achievement council, shall develop a model policy and procedure that school district board of directors may adopt. The model policy and procedure must describe minimum standards for a financial aid advising day as defined in section 5 of this act.

(4) School districts are encouraged to engage in the Washington student achievement council's financial aid advising training.

(5) The office of the superintendent of public instruction may adopt rules for the implementation of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(1)(a) Beginning with the 2020-21 school year, within existing resources, and in collaboration with the Washington student achievement council, the office of the superintendent of public instruction shall coordinate a financial aid advising day with all school districts with a high school.

(b) For the purposes of this section and section 4 of this act, a "financial aid advising day" means a day or series of days between September 1st and December 1st of each year that includes, but is not limited to, dedicated time during regular school hours for staff to:

(i) Provide information to twelfth grade students on the free application for federal student aid, the Washington application for state financial aid, and the college board's CSS profile;

(ii) As appropriate and whenever possible, assist twelfth grade students in completing the free application for federal student aid and the Washington application for state financial aid; and

(iii) In conjunction with the Washington student achievement council, distribute information on the Washington college grant and demonstrate the use of the college financial aid calculator created in section 2 of this act.

(c) Each school district may choose the date or series of dates on which to hold a financial aid advising day.

(2) The office of the superintendent of public instruction shall coordinate with the Washington student achievement council whenever possible to assist districts in facilitating opportunities outside of regular school hours for parents to take part in seminars on completing the free application for federal student aid and the Washington application for state financial aid. Whenever possible, districts shall provide spoken language interpreter services for limited English-speaking families.

(3) Schools must allow students over the age of eighteen to opt out and parents or guardians of students under the age of eighteen to opt their student out of scheduled financial aid advising day activities.

(4) A student may not be penalized for failing to complete financial aid applications or for opting out of activities under subsection (3) of this section.

(5) Educational staff, including instructional, administrative, and counseling staff, may not be assessed or penalized on the basis of students' completion of financial aid forms or students' decisions to opt out under subsection (3) of this section.

(6) In the administration of the financial aid advising day, personally identifiable student or family information must be protected in accordance with state and federal privacy laws.

Sec. 6. RCW 28A.230.090 and 2019 c 252 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate

of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 7. RCW 28A.230.215 and 2019 c 252 s 504 are each amended to read as follows:

(1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

guardians, educators, and counselors as the legislature explores options for funding additional school counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall facilitate the creation of a list of available electronic platforms for the high school and beyond plan. Platforms eligible to be included on the list must meet the following requirements:

(a) Enable students to create, personalize, and revise their high school and beyond plan as required by RCW 28A.230.090;

(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;

(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhancements to improve the features and functionality of the platform;

(d) Include a sample financial aid letter and a link to the financial aid calculator created in section 2 of this act, at such a time as those materials are finalized;

(e) Comply with state and federal requirements for student privacy;

((e)) (f) Allow for the portability between platforms so that students moving between school districts are able to easily transfer their high school and beyond plans; and

((f)) (g) To the extent possible, include platforms in use by school districts during the 2018-19 school year.

(3) Beginning in the 2020-21 school year, each school district must ensure that an electronic high school and beyond plan platform is available to all students who are required to have a high school and beyond plan.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section.

NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6141.

Senators Randall and Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6141.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6141 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6141, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6141, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 6141, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wilson, C., Senator Hobbs was excused.

MESSAGE FROM THE HOUSE

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6191.

Senators Wellman and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6191.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6191 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6191, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6191, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Padden and Wagoner

Excused: Senator Hobbs

SUBSTITUTE SENATE BILL NO. 6191, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6313 with the following amendment(s): 6313.E AMH APP H5350.1

Strike everything after the enacting clause and insert the following:

"PART I

ACT NAME AND LEGISLATIVE FINDINGS

NEW SECTION. Sec. 1. This act may be known and cited as the voting opportunities through education act or the VOTE act.

NEW SECTION. Sec. 2. The legislature finds that robust participation by young voters in Washington state elections is critical to ensuring lifelong civic engagement. Research has shown that voting is a habitual behavior and that people who vote in the first three elections when they are eligible will likely vote for life. However, this is also the period of time when they are likely to face unique barriers to participate in the democratic process, including regularly changing their address, becoming eligible shortly after an election, and exclusion from certain voter registration policies.

The legislature also finds that the period prior to election day is the most critical time to ensure ballot access for young voters. States with early voting have higher participation rates than states that do not and the use of early voting sites on college campuses helped produce record levels of participation for young voters in 2016 and 2018.

The legislature finds that students that have more opportunities to be registered and vote are more likely to participate. Limiting statutory voter registration opportunities on college campuses to days well in advance of election day is inconsistent with implementation of same-day voter registration. Making automatic voter registration unavailable to those registering for the first time denies young voters the same benefits as every other voter.

PART II

PERSONS ALLOWED TO VOTE IN PRIMARIES

Sec. 3. RCW 29A.08.210 and 2018 c 109 s 8 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to acknowledge that he or she is at least ~~((eighteen))~~ sixteen years old ~~((or is at least sixteen years old and will vote only after he or she reaches the age of eighteen))~~;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that ~~((the))~~:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

Sec. 4. RCW 29A.08.230 and 2013 c 11 s 14 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I ~~((will be))~~ am at least ~~((eighteen))~~ sixteen years old ~~((when I vote))~~, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction."

Sec. 5. RCW 29A.08.330 and 2019 c 391 s 6 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration application.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 6. RCW 29A.08.810 and 2011 c 10 s 20 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony and the voter's civil rights have not been restored;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;

(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported

allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

PART III

AUTOMATIC VOTER SIGN-UP TO REGISTER

Sec. 7. RCW 29A.08.355 and 2018 c 110 s 102 are each amended to read as follows:

(1) The department of licensing ~~((shall implement an automatic voter registration system so that))~~ must allow a person age eighteen years or older ((who)) to be registered to vote or update voter registration information by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration ~~((and))~~;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 ~~((may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the))~~; and

(c) The department of licensing record associated with the applicant contains ~~((the))~~;

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010 ~~((other))~~;

(ii) Other information as required by the secretary of state ~~((and includes a))~~; and

(iii) A signature image.

(2) The department of licensing must allow a person sixteen or seventeen years of age to be signed up to register to vote by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

Sec. 8. RCW 46.20.155 and 2018 c 109 s 15 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least ~~((eighteen))~~ sixteen years old ~~((or are you at least sixteen years old and will you vote only after you turn eighteen))~~?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update.

If the applicant answers in the negative to either question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

Sec. 9. RCW 28A.230.094 and 2018 c 127 s 2 are each amended to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washington state association of county auditors and a 501(c)(3) nonprofit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of the superintendent of public instruction's web site.

PART IV

STUDENT ENGAGEMENT HUBS

NEW SECTION. Sec. 10. A new section is added to chapter 29A.40 RCW to read as follows:

(1) Each state university, regional university, and The Evergreen State College as defined in RCW 28B.10.016 and each higher education campus as defined in RCW 28B.45.012 shall open a nonpartisan student engagement hub on its campus. The student engagement hub may be open during business hours beginning eight days before, and ending at 8:00 p.m. on the day of, the general election. All student engagement hubs must allow students to download their exact ballot from an online portal. Upon request of the student government organization to the administration and the county auditor, the student engagement hub at a state university, regional university, or The Evergreen State College as defined in RCW 28B.10.016 must allow voters to register in person pursuant to RCW 29A.08.140(1)(b) and provide voter registration materials and ballots.

(2) Each institution shall contract with the county auditor for the operation of a student engagement hub under this section.

(3) Student engagement hubs are not voting centers as outlined in RCW 29A.40.160 and must be operated in a manner that avoids partisan influence or electioneering.

PART V

VOTERS' PAMPHLETS

Sec. 11. RCW 29A.32.031 and 2013 c 283 s 2 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080; ~~((and))~~

(7) A list of all student engagement hubs as designated under section 10 of this act; and

(8) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

Sec. 12. RCW 29A.32.241 and 2016 c 83 s 2 are each amended to read as follows:

(1) The local voters' pamphlet shall include but not be limited to the following:

(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(b) A list of jurisdictions that have measures or candidates in the pamphlet;

(c) Information on how a person may register to vote and obtain a ballot;

(d) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

(e) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; ~~((and))~~

(f) A list of all student engagement hubs in the county as designated under section 10 of this act; and

(g) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.

(2) The county auditor's name may not appear in the local voters' pamphlet in his or her official capacity if the county auditor is a candidate for office during the same year. His or her name may only be included as part of the information normally included for candidates.

PART VI

HARMONIZING PROVISIONS

Sec. 13. RCW 29A.04.061 and 2003 c 111 s 111 are each amended to read as follows:

"Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution, including persons who are seventeen years of age at the primary election or presidential primary election but who will be eighteen years of age by the general election.

Sec. 14. RCW 29A.08.110 and 2019 c 391 s 5 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of ~~((the))~~;

(a) The original date of receipt~~((or when))~~;

(b) When the person will be at least eighteen years old by the next election; or

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((2))~~ (3) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((3))~~ (4) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

Sec. 15. RCW 29A.08.170 and 2018 c 109 s 5 are each amended to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age ~~((, and his or her name))~~ unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election. A person who signs up to register to vote may not be added to the statewide voter registration database list of voters until such time as he or she will be ~~((eighteen years of age by))~~ eligible to vote in the next election.

Sec. 16. RCW 29A.08.172 and 2018 c 109 s 6 are each amended to read as follows:

(1) A person who has attained sixteen years of age may sign up to register to vote, as part of the future voter program, by submitting a voter registration application by mail.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register by mail, the person must provide a signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday.

Sec. 17. RCW 29A.08.174 and 2018 c 109 s 14 are each amended to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identicard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

Sec. 18. RCW 29A.08.359 and 2019 c 391 s 8 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of

state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted in an expedited manner and must be received by an election official by the required voter registration deadline. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((b))~~ (d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

Sec. 19. RCW 29A.80.041 and 2009 c 106 s 3 are each amended to read as follows:

Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

Sec. 20. RCW 29A.84.140 and 2018 c 109 s 13 are each amended to read as follows:

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons age sixteen or seventeen signing up to register to vote as authorized under RCW 29A.08.170 or 29A.08.355(2).

Sec. 21. RCW 46.20.156 and 2018 c 110 s 105 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's

license or identicard pursuant to RCW 46.20.205, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

PART VII OTHER PROVISIONS

Sec. 22. RCW 29A.08.140 and 2019 c 391 s 4 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application that is received by an election official no later than eight days before the day of the primary, special election, or general election. For purposes of this subsection (1)(a), "received" means: (i) Being physically received by an election official by the close of business of the required deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline; or

(b) Register in person at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, a student engagement hub, or other location designated by the county auditor ~~((in his or her county of residence))~~ no later than 8:00 p.m. on the day of the primary, special election, or general election.

(2) ~~((1(a)))~~ (a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by:

~~((a)-(i)))~~ (i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than eight days before the day of the primary, special election, or general election; or

~~((b)-(ii)))~~ (ii) Appearing in person, at ~~((the))~~ a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor ~~((in his or her county of residence))~~, no later than 8:00 p.m. on the day of the primary, special election, or general election to be in effect for that primary, special election, or general election.

~~((e)-(b)))~~ (b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register or update a voting address in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at ~~((the))~~ a county auditor's office, a voting center, or other location designated by the county auditor ~~((in the county in which the person resides))~~ at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

NEW SECTION. Sec. 23. Subject to the availability of amounts appropriated for this specific purpose, the secretary of state may provide grants to county auditors to implement section 10 of this act.

NEW SECTION. Sec. 24. Sections 3, 5, 6, and 13 through 17 of this act take effect January 1, 2022.

NEW SECTION. Sec. 25. Sections 7, 8, 18, 20, and 21 of this act take effect September 1, 2023."

Correct the title.

and the same are herewith transmitted.

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6313.

Senator Liias spoke in favor of the motion.

Senator Zeiger spoke on the motion to concur.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6313.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6313 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6313, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6313, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 6313, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6440 with the following amendment(s): 6440-S.E AMH LAWS H5175.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.08 RCW to read as follows:

"New medical issue" means a medical issue not covered by a previous medical examination requested by the department or the self-insurer such as an issue regarding medical causation, medical treatment, work restrictions, or evaluating permanent partial disability.

Sec. 2. RCW 51.32.110 and 1997 c 325 s 3 are each amended to read as follows:

(1) ((Any)) As required under RCW 51.36.070, any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, ((at a time and from

time to time,)) at a place reasonably convenient for the worker ((and as may be provided by the rules of the department)). An injured worker, whether an alien or other injured worker, who is not residing in the United States at the time that a medical examination is requested may be required to submit to an examination at any location in the United States determined by the department or self-insurer.

(2) If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department or the self-insurer upon approval by the department, with notice to the worker may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That ((the)) (a) The department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or required under this section and (b) the department may not assess a no-show fee against the worker if the worker gives at least five business days' notice of the worker's intent not to attend the examination.

(3) If the worker necessarily incurs traveling expenses in attending the examination pursuant to the request of the department, such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

(4)(a) If the medical examination required by this section causes the worker to be absent from his or her work without pay:

(i) In the case of a worker insured by the department, the worker shall be paid compensation out of the accident fund in an amount equal to his or her usual wages for the time lost from work while attending the medical examination; or

(ii) In the case of a worker of a self-insurer, the self-insurer shall pay the worker an amount equal to his or her usual wages for the time lost from work while attending the medical examination.

(b) This subsection (4) shall apply prospectively to all claims regardless of the date of injury.

Sec. 3. RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1)(a) Whenever the ((director)) department or the self-insurer deems it necessary in order to ((resolve any)) (i) make a decision regarding claim allowance or reopening, (ii) resolve a new medical issue, an appeal, or case progress, or (iii) evaluate the worker's permanent disability or work restriction, a worker shall submit to examination by a physician or physicians selected by the ((director)) department, with the rendition of a report to the person ordering the examination, the attending physician, and the injured worker.

(b) The examination must be at a place reasonably convenient to the injured worker, or alternatively utilize telemedicine if the department determines telemedicine is appropriate for the examination. For purposes of this subsection, "reasonably convenient" means at a place where residents in the injured worker's community would normally travel to seek medical care for the same specialty as the examiner. The department must address in rule how to accommodate the injured worker if no

approved medical examiner in the specialty needed is available in that community.

(2) The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(3) For purposes of this section, "examination" means a physical or mental examination by a medical care provider licensed to practice medicine, osteopathy, podiatry, chiropractic, dentistry, or psychiatry at the request of the department or self-insured employer or by order of the board of industrial insurance appeals.

(4) This section applies prospectively to all claims regardless of the date of injury.

NEW SECTION. Sec. 4. (1) An independent medical examination work group is established within the department of labor and industries, with members as provided in this subsection.

(a) The speaker of the house of representatives shall appoint two members from the house of representatives, with one member appointed from each of the two largest caucuses of the house of representatives;

(b) The president of the senate shall appoint two members from the senate, with one member appointed from each of the two largest caucuses of the senate;

(c) The department of labor and industries shall appoint one business representative representing employers participating in the state fund;

(d) The department of labor and industries shall appoint one business representative representing employers who are self-insured for purposes of workers' compensation insurance;

(e) The department of labor and industries shall appoint two labor representatives;

(f) The department of labor and industries shall appoint one representative of both an association representing physicians who perform examinations for purposes of workers' compensation insurance and the panel companies that work with them; and

(g) The department of labor and industries shall appoint one attorney who represents injured workers.

(2) The work group must:

(a) Develop strategies for reducing the number of medical examinations per claim while considering claim duration and medical complexity;

(b) Develop strategies for improving access to medical records, including records and reports created during the course of or pursuant to an examination;

(c) Consider whether the department of labor and industries should do all the scheduling of independent medical examinations;

(d) Consider the circumstances for which independent medical examiners should be randomly selected or specified;

(e) Consider workers' rights in the independent medical examination process including attendance, specialist consultations, the audio or video recording of examinations, and the distance and location of examinations;

(f) Recommend changes to improve the efficiency of the independent medical examination process; and

(g) Identify barriers to increasing the supply of in-state physicians willing to do independent medical examinations in the workers' compensation system.

(3) The department of labor and industries must report its findings and recommendations to the legislature by December 11, 2020.

(4) This section expires December 31, 2020.

NEW SECTION. Sec. 5. A new section is added to chapter 51.36 RCW to read as follows:

(1) The department may adopt rules to implement section 3 of this act.

(2) The department must adopt rules, policies, and processes governing the use of telemedicine for independent medical examinations under section 3 of this act. Development of rules may include a pilot project. Consideration should be given to all available research regarding the use of telemedicine for independent medical examinations.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act take effect January 1, 2021."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Stanford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440.

Senator Stanford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stanford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440.

The motion by Senator Stanford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6473 with the following amendment(s): 6473-S.E AMH ENVI H5085.3

Strike everything after the enacting clause and insert the following:

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

"NEW SECTION. Sec. 1. A new section is added to chapter 70.310 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the use of asbestos-containing building materials in new construction or renovations is prohibited.

(2) Subsection (1) of this section does not apply to:

(a) The use of asbestos-containing building materials in residential construction;

(b) The use of asbestos-containing building materials that are, as of the effective date of this section, already ordered by a contractor or currently in the possession of the contractor; or

(c) The use of asbestos-containing building materials if complying with subsection (1) of this section would result in the breach of a contract existing as of the effective date of this section.

Sec. 2. RCW 70.310.020 and 2013 c 51 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Asbestos" includes the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), anthophyllite, and any of these minerals that have been chemically treated or altered. The chemical abstracts service registry number for each is as follows: Asbestos (1332-21-4), actinolite (13768-00-8), amosite (12172-73-5), tremolite (14567-73-8), chrysotile (12001-29-5), crocidolite (12001-28-4), and anthophyllite (17068-78-9).

(2) "Asbestos-containing building material" means ~~((any))~~:

(a) Until January 1, 2025, any building material to which asbestos is deliberately added in any concentration or that contains more than one percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993; and

(b) Beginning January 1, 2025, any building material to which asbestos is deliberately added in any concentration or that contains more than one-tenth of one percent asbestos by weight or area as determined using the United States environmental protection agency method for the determination of asbestos in building materials, EPA/600/R-93/116, July 1993.

(3) "Building material" includes materials designed for, or used in, construction, renovation, repair, or maintenance of institutional, commercial, public, industrial, or residential buildings and structures. The term does not include automobiles, recreational vehicles, boats, or other mobile means of transportation.

(4) "Consumer" means any person that acquires a building material for direct use or ownership, rather than for resale or use in production and manufacturing.

(5) "Department" means the department of ecology.

(6) "Person" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(7) "Retailer" means any person that sells goods or commodities directly to consumers.

(8) "Interested party" means any contractor, subcontractor, or worker that performs, or is reasonably expected to perform, work at a facility covered under section 3 of this act or any organization whose members perform, or are reasonably expected to perform, work at a facility covered under section 3 of this act.

(9) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single-family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including the basement.

"NEW SECTION. Sec. 3. A new section is added to chapter 70.310 RCW to read as follows:

(1) Every owner of a facility that is engaged in activities described in codes 31 through 33 of the North American industry classification system must:

(a) Perform an inspection of the facility to determine whether asbestos-containing building materials are present and, if asbestos-containing building materials are found during the initial inspection, reinspect asbestos-containing building materials every five years thereafter. The inspections must be conducted by persons meeting the accreditation requirements of the federal toxic substances control act, 15 U.S.C. Sec. 2646 (b) or (c); and

(b) Develop, maintain, and update an asbestos management plan and keep a copy at the facility. The asbestos management plan must be updated every five years and after any material changes in asbestos-containing building materials in the facility. The asbestos management plan must include:

(i) The name and address of the facility and whether the facility has asbestos-containing building materials, and the type of asbestos-containing building material;

(ii) The date of the original facility inspection;

(iii) A plan for reinspections;

(iv) A blueprint of the facility that clearly identifies the location of asbestos-containing building materials;

(v) A description of any response action or prevention measures taken to reduce asbestos exposure;

(vi) A copy of the analysis of any building or facility, and the name and address of any laboratory that sampled the material;

(vii) The name, address, and telephone number of a designated contact to whom the owner has assigned responsibility for ensuring that the duties of the owner are carried out; and

(viii) A description of steps taken to inform workers about inspections, reinspections, response actions, and periodic surveillance of the asbestos-containing building materials.

(2) Upon request, the asbestos management plan required under subsection (1)(b) of this section must be made available to the department, the department of labor and industries, local air pollution control authorities in jurisdictions where they have been created under this chapter, and any interested party. In addition to the penalties established by this chapter, failure to create or maintain a required asbestos management plan is a violation of chapter 49.17 RCW and subject to the penalties established under RCW 49.17.180 and 49.17.190.

"NEW SECTION. Sec. 4. A new section is added to chapter 49.17 RCW to read as follows:

(1) The asbestos plan requirements in section 3(1)(b) of this act are an industrial health or safety standard adopted under the authority of this chapter.

(2) A violation of the requirements of section 3(1)(b) of this act is subject to the penalties established under RCW 49.17.180 and 49.17.190 for violations of safety or health standards adopted under the authority of this chapter.

"NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395.

Senator Wilson, C. spoke in favor of the motion.
 Senators Short, Braun, Schoesler and Padden spoke against the motion.

POINT OF ORDER

Senator Braun: "I'm getting messages from parents that say, you know how you can sign up for notification on bills, so the Senate has apparently already sent out an email, time 1:54, that says we have already concurred with these amendments. And my question is: How is it possible we are sending email saying that we have concurred with these amendments when we have not yet completed this debate?"

REPLY BY THE PRESIDENT

President Habib: "One moment. Okay, Senator Braun, thank you, your point of order is well taken. There was an inadvertent mistake that was made that is being corrected so, the members of the public should be aware that no vote has been taken on this and I apologize on behalf of the Senate. Apologize to members and to those who are paying attention to this debate going on right now. Thank you, Senator Braun."

Senator Braun: "Thank you, Mr. President."

POINT OF ORDER

Senator Padden: "Yes, Mr. President, would you be so kind as to read what the new message actually says? That is going out to the parents who were misinformed."

REPLY BY THE PRESIDENT

President Habib: "Senator Padden, there is, there is no message, so to speak, that was sent. There was, I guess, in the, so members of the public are, are allowed to sign up for notifications on a particular measure. And, inadvertently, a notice was sent out for those who are following Engrossed Substitute Senate Bill No. 5395, that was sent out mistakenly saying that a concurrence motion had been, had prevailed. And so, that has now been corrected in the system. However, we are not sure that there will be another notification sent out in, because I am not sure that that triggers another email to correct the record. So, it's regrettable but ultimately, I will tell you what: There is only 49 people who need to know, for this particular moment, who need to know the procedural posture. Of course, the public is watching this on TVW and should be, and everyone should feel free to, the caucus staff and others, should feel free to communicate in real time what is going on. But, what's important right now, for your deliberations is to understand where we are, and to take the vote you're about to take on concurrence. Now, if the motion goes down, then a notification will be sent that the Senate did not concur. And if the motion prevails then another concurrence, another update will be done, triggered, another email. So, one way or another, your constituents will learn, very shortly, what the result of this vote will be. Okay? And I, once again, Senator Padden, Senator Braun and others, I do apologize. Technology is a, you know, ask the people in Iowa. It's tricky. It's important, it is helpful, it is useful but as we've talked about here, in other bills this week, it takes, sometimes with technology there can be inadvertent mistakes that are made. Thankfully we have our friends at TVW live broadcasting all of this to the public."

MOTION

Senator Short moved the Senate defer further consideration of Engrossed Substitute Senate Bill No. 5395.

Senator Liias objected to the motion by Senator Short.

Senators Short and Schoesler spoke in favor of the motion to defer further consideration of Engrossed Substitute Senate Bill No. 5093.

Senator Liias spoke against the motion.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "By the way, the Secretary has just notified me that a correction has been sent out and while the President believes, therefore, Senator Short's motion would ordinarily be considered out of order, given the motion was to defer further consideration until the notification was sent. The notification was sent, so the motion is out of order. Nevertheless, I'm still going to have the vote take place on this as to not rile folks up."

The President declared the question before the Senate to be, the motion by Senator Short to defer further consideration of Engrossed Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the motion by Senator Short to defer further consideration of Engrossed Substitute Senate Bill No. 5395, and the motion did not carry by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Hobbs

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

POINT OF ORDER

Senator Short: "Thank you, Mr. President. We had buttons pushed at the time that this whole thing happened to continue our

FIFTY FIFTH DAY, MARCH 7, 2020

2020 REGULAR SESSION

opposition to that motion. And they had pressed their button ahead of the good senator making his motion to call the question.”

PERSONAL PRIVILEGE

REPLY BY THE PRESIDENT

President Habib: “Senator Short, let me walk through what just happened. Everyone calm down for just one second. Just hear me out. Here’s what happened. There was a motion to defer consideration, and even as we tried to figure out the solution, and we did our best. And I think the email update was sent, and I’ve gotten confirmation that it was received. At that point, Senator Liias moved for the previous question. At that point I had no option under your rules but to go immediately, because that motion carried, but to go immediately to the vote on the motion to defer. So, that’s the order of operations that just happened. In any case, the previous speaker on the merits of the concurrence was a Republican. And so it is my habit to alternate speakers. And it’s also my habit to go to the majority floor leader, which is the long-standing custom of this body, that the majority floor leader is recognized first, before everyone else. That’s been the case when it was Senator Fain and I was the Lieutenant Governor and it is also the case with Senator Liias. So, I recognized Senator Liias. He has now moved to call the previous question and so I ask is demand sustained by two additional members?”

The President declared the demand was sustained.

MOTION

Senator Schoesler moved to immediately adjourn.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Schoesler to that the senate adjourn.

ROLL CALL

The Secretary called the roll on the motion by Senator Schoesler that the senate adjourn, and the motion did not carry by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Hobbs

On motion of Senator Liias, the motion by Senator Liias that the previous question be put was withdrawn.

REMARKS BY THE PRESIDENT

President Habib: “Alright, so everyone knows procedurally where we are. All of these motions have been dispensed with, except we are on the underlying motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 5395. So, we are now to debate that, continue our debate on that question. Further remarks?”

Senator Becker: “Thank you Mr. President. I can understand all the processes that have gone on here and maybe this is not the right time but I still feel it is the right time. You know this is a serious subject to all of us in here, and each and every side of this, whether you’re a D or an R, as it has been pointed out. But Mr. President, what I find offensive is when we are making a motion, or we are making a statement, that I am hearing laughter and mockery from the other side.”

President Habib: “There is no…”

Senator Becker: “And Mr. President, I cannot think that you would tolerate that. The decorum of this institution has always been one that is great and been one that we can all respect. And I would like to make sure that people are aware of that in this is not something that anyone should be laughing at. Thank you.”

REPLY BY THE PRESIDENT

President Habib: “Thank you. It is true and I will, if that happens, there is a reason there are two brilliant attorneys up here with me. They are looking out and they will notify me if there is a failure of decorum in the Senate. As you know, Senator Becker, I’ve had no problem calling that out whether it is Democrat or Republican. Now I ask that we return to the question before us which is the motion to concur.”

Senator Dhingra spoke in favor of the motion.

Senators Holy, Brown, Hawkins, O’Ban, Becker, Ericksen, Rivers and Wilson, L. spoke against the motion.

Senator Wilson, L.: “I had a couple of statements from some of the…”

REMARKS BY THE PRESIDENT

President Habib: “Senator Wilson, if they concern the House amendments and if you can speak specifically to the House amendments you can proceed with reading. Otherwise, I have given wide latitude, but honestly your remarks have not addressed the House amendments so far, and so if you want to read please read statements if you want to, if you want to identify the source, if they relate to House amendments.

Senator Wilson, L.: “Well, I was, I was actually addressing curricula that we are supposed to be…”

President Habib: “Right. Only the one, only changes from the Senate version that you just, that you voted on already. You already had a chance to vote on the senate bill. The question is the changes that were made in the House. If you would like to read, then, on the question of House amendments please proceed.”

Senator Wilson, L., again spoke against the motion..

Senator Das spoke in favor of the motion.

Senators Zeiger and Fortunato spoke against the motion.

POINT OF ORDER

Senator Liias: “Thank you, Mr. President. I don’t believe that my friend is speaking to the House amendments to this bill.”

REPLY BY THE PRESIDENT

President Habib: “Senator Fortunato, please keep your remarks to the House amendments.”

Senator Fortunato again spoke against the motion.
Senators Sheldon, Warnick, Honeyford, King, Wagoner, and Muzzall spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5395 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1261,
HOUSE BILL NO. 1347,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
SECOND SUBSTITUTE HOUSE BILL NO. 1651,
THIRD SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 2017,
SECOND SUBSTITUTE HOUSE BILL NO. 2066,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2265,
SUBSTITUTE HOUSE BILL NO. 2295,
SUBSTITUTE HOUSE BILL NO. 2417,
SUBSTITUTE HOUSE BILL NO. 2448,
SUBSTITUTE HOUSE BILL NO. 2483,
SUBSTITUTE HOUSE BILL NO. 2525,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2551,
SUBSTITUTE HOUSE BILL NO. 2567,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576,
HOUSE BILL NO. 2602,
SUBSTITUTE HOUSE BILL NO. 2613,
SUBSTITUTE HOUSE BILL NO. 2614,

HOUSE BILL NO. 2617,
HOUSE BILL NO. 2619,
SUBSTITUTE HOUSE BILL NO. 2673,
ENGROSSED HOUSE BILL NO. 2755,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783,
and HOUSE BILL NO. 2837.

MOTION

At 3:30 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Monday, March 9, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia
Monday, March 9, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Ericksen.

The Sergeant at Arms Color Guard consisting of Pages Miss Sophie Henderson and Mr. Logan Johnson, presented the Colors. Page Miss Kristin Sholberg led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Dr. Arthur C. Banks of Eastside Baptist Church, Tacoma.

MOTION

On motion of Senator Kuderer, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Kuderer, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Kuderer, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 6032,
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 7, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1808,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2943,
SUBSTITUTE HOUSE BILL NO. 2950,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 7, 2020

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1702,
HOUSE BILL NO. 2217,
SECOND SUBSTITUTE HOUSE BILL NO. 2277,
SUBSTITUTE HOUSE BILL NO. 2308,
ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 2311,
SUBSTITUTE HOUSE BILL NO. 2419,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2467,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2518,
SUBSTITUTE HOUSE BILL NO. 2607,
SUBSTITUTE HOUSE BILL NO. 2803,
HOUSE BILL NO. 2853,
SECOND SUBSTITUTE HOUSE BILL NO. 2864,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 7, 2020

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6049,
SUBSTITUTE SENATE BILL NO. 6632,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 7, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1251,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
ENGROSSED HOUSE BILL NO. 1694,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,
HOUSE BILL NO. 2315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
SUBSTITUTE HOUSE BILL NO. 2343,
SUBSTITUTE HOUSE BILL NO. 2384,
HOUSE BILL NO. 2402,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2405,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2497,
HOUSE BILL NO. 2524,
SUBSTITUTE HOUSE BILL NO. 2527,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638,
HOUSE BILL NO. 2701,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Kuderer, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8709

By Senators Schoesler, Rivers, Wagoner, Muzzall, Warnick, Holy, Walsh, Ericksen, Padden, Hobbs, Conway, Van De Wege, Hasegawa, King, Honeyford, Brown, McCoy, Short, Sheldon, Billig, Cleveland, Das, and Fortunato

WHEREAS, Ronald Main served our country ably in the Army during the Vietnam War era; and

WHEREAS, Ronald Main began his lobbying career by representing the interests of King County citizens; and

WHEREAS, Ronald Main was a valuable member of the capitol community for nearly four decades; and

WHEREAS, Ronald Main was a paragon of decorum and integrity in all of his dealings with legislators and staff; and

WHEREAS, Ronald Main was the only lobbyist in Washington State history to successfully call for "division" in the Senate from the gallery (and prevail); and

WHEREAS, Ronald Main was so respected by his peers and colleagues that he earned the nickname "Ronfather"; and

WHEREAS, Ronald Main passed away on January 25th in Everett, Washington;

NOW, THEREFORE, BE IT RESOLVED, That it be proclaimed that it is the will of the Washington State Senate to honor Ronald Main on this day; and that the sincere condolences of this body be extended to his family.

Senators Schoesler, Sheldon, Hobbs, Conway and Carlyle spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family, friends, and colleagues of Mr. Ron Main, including: Mrs. Sally Main, wife; and Mr. Main's siblings: Mr. & Mrs. Randy and Reta Kendall, Lisa, Walt, and Bonnie who were seated in the gallery.

MOTION

On motion of Senator Liias and without objection, the measures listed on the document entitled "Bill Disposition List" were removed from the Consideration Calendars and referred to the Committee on Rules as designated:

The following measures were removed from the 2nd Reading Calendar and placed in the Committee's "X" file:

SUBSTITUTE HOUSE BILL NO. 1009;
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO.1272;
SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1332;
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813;
HOUSE BILL NO. 1983;
HOUSE BILL NO. 2013;
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2050;
HOUSE BILL NO. 2110;
ENGROSSED HOUSE BILL NO. 2166;
HOUSE BILL NO. 2242;
SUBSTITUTE HOUSE BILL NO. 2244;
SUBSTITUTE HOUSE BILL NO. 2287;
HOUSE BILL NO. 2305;

SUBSTITUTE HOUSE BILL NO. 2353;
ENGROSSED HOUSE BILL NO. 2501;
HOUSE BILL NO. 2542;
HOUSE BILL NO. 2596;
ENGROSSED HOUSE BILL NO. 2610;
ENGROSSED HOUSE BILL NO. 2623;
HOUSE BILL NO. 2664;
SUBSTITUTE HOUSE BILL NO. 2714;
SUBSTITUTE HOUSE BILL NO. 2768;
SUBSTITUTE HOUSE BILL NO. 2772;
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2775;
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2890;
HOUSE JOINT MEMORIAL NO. 4016;
SUBSTITUTE SENATE BILL NO. 6601;
and SUBSTITUTE SENATE BILL NO. 6606.

The following were removed from the 2nd Reading Calendar and placed in the Committee's "X" file:

SUBSTITUTE HOUSE BILL NO. 1255;
HOUSE BILL NO. 2850;
and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879.

The following was removed from the 3rd Reading Calendar and placed in the Committee's "X" file:

ENGROSSED HOUSE BILL NO. 2008.

MOTION

At 10:22 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 12:16 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Zeiger moved that Brett W. Willis, Senate Gubernatorial Appointment No. 9228, be confirmed as a member of the Pierce College Board of Trustees.

Senator Zeiger spoke in favor of the motion.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

APPOINTMENT OF BRETT W. WILLIS

The President declared the question before the Senate to be the confirmation of Brett W. Willis, Senate Gubernatorial Appointment No. 9228, as a member of the Pierce College Board of Trustees.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The Secretary called the roll on the confirmation of Brett W. Willis, Senate Gubernatorial Appointment No. 9228, as a member of the Pierce College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Sheldon

Excused: Senator Ericksen

Brett W. Willis, Senate Gubernatorial Appointment No. 9228, having received the constitutional majority was declared confirmed as a member of the Pierce College Board of Trustees.

MOTION

On motion of Senator Padden, Senator Sheldon was excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Walsh moved that William W. Warren, Senate Gubernatorial Appointment No. 9250, be confirmed as a member of the Walla Walla Community College Board of Trustees.

Senator Walsh spoke in favor of the motion.

APPOINTMENT OF WILLIAM W. WARREN

The President declared the question before the Senate to be the confirmation of William W. Warren, Senate Gubernatorial Appointment No. 9250, as a member of the Walla Walla Community College Board of Trustees.

The Secretary called the roll on the confirmation of William W. Warren, Senate Gubernatorial Appointment No. 9250, as a member of the Walla Walla Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

William W. Warren, Senate Gubernatorial Appointment No. 9250, having received the constitutional majority was declared confirmed as a member of the Walla Walla Community College Board of Trustees.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1368, by Representatives Springer, Kretz, Riccelli, Orcutt, Goodman, Maycumber, Wylie, Dent, Steele and Doglio

Reauthorizing the business and occupation tax deduction for cooperative finance organizations.

The measure was read the second time.

MOTION

Senator Carlyle moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2020 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing business and occupation tax rates.

(4) If the review finds that at least one cooperative finance organization in this state used the deduction, then the legislature intends to extend the expiration date of this tax deduction.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts received by a cooperative finance organization where the amounts are derived from loans to rural electric cooperatives or other nonprofit or governmental providers of utility services organized under the laws of this state.

(2) For the purposes of this section, the following definitions apply:

(a) "Cooperative finance organization" means a nonprofit organization with the primary purpose of providing, securing, or otherwise arranging financing for rural electric cooperatives.

(b) "Rural electric cooperative" means a nonprofit, customer-owned organization that provides utility services to rural areas.

(3) This section expires January 1, 2030.

NEW SECTION. Sec. 3. This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date."

Senator Carlyle spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1368.

The motion by Senator Carlyle carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, House Bill No. 1368 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1368 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1368 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

HOUSE BILL NO. 1368, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovelett moved that Kathryn A. Bennett, Senate Gubernatorial Appointment No. 9251, be confirmed as a member of the Skagit Valley College Board of Trustees.

Senator Lovelett spoke in favor of the motion.

APPOINTMENT OF KATHRYN A. BENNETT

The President declared the question before the Senate to be the confirmation of Kathryn A. Bennett, Senate Gubernatorial Appointment No. 9251, as a member of the Skagit Valley College Board of Trustees.

The Secretary called the roll on the confirmation of Kathryn A. Bennett, Senate Gubernatorial Appointment No. 9251, as a member of the Skagit Valley College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

Kathryn A. Bennett, Senate Gubernatorial Appointment No. 9251, having received the constitutional majority was declared confirmed as a member of the Skagit Valley College Board of Trustees.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870, by House Committee on Appropriations (originally sponsored by Pettigrew and Ryu)

Allowing additional marijuana retail licenses for social equity purposes. Revised for 2nd Substitute: (REVISED FOR ENGROSSED: Allowing the issuance and reissuance of marijuana retail licenses under the social equity program.)

The measure was read the second time.

MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Labor & Commerce be not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 69.50 RCW to read as follows:

(1) A study group on social equity in marijuana is established. The purpose of the study group is to make recommendations to the legislature, governor, and board including but not limited to establishing a social equity program for retail marijuana licensing, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The governor shall appoint:

(a) One member from each of the following:

(i) The commission on African American affairs;

(ii) The commission on Hispanic affairs;

(iii) An organization representing the African American community;

(iv) An organization representing the Latinx community;

(v) The liquor and cannabis board;

(vi) The department of commerce;

(vii) The office of the attorney general; and

(viii) The association of Washington cities; and

(b) Three members that currently hold a marijuana retail license.

(3) In addition to the members appointed to the study group under subsection (2) of this section, individuals representing other

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

sectors may be invited by the governor to participate in an advisory capacity in meetings.

(a) Individuals participating in an advisory capacity under this subsection are not members of the study group, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in study group's meetings in an advisory capacity under this subsection.

(c) A majority of the study group members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The study group shall hold its first meeting by July 1, 2020 and shall elect a chair from among its members at the first meeting by a majority vote of the members who are present at the meeting. The chair of the study group is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the study group, including arranging the first meeting and assisting the chair in arranging subsequent meetings, must be provided by the office of the governor.

(6) The expenses of the study group must be paid by the office of the governor.

(7) Members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement is subject to chapter 43.03 RCW.

(8) The study group is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting.

(10) The study group shall submit a report on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor and the appropriate committees of the legislature by December 1, 2020. The recommendations must include whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section.

(11) This section expires June 30, 2021.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Labor & Commerce to Engrossed Second Substitute House Bill No. 2870.

The motion by Senator Saldaña carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Saldaña moved that the following striking floor amendment no. 1353 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that additional efforts are necessary to reduce barriers to entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that individuals in disproportionately impacted areas suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises. It is the intent of the legislature that implementation of the social equity program authorized by this act not result in an increase in the number of marijuana retailer licenses above the limit on the number of marijuana retailer licenses in the state established by the board before January 1, 2020.

NEW SECTION. Sec. 2. A new section is added to chapter 69.50 RCW to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2028, marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the marijuana retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other marijuana retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing marijuana retailer license or title certificate for a marijuana retailer business in a local jurisdiction subject to a ban or moratorium on marijuana retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit.

Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies and stakeholders as determined by the board:

- (i) The area has a high poverty rate;
- (ii) The area has a high rate of participation in income-based federal or state programs;
- (iii) The area has a high rate of unemployment; and
- (iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

(b) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area; or

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a marijuana offense or is a family member of such an individual.

(c) "Social equity goals" means:

(i) Increasing the number of marijuana retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of marijuana prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (5)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in section 5 of this act. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed marijuana retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a marijuana retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving marijuana;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of marijuana prohibition.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

(1) The marijuana social equity technical assistance competitive grant program is established and is to be administered by the department.

(2) The marijuana social equity technical assistance competitive grant program must award grants on a competitive basis to marijuana retailer license applicants who are social equity applicants submitting social equity plans under section 2 of this act. The department must award grants primarily based on the

strength of the social equity plans submitted by applicants but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding under the marijuana social equity technical assistance competitive grant program include, but are not limited to:

(a) Assistance navigating the marijuana retailer licensure process;

(b) Marijuana-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; and

(e) Connecting social equity applicants with established industry members and tribal marijuana enterprises and programs for mentoring and other forms of support approved by the board.

(3) Funding for the marijuana social equity technical assistance competitive grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(4) The department may adopt rules to implement this section.

Sec. 4. RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and ~~((state liquor and cannabis))~~ board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the ~~((state liquor and cannabis))~~ board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million seven hundred twenty-three thousand dollars for fiscal year 2020 and two million five hundred twenty-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 [six hundred thirty-five thousand dollars])) Six hundred thirty-five thousand dollars for fiscal year 2020 and (((\$635,000[six hundred thirty-five thousand dollars])) six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana(+); and~~

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under section 3 of this act; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the ~~((state liquor and cannabis))~~ board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

~~((For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana infused products" as those terms are defined in RCW 69.50.101.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

(1) A legislative task force on social equity in marijuana is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail marijuana licenses, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

- (i) One member from each of the following:
 - (A) The commission on African American affairs;
 - (B) The commission on Hispanic affairs;
 - (C) The governor's office of Indian affairs;
 - (D) An organization representing the African American community;
 - (E) An organization representing the Latinx community;
 - (F) A labor organization involved in the marijuana industry;
 - (G) The liquor and cannabis board;
 - (H) The department of commerce;
 - (I) The office of the attorney general; and
 - (J) The association of Washington cities;
- (ii) Two members that currently hold a marijuana retail license; and

(iii) Two members that currently hold a producer or processor license or both.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then responsibility for providing staff support for the task force must be transferred to the office of equity created by Engrossed Second Substitute House Bill No. 1783 when requested by the office of equity.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The task force is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting of the task force.

(10) The task force shall submit one or more reports on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by December 1, 2020. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established by the board before January 1, 2020; and

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section. For purposes of determining the total number of licenses issued as of the effective date of this section, the total number includes licenses that have been forfeited, revoked, or canceled.

(11) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

(12) This section expires June 30, 2022.

Sec. 6. RCW 69.50.325 and 2018 c 132 s 3 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the ~~((state liquor and cannabis))~~ board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules

adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the ~~((state liquor and cannabis))~~ board pursuant to this section.

(ii) The ~~((state liquor and cannabis))~~ board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the ~~((state liquor and cannabis))~~ board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The ~~((state liquor and cannabis))~~ board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The ~~((state liquor and cannabis))~~ board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The ~~((state liquor and cannabis))~~ board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

(d) The board may issue marijuana retailer licenses pursuant to this chapter and section 2 of this act.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 69.50.540 and

69.50.325; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date."

MOTION

Senator King moved that the following floor amendment no. 1356 by Senator King be adopted:

On page 3, line 5, after "(5)", insert the following:

"The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators King and Saldaña spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1356 by Senator King on page 3, line 5 to striking floor amendment no. 1353.

The motion by Senator King carried and floor amendment no. 1356 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1357 by Senator King be adopted:

On page 10, line 35, after "(F)", strike through "(G)" on line 36.

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators King and Walsh spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1357 by Senator King on page 10, line 35 to striking floor amendment no. 1353.

The motion by Senator King did not carry and floor amendment no. 1357 was not adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1358 by Senator King be adopted:

On page 12, line 17, after "December", strike "1, 2020", and insert "31, 2020 for approval by the legislature"

On page 12, line 32, after "task force", strike everything through "be" on line 34, and insert "if"

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator Saldaña spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1358 by Senator King on page 12, line 17 to striking floor amendment no. 1353.

The motion by Senator King did not carry and floor amendment no. 1358 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1353 by Senator

Saldaña as amended to Engrossed Second Substitute House Bill No. 2870.

The motion by Senator Saldaña carried and striking floor amendment no. 1353 as amended was adopted by a rising vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute House Bill No. 2870 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2870 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2870 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6152 with the following amendment(s): 6152-S AMH ENGR H5160E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the First Amendment rights of freedom of speech and free association, as they relate to participating in elections, are core values in the United States. The United States supreme court has repeatedly held that these rights include the right to make campaign contributions in support of candidates and ballot measures at the federal, state, and local levels.

The legislature also finds, in accordance with federal law, that these rights are reserved solely for citizens of the United States and permanent legal residents, whether they act as individuals or

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

in association. The First Amendment protection for political speech does not apply to foreign nationals, who are forbidden under 52 U.S.C. Sec. 30121 from directly or indirectly making political contributions or financing independent expenditures and electioneering communications, either individually or collectively through a corporation or other association. Furthermore, federal law prohibits any person from knowingly soliciting or receiving contributions from a foreign national. Therefore, it falls to individual states to help protect the prohibition on foreign influence in our state and local elections by requiring certification that contributions, expenditures, political advertising, and electioneering communications are not financed in any part by foreign nationals and that foreign nationals are not involved in making decisions regarding such election activity in any way.

Sec. 2. RCW 42.17A.005 and 2019 c 428 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services

rendered and the total cost and the manner of payment for the services.

(8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual's candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote the individual's candidacy; or

(d) Gives consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(10) "Commercial advertiser" means any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(11) "Commission" means the agency established under RCW 42.17A.100.

(12) "Committee" unless the context indicates otherwise, includes a political committee such as a candidate, ballot proposition, recall, political, or continuing political committee.

(13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(14) "Continuing political committee" means a political committee that is an organization of continuing existence not limited to participation in any particular election campaign or election cycle.

(15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Accrued interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within ten business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of interest to the public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts toward any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (15)(b)(ix) is not considered an agent of the candidate or committee as long as the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its

fair market value and counts towards any applicable contribution limit of the provider.

(16) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(17) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(18) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(19) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(20) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(21)(a) "Electioneering communication" means any broadcast, cable, or satellite television, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value or cost of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding the candidate becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of interest to the public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(23) "Final report" means the report described as a final report in RCW 42.17A.235(11)(a).

(24) "Foreign national" means:

(a) An individual who is not a citizen of the United States and is not lawfully admitted for permanent residence;

(b) A government, or subdivision, of a foreign country;

(c) A foreign political party; and

(d) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of or has its principal place of business in a foreign country.

(25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((25))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((26))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((27))~~ (28) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in RCW 42.17A.235, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

~~((28))~~ (29) "Incumbent" means a person who is in present possession of an elected office.

~~((29))~~ (30)(a) "Independent expenditure" means an expenditure that has each of the following elements:

(i) It is made in support of or in opposition to a candidate for office by a person who is not:

(A) A candidate for that office;

(B) An authorized committee of that candidate for that office; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of one thousand dollars or more. A series of expenditures, each of which is under one thousand dollars, constitutes one independent expenditure if their cumulative value is one thousand dollars or more.

(b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

~~((30))~~ (31)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((31))~~ (32) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((32))~~ (33) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((33))~~ (34) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an

association's or other organization's act of communicating with the members of that association or organization.

((34)) (35) "Lobbyist" includes any person who lobbies either on the person's own or another's behalf.

((35)) (36) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom the lobbyist is compensated for acting as a lobbyist.

((36)) (37) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

((37)) (38) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

((38)) (39) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

((39)) (40) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

((40)) (41) "Political committee" means any person (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

((41)) (42) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

((42)) (43) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

((43)) (44) "Public record" has the definition in RCW 42.56.010.

((44)) (45) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

((45)) (46) "Remediable violation" means any violation of this chapter that:

(a) Involved expenditures or contributions totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially harm the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

((46)) (47)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

((47)) (48) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

((48)) (49) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

((49)) (50) "State official" means a person who holds a state office.

((50)) (51) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts or expenses incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts or expenses when it makes its final report under RCW 42.17A.255.

((51)) (52) "Technical correction" means the correction of a minor or ministerial error in a required report that does not materially harm the public interest and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

((52)) (53) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

~~((53))~~ (54) "Violation" means a violation of this chapter that is not a remediable violation, minor violation, or an error classified by the commission as appropriate to address by a technical correction.

Sec. 3. RCW 42.17A.240 and 2019 c 428 s 21 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following, except an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and ~~((6))~~ (7) of this section:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

- (a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

- (b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

- (c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

- (d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this chapter;

- (e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

- (i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

- (ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

- (iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

- (f) Commentary or analysis on a ballot proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot proposition; and

- (g) The money value of contributions of postage is the face value of the postage;

- (3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the

lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

- (4) All other contributions not otherwise listed or exempted;

(5) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution to the candidate or political committee that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way;

(6) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

~~((6))~~ (7) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot proposition;

~~((7))~~ (8) The name, address, and electronic contact information of each person to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection ~~((6))~~ (7) of this section;

~~((8))~~ (9)(a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding;

~~((9))~~ (10) The surplus or deficit of contributions over expenditures;

~~((10))~~ (11) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

~~((11))~~ (12) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 4. RCW 42.17A.250 and 2010 c 204 s 411 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;

- (b) The purposes of the out-of-state committee;

- (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;

(f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures; ~~((and))~~

(i) A statement that the out-of-state committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(j) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

Sec. 5. RCW 42.17A.255 and 2019 c 428 s 22 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section,

means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

The report filed pursuant to (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; ~~((and))~~

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 6. RCW 42.17A.260 and 2019 c 428 s 23 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(a) Is published, mailed, or otherwise presented to the public within twenty-one days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or, in the case of a subsequent expenditure of any size made in support of or in opposition to a ballot proposition not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition that was the subject of the previous expenditure.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; ~~((and))~~

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 7. RCW 42.17A.265 and 2019 c 428 s 24 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals one thousand dollars or more, is from a single person or entity, and is received during a special reporting period.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals one thousand dollars or more during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; ~~((and))~~

(e) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(f) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 8. RCW 42.17A.305 and 2019 c 428 s 25 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; ~~((and))~~

(iii) A statement from the sponsor that:

(A) The electioneering communication is not financed in any part by a foreign national; and

(B) Foreign nationals are not involved in making decisions regarding the electioneering communication in any way; and

(iv) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, digitally or otherwise, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the

requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 and 42.17A.260.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17A RCW to read as follows:

(1) A foreign national may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication.

(2) A person may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication, if:

(a) The contribution, expenditure, political advertising, or electioneering communication is financed in any part by a foreign national; or

(b) Foreign nationals are involved in making decisions regarding the contribution, expenditure, political advertising, or electioneering communication in any way.

NEW SECTION. Sec. 10. A new section is added to chapter 42.17A RCW to read as follows:

(1) Each candidate or political committee that has accepted a contribution, and each out-of-state committee that has accepted a contribution reportable under RCW 42.17A.250, from a partnership, association, corporation, organization, or other combination of persons must receive a certification from each contributor that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way.

(2) The certifications must be maintained for a period of no less than three years after the date of the applicable election.

(3) At the request of the commission, each candidate or committee required to comply with subsection (1) of this section must provide to the commission copies of the certifications maintained under this section.

NEW SECTION. Sec. 11. A new section is added to chapter 42.17A RCW to read as follows:

This act does not affect or modify the power of a local government to adopt an ordinance or regulation on matters governed by this act."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Salomon moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6152 and ask the House to recede therefrom.

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6152.

Senator Zeiger spoke in favor of the motion.

Senator Salomon spoke against the motion.

Senator Padden demanded a roll call.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Zeiger that the senate concur in the House amendments to Substitute Senate Bill No. 6152.

ROLL CALL

The Secretary called the roll on the motion by Senator Zeiger that the senate concur in House amendment(s) to Substitute Senate Bill No. 6152; the motion did not carry and the senate refused to concur in the House amendment(s) by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Ericksen

The Senate having failed to concur in the House amendment(s), the President announced that the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6152 and the House was asked to recede therefrom.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6281 with the following amendment(s): 6281-S2 AMH ENGR H5242E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. SHORT TITLE. This act may be known and cited as the Washington privacy act.

NEW SECTION. Sec. 2. LEGISLATIVE FINDINGS. (1) The legislature finds that the people of Washington regard their privacy as a fundamental right and an essential element of their individual freedom. Washington's Constitution explicitly provides the right to privacy, and fundamental privacy rights have long been and continue to be integral to protecting Washingtonians and to safeguarding our democratic republic.

(2) Ongoing advances in technology have produced an exponential growth in the volume and variety of personal data being generated, collected, stored, and analyzed, which presents both promise and potential peril. The ability to harness and use data in positive ways is driving innovation and brings beneficial technologies to society; however, it has also created risks to privacy and freedom. The unregulated and unauthorized use and disclosure of personal information and loss of privacy can have devastating impacts, ranging from financial fraud, identity theft, and unnecessary costs, to personal time and finances, to destruction of property, harassment, reputational damage, emotional distress, and physical harm.

(3) Given that technological innovation and new uses of data can help solve societal problems and improve quality of life, the legislature seeks to shape responsible public policies where innovation and protection of individual privacy coexist. The

legislature notes that our federal authorities have not developed or adopted into law regulatory or legislative solutions that give consumers control over their privacy. In contrast, the European Union's general data protection regulation has continued to influence data privacy policies and practices of those businesses competing in global markets. In the absence of federal standards, Washington and other states across the United States are analyzing elements of the European Union's general data protection regulation to enact state-based data privacy regulatory protections.

(4) With this act, Washington state will be among the first tier of states giving consumers the ability to protect their own rights to privacy and requiring companies to be responsible custodians of data as technological innovations emerge. This act does so by explicitly providing consumers the right to access, correction, and deletion of personal data, as well as the right to opt out of the collection and use of personal data for certain purposes. These rights will add to, and not subtract from, the consumer protection rights that consumers already have under Washington state law.

(5) Additionally, this act imposes affirmative obligations upon companies to safeguard personal data and provide clear, understandable, and transparent information to consumers about how their personal data are used. It strengthens compliance and accountability by requiring data protection assessments in the collection and use of personal data. Finally, it empowers the state attorney general to obtain and evaluate a company's data protection assessments, to impose penalties where violations occur, and to prevent against future violations.

(6) The legislature also encourages the state office of privacy and data protection to monitor the development of universal privacy controls that communicate a consumer's affirmative, freely given, and unambiguous choice to opt out of the processing of personal data concerning the consumer for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning the consumer or similarly significant effects concerning consumers.

(7) The legislature recognizes the unique business needs of institutions of higher education and nonprofit corporations. However, these entities control and process an extraordinary amount of personal data and consumers should be afforded the rights provided by this act regarding personal data. Therefore, it is the intent of the legislature to delay the date of application for these entities by three years in order to provide sufficient time to develop a plan to comply with the provisions of this act.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a legal entity that controls, is controlled by, or is under common control with, that other legal entity. For these purposes, "control" or "controlled" means ownership of, or the power to vote, more than fifty percent of the outstanding shares of any class of voting security of a company; control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or the power to exercise a controlling influence over the management of a company.

(2) "Authenticate" means to use reasonable means to determine that a request to exercise any of the rights in section 6 (1) through (4) of this act is being made by the consumer who is entitled to exercise such rights with respect to the personal data at issue.

(3) "Business associate" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(4) "Child" means any natural person under thirteen years of age.

(5) "Consent" means a clear affirmative act signifying a freely given, specific, informed, and unambiguous indication of a consumer's agreement to the processing of personal data relating to the consumer, such as by a written statement, including by electronic means, or other clear affirmative action.

(6) "Consumer" means a natural person who is a Washington resident acting only in an individual or household context, including buying and selling in an individual or household context. It does not include a natural person acting in a commercial or employment context.

(7) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data.

(8) "Covered entity" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(9) "Decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer" means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

(10) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person, or a device or household linked to such person, provided that the controller that possesses the data: (a) Takes reasonable measures to ensure that the data cannot be associated with a natural person, or a device or household linked to such person; (b) publicly commits to maintain and use the data only in a deidentified fashion and not attempt to reidentify the data; and (c) contractually obligates any recipients of the information to comply with all provisions of this subsection.

(11) "Health care facility" has the same meaning as in RCW 70.02.010.

(12) "Health care information" has the same meaning as in RCW 70.02.010.

(13) "Health care provider" has the same meaning as in RCW 70.02.010.

(14) "Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

(15) "Institutions of higher education" has the same meaning as in RCW 28B.92.030.

(16) "Local government" has the same meaning as in RCW 39.46.020.

(17) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 17(8) of this act and who have the authority to alter the decision under review.

(18) "Nonprofit corporation" has the same meaning as in RCW 24.03.005.

(19) "Ongoing surveillance" means tracking the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual if no attempt is made to subsequently track that individual's movement over time after the individual has been recognized.

(20)(a) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(b) For purposes of this subsection, "publicly available information" means information that is lawfully made available from federal, state, or local government records.

(21) "Process" or "processing" means any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(22) "Processor" means a natural or legal person who processes personal data on behalf of a controller.

(23) "Profiling" means any form of automated processing of personal data to evaluate, analyze, or predict personal aspects concerning an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(24) "Protected health information" has the same meaning as in Title 45 C.F.R., established pursuant to the federal health insurance portability and accountability act of 1996.

(25) "Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person. Photographs or other graphic or visual depictions of natural persons, whether or not in electronic form, cannot be pseudonymous within the meaning of this subsection.

(26)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary or other valuable consideration by the controller to a third party.

(b) "Sale" does not include the following: (i) The disclosure of personal data to a processor who processes the personal data on behalf of the controller; (ii) the disclosure of personal data to a third party with whom the consumer has a direct relationship for purposes of providing a product or service requested by the consumer; (iii) the disclosure or transfer of personal data to an affiliate of the controller; (iv) the disclosure of information that the consumer (A) intentionally made available to the general public via a channel of mass media, and (B) did not restrict to a specific audience; or (v) the disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

(27) "Security or safety purpose" means physical security, protection of consumer data, safety, fraud prevention, or asset protection.

(28) "Sensitive data" means (a) personal data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sexual orientation, or citizenship or immigration status; (b) the processing of genetic or biometric data for the purpose of uniquely identifying a natural person; (c) the personal data from a known child; or (d) specific geolocation data. "Sensitive data" is a form of personal data.

(29) "Serious criminal offense" means any felony under chapter 9.94A RCW or an offense enumerated by Title 18 U.S.C. Sec. 2516.

(30) "Specific geolocation data" means information derived from technology, including, but not limited to, global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with the precision and accuracy below one thousand seven hundred fifty feet. Specific geolocation data excludes the content of communications.

(31) "State agency" has the same meaning as in RCW 43.105.020.

(32) "Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from a consumer's activities over time and across nonaffiliated web sites or online applications to predict

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

such consumer's preferences or interests. It does not include advertising: (a) Based on activities within a controller's own web sites or online applications; (b) based on the context of a consumer's current search query or visit to a web site or online application; or (c) to a consumer in response to the consumer's request for information or feedback.

(33) "Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

NEW SECTION. Sec. 4. JURISDICTIONAL SCOPE.

(1) This chapter applies to legal entities that conduct business in Washington or produce products or services that are targeted to residents of Washington, and that satisfy one or more of the following thresholds:

(a) During a calendar year, controls or processes personal data of one hundred thousand consumers or more; or

(b) Derives over twenty-five percent of gross revenue from the sale of personal data and processes or controls personal data of twenty-five thousand consumers or more.

(2) This chapter does not apply to:

(a) State agencies, local governments, or tribes;

(b) Municipal corporations;

(c) Information that meets the definition of:

(i) Protected health information for purposes of the federal health insurance portability and accountability act of 1996 and related regulations;

(ii) Health care information for purposes of chapter 70.02 RCW;

(iii) Patient identifying information for purposes of 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(iv) Identifiable private information for purposes of the federal policy for the protection of human subjects, 45 C.F.R. Part 46; identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the international council for harmonisation; the protection of human subjects under 21 C.F.R. Parts 50 and 56; or personal data used or shared in research conducted in accordance with one or more of the requirements set forth in this subsection;

(v) Information and documents created specifically for, and collected and maintained by:

(A) A quality improvement committee for purposes of RCW 43.70.510, 70.230.080, or 70.41.200;

(B) A peer review committee for purposes of RCW 4.24.250;

(C) A quality assurance committee for purposes of RCW 74.42.640 or 18.20.390;

(D) A hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections for purposes of RCW 43.70.056, a notification of an incident for purposes of RCW 70.56.040(5), or reports regarding adverse events for purposes of RCW 70.56.020(2)(b);

(vi) Information and documents created for purposes of the federal health care quality improvement act of 1986, and related regulations;

(vii) Patient safety work product for purposes of 42 C.F.R. Part 3, established pursuant to 42 U.S.C. Sec. 299b-21 through 299b-26; or

(viii) Information that is (A) deidentified in accordance with the requirements for deidentification set forth in 45 C.F.R. Part 164, and (B) derived from any of the health care-related information listed in this subsection (2)(c);

(d) Information originating from, and intermingled to be indistinguishable with, information under (c) of this subsection that is maintained by:

(i) A covered entity or business associate as defined by the health insurance portability and accountability act of 1996 and related regulations;

(ii) A health care facility or health care provider as defined in RCW 70.02.010; or

(iii) A program or a qualified service organization as defined by 42 C.F.R. Part 2, established pursuant to 42 U.S.C. Sec. 290dd-2;

(e) Information used only for public health activities and purposes as described in 45 C.F.R. Sec. 164.512;

(f)(i) An activity involving the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, as defined in Title 15 U.S.C. Sec. 1681a(f), by a furnisher of information, as set forth in Title 15 U.S.C. Sec. 1681s-2, who provides information for use in a consumer report, as defined in Title 15 U.S.C. Sec. 1681a(d), and by a user of a consumer report, as set forth in Title 15 U.S.C. Sec. 1681b.

(ii) (f)(i) of this subsection shall apply only to the extent that such activity involving the collection, maintenance, disclosure, sale, communication, or use of such information by that agency, furnisher, or user is subject to regulation under the fair credit reporting act, Title 15 U.S.C. Sec. 1681 et seq., and the information is not collected, maintained, used, communicated, disclosed, or sold except as authorized by the fair credit reporting act;

(g) Personal data collected and maintained for purposes of chapter 43.71 RCW;

(h) Personal data collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley act (P.L. 106-102), and implementing regulations, if the collection, processing, sale, or disclosure is in compliance with that law;

(i) Personal data collected, processed, sold, or disclosed pursuant to the federal driver's privacy protection act of 1994 (18 U.S.C. Sec. 2721 et seq.), if the collection, processing, sale, or disclosure is in compliance with that law;

(j) Personal data regulated by the federal family educational rights and privacy act, 20 U.S.C. Sec. 1232g and its implementing regulations;

(k) Personal data regulated by the student user privacy in education rights act, chapter 28A.604 RCW;

(l) Personal data collected, processed, sold, or disclosed pursuant to the federal farm credit act of 1971 (as amended in 12 U.S.C. Sec. 2001-2279cc) and its implementing regulations (12 C.F.R. Part 600 et seq.) if the collection, processing, sale, or disclosure is in compliance with that law; or

(m) Data maintained for employment records purposes.

(3) Controllers that are in compliance with the verifiable parental consent mechanisms under the children's online privacy protection act, Title 15 U.S.C. Sec. 6501 through 6506 and its implementing regulations, shall be deemed compliant with any obligation to obtain parental consent under this chapter.

(4) Payment-only credit, check, or cash transactions where no data about consumers are retained do not count as "consumers" for purposes of subsection (1) of this section.

NEW SECTION. Sec. 5. RESPONSIBILITY ACCORDING TO ROLE. (1) Controllers and processors are responsible for meeting their respective obligations established under this chapter.

(2) Processors are responsible under this chapter for adhering to the instructions of the controller and assisting the controller to meet its obligations under this chapter. Such assistance shall include the following:

(a) Taking into account the nature of the processing, the processor shall assist the controller by appropriate technical and organizational measures, insofar as this is possible, for the fulfillment of the controller's obligation to respond to consumer requests to exercise their rights pursuant to section 6 of this act; and

(b) Taking into account the nature of processing and the information available to the processor, the processor shall assist the controller in meeting the controller's obligations in relation to the security of processing the personal data and in relation to the notification of a breach of the security of the system pursuant to RCW 19.255.010; and shall provide information to the controller necessary to enable the controller to conduct and document any data protection assessments required by section 9 of this act.

(3) Notwithstanding the instructions of the controller, a processor shall:

(a) Implement and maintain reasonable security procedures and practices to protect personal data, taking into account the context in which the personal data are to be processed;

(b) Ensure that each person processing the personal data is subject to a duty of confidentiality with respect to the data; and

(c) Engage a subcontractor only after providing the controller with an opportunity to object and pursuant to a written contract in accordance with subsection (5) of this section that requires the subcontractor to meet the obligations of the processor with respect to the personal data.

(4) Processing by a processor shall be governed by a contract between the controller and the processor that is binding on both parties and that sets out the processing instructions to which the processor is bound, including the nature and purpose of the processing, the type of personal data subject to the processing, the duration of the processing, and the obligations and rights of both parties. In addition, the contract shall include the requirements imposed by this subsection and subsection (3) of this section, as well as the following requirements:

(a) At the choice of the controller, the processor shall delete or return all personal data to the controller as requested at the end of the provision of services, unless retention of the personal data is required by law;

(b)(i) The processor shall make available to the controller all information necessary to demonstrate compliance with the obligations in this chapter; and (ii) the processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor; alternatively, the processor may, with the controller's consent, arrange for a qualified and independent auditor to conduct, at least annually and at the processor's expense, an audit of the processor's policies and technical and organizational measures in support of the obligations under this chapter using an appropriate and accepted control standard or framework and audit procedure for such audits as applicable, and shall provide a report of such audit to the controller upon request.

(5) In no event shall any contract relieve a controller or a processor from the liabilities imposed on them by virtue of its role in the processing relationship as defined by this chapter.

(6) Determining whether a person is acting as a controller or processor with respect to a specific processing of data is a fact-based determination that depends upon the context in which personal data are to be processed. A person that is not limited in its processing of personal data pursuant to a controller's instructions, or that fails to adhere to such instructions, is a controller and not a processor with respect to a specific processing of data. A processor that continues to adhere to a controller's instructions with respect to a specific processing of personal data remains a processor. If a processor begins, alone or jointly with

others, determining the purposes and means of the processing of personal data, it is a controller with respect to such processing.

NEW SECTION. Sec. 6. CONSUMER PERSONAL DATA RIGHTS. Consumers may exercise the rights set forth in this section by submitting a request, at any time, to a controller specifying which rights the consumer wishes to exercise. In the case of processing personal data concerning a known child, the parent or legal guardian of the known child shall exercise the rights of this chapter on the child's behalf. Where a controller processes personal data concerning a consumer subject to guardianship, conservatorship, or other protective arrangement under chapter 11.130 RCW, the controller must allow the guardian or the conservator to exercise the rights of this chapter on the consumer's behalf. Except as provided in this chapter, the controller must comply with a request to exercise the rights pursuant to subsections (1) through (5) of this section.

(1) *Right of access.* A consumer has the right to confirm whether or not a controller is processing personal data concerning the consumer and access such personal data.

(2) *Right to correction.* A consumer has the right to correct inaccurate personal data concerning the consumer, taking into account the nature of the personal data and the purposes of the processing of the personal data.

(3) *Right to deletion.* A consumer has the right to delete personal data concerning the consumer.

(4) *Right to data portability.* A consumer has the right to obtain personal data concerning the consumer, which the consumer previously provided to the controller, in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means.

(5) *Right to opt out.* A consumer has the right to opt out of the processing of personal data concerning such consumer for purposes of targeted advertising, the sale of personal data, or profiling in furtherance of decisions that produce legal effects concerning a consumer or similarly significant effects concerning a consumer.

(6) *Responding to consumer requests.* (a) A controller must inform a consumer of any action taken on a request under subsections (1) through (5) of this section without undue delay and in any event within forty-five days of receipt of the request. That period may be extended once by forty-five additional days where reasonably necessary, taking into account the complexity and number of the requests. The controller must inform the consumer of any such extension within forty-five days of receipt of the request, together with the reasons for the delay.

(b) If a controller does not take action on the request of a consumer, the controller must inform the consumer without undue delay and at the latest within forty-five days of receipt of the request of the reasons for not taking action and instructions for how to appeal the decision with the controller as described in subsection (7) of this section.

(c) Information provided under this section must be provided by the controller free of charge, up to twice annually to the consumer. Where requests from a consumer are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (i) Charge a reasonable fee to cover the administrative costs of complying with the request, or (ii) refuse to act on the request. The controller bears the burden of demonstrating the manifestly unfounded or excessive character of the request.

(d) A controller is not required to comply with a request to exercise any of the rights under subsections (1) through (4) of this section if the controller is unable to authenticate the request using commercially reasonable efforts. In such cases, the controller may

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

request the provision of additional information reasonably necessary to authenticate the request.

(7)(a) Controllers must establish an internal process whereby consumers may appeal a refusal to take action on a request to exercise any of the rights under subsections (1) through (5) of this section within a reasonable period of time after the consumer's receipt of the notice sent by the controller under subsection (6)(b) of this section.

(b) The appeal process must be conspicuously available and as easy to use as the process for submitting such requests under this section.

(c) Within thirty days of receipt of an appeal, a controller must inform the consumer of any action taken or not taken in response to the appeal, along with a written explanation of the reasons in support thereof. That period may be extended by sixty additional days where reasonably necessary, taking into account the complexity and number of the requests serving as the basis for the appeal. The controller must inform the consumer of any such extension within thirty days of receipt of the appeal, together with the reasons for the delay. The controller must also provide the consumer with an email address or other online mechanism through which the consumer may submit the appeal, along with any action taken or not taken by the controller in response to the appeal and the controller's written explanation of the reasons in support thereof, to the attorney general.

(d) When informing a consumer of any action taken or not taken in response to an appeal pursuant to (c) of this subsection, the controller must clearly and prominently ask the consumer whether the consumer consents to having the controller submit the appeal, along with any action taken or not taken by the controller in response to the appeal and must, upon request, provide the controller's written explanation of the reasons in support thereof, to the attorney general. If the consumer provides such consent, the controller must submit such information to the attorney general.

NEW SECTION. Sec. 7. PROCESSING DEIDENTIFIED DATA OR PSEUDONYMOUS DATA. (1) This chapter does not require a controller or processor to do any of the following solely for purposes of complying with this chapter:

- (a) Reidentify deidentified data;
- (b) Comply with an authenticated consumer request to access, correct, delete, or port personal data pursuant to section 6 (1) through (4) of this act, if all of the following are true:
 - (i)(A) The controller is not reasonably capable of associating the request with the personal data, or (B) it would be unreasonably burdensome for the controller to associate the request with the personal data;
 - (ii) The controller does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and
 - (iii) The controller does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted in this section; or
- (c) Maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be capable of associating an authenticated consumer request with personal data.

(2) The rights contained in section 6 (1) through (4) of this act do not apply to pseudonymous data in cases where the controller is able to demonstrate any information necessary to identify the consumer is kept separately and is subject to effective technical and organizational controls that prevent the controller from accessing such information.

(3) A controller that uses pseudonymous data or deidentified data must exercise reasonable oversight to monitor compliance with any contractual commitments to which the pseudonymous data or deidentified data are subject, and must take appropriate steps to address any breaches of contractual commitments.

NEW SECTION. Sec. 8. RESPONSIBILITIES OF CONTROLLERS. (1) *Transparency.*

(a) Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

- (i) The categories of personal data processed by the controller;
- (ii) The purposes for which the categories of personal data are processed;
- (iii) How and where consumers may exercise the rights contained in section 6 of this act, including how a consumer may appeal a controller's action with regard to the consumer's request;
- (iv) The categories of personal data that the controller shares with third parties, if any; and
- (v) The categories of third parties, if any, with whom the controller shares personal data.

(b) If a controller sells personal data to third parties or processes personal data for targeted advertising, it must clearly and conspicuously disclose such processing, as well as the manner in which a consumer may exercise the right to opt out of such processing, in a clear and conspicuous manner.

(c) Controllers shall establish, and shall describe in the privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their rights under this chapter. Such means shall take into account the ways in which consumers interact with the controller, the need for secure and reliable communication of such requests, and the controller's ability to authenticate the identity of the consumer making the request. Controllers shall not require a consumer to create a new account in order to exercise a right, but a controller may require a consumer to use an existing account to exercise the consumer's rights under this chapter.

(2) *Purpose specification.* A controller's collection of personal data must be limited to what is reasonably necessary in relation to the purposes for which such data are processed, as disclosed to the consumer.

(3) *Data minimization.* A controller's collection of personal data must be only as reasonably necessary to provide services requested by a consumer, to conduct an activity that a consumer has requested, or to verify requests made pursuant to section 6 of this act.

(4) *Avoid secondary use.* Except as provided in this chapter, a controller may not process personal data for purposes that are not reasonably necessary to, or compatible with, the purposes for which such personal data are processed, as disclosed to the consumer, unless the controller obtains the consumer's consent.

(5) *Security.* A controller shall establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue.

(6) *Nondiscrimination.* A controller may not process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising any of the rights contained in this chapter, including denying goods or services to the consumer, charging different prices or rates for goods or services, and providing a different level of quality of goods and services to the consumer. This subsection shall not prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering

goods or services for no fee, if the offering is in connection with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program. A controller may not sell personal data to a third-party controller as part of such a program unless: (a) The sale is reasonably necessary to enable the third party to provide a benefit to which the consumer is entitled; (b) the sale of personal data to third parties is clearly disclosed in the terms of the program; and (c) the third party uses the personal data only for purposes of facilitating such benefit to which the consumer is entitled and does not retain or otherwise use or disclose the personal data for any other purpose.

(7) *Sensitive data.* Except as otherwise provided in this act, a controller may not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of personal data concerning a known child, without obtaining consent from the child's parent or lawful guardian, in accordance with the children's online privacy protection act requirements.

(8) *Nonwaiver of consumer rights.* Any provision of a contract or agreement of any kind that purports to waive or limit in any way a consumer's rights under this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

NEW SECTION. Sec. 9. DATA PROTECTION ASSESSMENTS. (1) Controllers must conduct and document a data protection assessment of each of the following processing activities involving personal data:

(a) The processing of personal data for purposes of targeted advertising;

(b) The sale of personal data;

(c) The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of: (i) Unfair or deceptive treatment of, or disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

(d) The processing of sensitive data; and

(e) Any processing activities involving personal data that present a heightened risk of harm to consumers.

Such data protection assessments must take into account the type of personal data to be processed by the controller, including the extent to which the personal data are sensitive data, and the context in which the personal data are to be processed.

(2) Data protection assessments conducted under subsection (1) of this section must identify and weigh the benefits that may flow directly and indirectly from the processing to the controller, consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of deidentified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, must be factored into this assessment by the controller.

(3) The attorney general may request, in writing, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the attorney general. The controller must make a data protection assessment available to the attorney general upon such a request. The attorney general may evaluate the data protection assessments for compliance with the responsibilities contained in section 8 of this act and with other laws including, but not limited to, chapter 19.86 RCW. Data protection assessments are confidential and exempt from public inspection and copying under chapter 42.56 RCW. The disclosure of a data protection assessment pursuant to a request from the

attorney general under this subsection does not constitute a waiver of the attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment.

(4) Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may qualify under this section if they have a similar scope and effect.

NEW SECTION. Sec. 10. LIMITATIONS AND APPLICABILITY. (1) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to:

(a) Comply with federal, state, or local laws, rules, or regulations;

(b) Comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(c) Cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or local laws, rules, or regulations;

(d) Investigate, establish, exercise, prepare for, or defend legal claims;

(e) Provide a product or service specifically requested by a consumer, perform a contract to which the consumer is a party, or take steps at the request of the consumer prior to entering into a contract;

(f) Take immediate steps to protect an interest that is essential for the life of the consumer or of another natural person, and where the processing cannot be manifestly based on another legal basis;

(g) Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for any such action;

(h) Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws if the deletion of the information is likely to render impossible or seriously impair the achievement of the research and the consumer provided consent; or

(i) Assist another controller, processor, or third party with any of the obligations under this subsection.

(2) The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to collect, use, or retain data to:

(a) Conduct internal research solely to improve or repair products, services, or technology;

(b) Identify and repair technical errors that impair existing or intended functionality; or

(c) Perform solely internal operations that are reasonably aligned with the expectations of the consumer based on the consumer's existing relationship with the controller, or are otherwise compatible with processing in furtherance of the provision of a product or service specifically requested by a consumer or the performance of a contract to which the consumer is a party.

(3) The obligations imposed on controllers or processors under this chapter do not apply where compliance by the controller or processor with this chapter would violate an evidentiary privilege under Washington law and do not prevent a controller or processor from providing personal data concerning a consumer to a person covered by an evidentiary privilege under Washington law as part of a privileged communication.

(4) A controller or processor that discloses personal data to a third-party controller or processor in compliance with the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

requirements of this chapter is not in violation of this chapter if the recipient processes such personal data in violation of this chapter, provided that, at the time of disclosing the personal data, the disclosing controller or processor did not have actual knowledge that the recipient intended to commit a violation. A third-party controller or processor receiving personal data from a controller or processor in compliance with the requirements of this chapter is likewise not in violation of this chapter for the obligations of the controller or processor from which it receives such personal data.

(5) Obligations imposed on controllers and processors under this chapter shall not:

(a) Adversely affect the rights or freedoms of any persons, such as exercising the right of free speech pursuant to the First Amendment to the United States Constitution; or

(b) Apply to the processing of personal data by a natural person in the course of a purely personal or household activity.

(6) Personal data that are processed by a controller pursuant to this section must not be processed for any purpose other than those expressly listed in this section. Personal data that are processed by a controller pursuant to this section may be processed solely to the extent that such processing is: (i) Necessary, reasonable, and proportionate to the purposes listed in this section; and (ii) adequate, relevant, and limited to what is necessary in relation to the specific purpose or purposes listed in this section. Furthermore, personal data that are collected, used, or retained pursuant to subsection (2) of this section must, insofar as possible, taking into account the nature and purpose or purposes of such collection, use, or retention, be subjected to reasonable administrative, technical, and physical measures to protect the confidentiality, integrity, and accessibility of the personal data, and to reduce reasonably foreseeable risks of harm to consumers relating to such collection, use, or retention of personal data.

(7) If a controller processes personal data pursuant to an exemption in this section, the controller bears the burden of demonstrating that such processing qualifies for the exemption and complies with the requirements in subsection (6) of this section.

(8) Processing personal data solely for the purposes expressly identified in subsection (1)(a) through (d) or (g) of this section does not, by itself, make an entity a controller with respect to such processing.

NEW SECTION. Sec. 11. ENFORCEMENT. (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) Any controller or processor that violates this chapter is subject to an injunction and liable for a civil penalty of not more than seven thousand five hundred dollars for each violation.

NEW SECTION. Sec. 12. CONSUMER PRIVACY ACCOUNT. The consumer privacy account is created in the state treasury. All receipts from the imposition of civil penalties under this chapter must be deposited into the account except for the recovery of costs and attorneys' fees accrued by the attorney general in enforcing this chapter. Moneys in the account may be spent only after appropriation. Moneys in the account may only be used for the purposes of the office of privacy and data protection as created under RCW 43.105.369, and may not be used to supplant general fund appropriations to the agency.

NEW SECTION. Sec. 13. PREEMPTION. This chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of personal data by controllers or processors. Laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that are adopted by any local entity prior to the effective date of this chapter are not superseded or preempted.

NEW SECTION. Sec. 14. THE OFFICE OF PRIVACY AND DATA PROTECTION REPORT. (1) By December 1, 2020, the office of privacy and data protection shall prepare and post to its public web site a report that summarizes the data protected and not protected by this chapter. At a minimum, the report must include, with reasonable detail, a list of the types of information that are publicly available from local, state, and federal government sources, and an inventory of information to which this chapter does not apply by virtue of a limitation in section 4 of this act. The report may be updated as new information becomes available to the office.

(2) The office of privacy and data protection may consult with stakeholders and provide recommendations regarding the appropriate breadth and number of circumstances that limit the obligations of controllers and processors, and in particular whether those limits should apply for a prescribed period of time or in perpetuity.

(3) The office of privacy and data protection may consult with stakeholders, including those in the industry, academia, and consumer and privacy advocacy, regarding the scope and coverage of this chapter.

NEW SECTION. Sec. 15. ATTORNEY GENERAL REPORT. (1) The attorney general shall compile a report evaluating the liability and enforcement provisions of this chapter including, but not limited to, the effectiveness of its efforts to enforce this chapter, and any recommendations for changes to such provisions.

(2) The attorney general shall submit the report to the governor and the appropriate committees of the legislature by July 1, 2022.

NEW SECTION. Sec. 16. JOINT RESEARCH INITIATIVES. The governor may enter into agreements with the governments of the Canadian province of British Columbia and the states of California and Oregon for the purpose of sharing personal data or personal information by public bodies across national and state borders to enable collaboration for joint data-driven research initiatives. Such agreements must provide reciprocal protections that the respective governments agree appropriately safeguard the data.

NEW SECTION. Sec. 17. This chapter does not apply to institutions of higher education or nonprofit corporations until July 31, 2024.

NEW SECTION. Sec. 18. Sections 1 through 17 and 19 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 19. This act takes effect July 31, 2021."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Carlyle moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6281 and ask the House to recede therefrom.

Senator Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6281 and ask the House to recede therefrom.

The motion by Senator Carlyle carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 6281 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 with the following amendment(s): 6404-SE AMH ENGR H5412.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) By April 1, 2021, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

- (a) Lists of the ten inpatient medical or surgical codes:
 - (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;
 - (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and
 - (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;
- (b) Lists of the ten outpatient medical or surgical codes:
 - (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;
 - (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and
 - (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;
- (c) Lists of the ten inpatient mental health and substance use disorder service codes:
 - (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;
 - (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number

of prior authorization requests for each code and the percent of approved requests for each code;

- (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

- (d) Lists of the ten outpatient mental health and substance use disorder service codes:

- (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

- (e) Lists of the ten durable medical equipment codes:

- (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

- (f) Lists of the ten diabetes supplies and equipment codes:

- (i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

- (iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

- (g) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

- (i) Expedited decisions;
- (ii) Standard decisions; and
- (iii) Extenuating circumstances decisions.

- (2) By July 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The commissioner must make the report available to interested parties.

- (3) The commissioner may request additional information from carriers reporting data under this section.

- (4) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

stakeholders including carriers, health care practitioners, health care facilities, and patients.

(5) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404 and ask the House to recede therefrom.

Senator Frockt spoke in favor of the motion.

POINT OF ORDER

Senator Becker: "Thank you Mr. President. I have a concern in that I am not sure what changes were made on this bill as on the bill report and on page 165 there is no description in the book about the changes. We've had a discussion but may I ask the sponsor of the bill to yield to a question?"

Senator Frockt: "I would be happy to."

Senator Becker: "Is the workgroup gone from this bill?"

Senator Frockt: "Thank you for the question and thank you Senator for the question. The changes that the House made were basically three: the workgroup was removed, there was some concern over the composition and the cost of that and I think was largely agreed to by the various stakeholders that had been involved in negotiating. There were two other amendments that were adopted: one, add durable medical goods and authorizations as one set of data that insurance companies will report back to us on, how frequently and how often do they deny authorization in those situations; and the second one relating to diabetes related medical requests, if you will, and in part of those two amendments was this also the removal of the date. So, my basic feeling at this point is that the bill is in good shape. I think it will accomplish the basic ends we wanted and that the two things that were added were fine. The issue was the day of reporting."

Senator Becker: "Thank you. I want to say thank you very much. I would appreciate it though, that our books would give us the information. Some of the bills are giving us that information and some of them are not included in here, so that's why I asked that question."

PARLIAMENTARY INQUIRY

Senator Padden: "Well, it is very similar to Senator Becker's point. As far as I can remember in past sessions, our workbooks always had the difference between the House and the Senate and so it is somewhat unnerving that most of them do but not all of them have that information. There's quite a few that do not. And I wondered if there was some explanation as to how it's chosen

which bills have the difference of the House amendments and which do not?"

REPLY BY THE PRESIDENT

President Habib: "Senator Padden, thank you for your, indeed in fact that would be, both of those would be points of personal privilege, just in case anybody cares. But, it is well taken, both Senator Becker and Senator Padden's points are well taken. And so, I have been told that the Secretary of the Senate, his staff are now checking all the other bills that are on the concurrence calendar to make sure that the effect statement of the House amendments are available to members. And so, I would encourage members to bring those to us at the bar, those issues, but also, if there is a question of timing, to bring them to the majority floor leader, if that is a political question in terms of timing, if that information is not available. But I will encourage the Senate to schedule these in such a way as to make sure members have all the information that they need. It is also, I've been told that it is also available online so members can ask for assistance, if they need assistance, to find it online."

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404 and ask the House to recede therefrom.

The motion by Senator Frockt carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1390 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate insist on its position in the House amendment(s) to Engrossed House Bill No. 1390 and request of the House a conference thereon.

On motion of Senator Rolfes, the motion by Senator Rolfes that the Senate insist on its position and request of the House a conference was withdrawn.

MOTION

Senator Rolfes moved that the Senate insist on its position in the Senate amendment(s) to Engrossed House Bill No. 1390 and ask the House to concur thereon.

Senator Rolfes spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rolfes that the Senate insist on its position in the Senate amendment(s) to Engrossed House Bill No. 1390 and ask the House to concur thereon.

The motion by Senator Rolfes carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed House Bill No. 1390 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5323 with the following amendment(s): 5323-S.E AMH CHAP H5413.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) State policy has long placed waste reduction as the highest priority in the collection, handling, and management of solid waste. Reducing plastic bag waste holds particular importance among state waste reduction efforts for a number of reasons:

(a) Single-use plastic carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles. Single-use plastic carryout bags, and the particles they break into, are carried into rivers, lakes, Puget Sound, and the world's oceans, posing a threat to animal life and the food chain;

(b) Plastic bags are one of the most commonly found items that litter state roads, beaches, and other public spaces; and

(c) Even when plastic bags avoid the common fate of becoming litter, they are a drain on public resources and a burden on environment and resource conservation goals. For example, if plastic bags are disposed of in commingled recycling systems rather than as garbage or in retailer drop-off programs, they clog processing and sorting machinery, resulting in missorted materials and costly inefficiencies that are ultimately borne by utility ratepayers. Likewise, when green or brown-tinted plastic bags confuse consumers into attempting to dispose of them as compost, the resultant plastic contamination undercuts the ability to use the compost in gardens, farms, landscaping, and surface water and transportation projects.

(2) Alternatives to single-use plastic carryout bags are convenient, functional, widely available, and measure as superior across most environmental performance metrics. Alternatives to single-use plastic carryout bags feature especially superior environmental performance with respect to litter and marine debris, since plastic bags do not biodegrade.

(3) As of 2020, many local governments in Washington have shown leadership in regulating the use of single-use plastic carryout bags. This local leadership has shown the value of establishing state standards that will streamline regulatory inconsistency and reduce burdens on covered retailers caused by a patchwork of inconsistent local requirements across the state.

(4) Data provided from grocery retailers has shown that requests for paper bags have skyrocketed where plastic bag bans have been implemented. To accommodate the anticipated consequences of a statewide plastic bag ban, it is rational to expect additional capacity will be needed in Washington state for manufacturing paper bags. The legislature intends to provide that capacity by prioritizing and expediting siting and permitting of expansions or reconfiguring for paper manufacturing.

(5) Therefore, in order to reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

(a) Prohibit the use of single-use plastic carryout bags;

(b) Require a pass-through charge on recycled content paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;

(c) Require that bags provided by a retail establishment contain recycled content; and

(d) Encourage the provision of reusable and recycled content paper carryout bags by retail establishments.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases.

(2) "Department" means the department of ecology.

(3) "Pass-through charge" means a charge to be collected and retained by retail establishments from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic.

(4) "Recycled content paper carryout bag" means a paper carryout bag provided by a retail establishment to a customer that meets the requirements in section 3(6)(a) of this act.

(5) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(6) "Reusable carryout bag" means a carryout bag made of cloth or other durable material with handles that is specifically designed and manufactured for long-term multiple reuse and meets the requirements of section 3(6)(b) of this act.

(7) "Single-use plastic carryout bag" means any carryout bag that is made from plastic that is designed and suitable only to be used once and disposed.

NEW SECTION. Sec. 3. (1) Beginning January 1, 2021, except as provided in this section and section 4 of this act, a retail establishment may not provide to a customer or a person at an event:

(a) A single-use plastic carryout bag;

(b) A paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements; or

(c) Beginning January 1, 2026, a reusable carryout bag made of film plastic with a thickness of less than four mils, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act.

(2)(a) A retail establishment may provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale. A retail establishment may make reusable carryout bags available to customers through sale.

(b)(i) Until December 31, 2025, a retail establishment must collect a pass-through charge of eight cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or greater or reusable carryout bag made of film plastic it provides, except as provided in subsection (5) of this section and section 4 of this act.

(ii) Beginning January 1, 2026, a retail establishment must collect a pass-through charge of twelve cents for reusable carryout bags made of film plastic and eight cents for recycled content paper carryout bags, in the event that the 2025 legislature does not amend this section to reflect the recommendations to the legislature made consistent with section 7 of this act. It is the intent of the legislature for the 2025 legislature to reassess the amount of the pass-through charge authorized under this subsection (2)(b), taking into consideration the content of the report to the legislature under section 7 of this act.

(c) A retail establishment must keep all revenue from pass-through charges. The pass-through charge is a taxable retail sale. A retail establishment must show all pass-through charges on a receipt provided to the customer.

(3) Carryout bags provided by a retail establishment do not include:

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

- (a) Bags used by consumers inside stores to:
 - (i) Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;
 - (ii) Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:
 - (A) Frozen foods;
 - (B) Meat;
 - (C) Fish;
 - (D) Flowers; and
 - (E) Potted plants;
 - (iii) Contain unwrapped prepared foods or bakery goods;
 - (iv) Contain prescription drugs; or
 - (v) Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or
- (b) Newspaper bags, mailing pouches, sealed envelopes, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.
- (4)(a) Any compostable film bag that a retail establishment provides to customers for products, including for products bagged in stores prior to checkout, must meet the requirements for compostable products and film bags in chapter 70.360 RCW.
- (b) A retail establishment may not use or provide polyethylene or other noncompostable plastic bags for bagging of customer products in stores, as carryout bags, or for home delivery that do not meet the requirements for noncompostable products and film bags in chapter 70.360 RCW.
- (5) Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted under subsection (1) of this section from existing inventory until one year after the effective date of this section. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to the effective date of this section.
- (6) For the purposes of this section:
 - (a) A recycled content paper carryout bag must:
 - (i) Contain a minimum of forty percent postconsumer recycled materials;
 - (ii) Be capable of composting, consistent with the timeline and specifications of the entire American society of testing materials D6868 and associated test methods that must be met, as it existed as of January 1, 2020; and
 - (iii) Display in print on the exterior of the paper bag the minimum percentage of postconsumer content.
 - (b) A reusable carryout bag must:
 - (i) Have a minimum lifetime of one hundred twenty-five uses, which for purposes of this subsection means the capacity to carry a minimum of twenty-two pounds one hundred twenty-five times over a distance of at least one hundred seventy-five feet;
 - (ii) Be machine washable or made from a durable material that may be cleaned or disinfected; and
 - (iii) If made of film plastic:
 - (A) Be made from a minimum of twenty percent postconsumer recycled content until July 1, 2022, and thereafter must be made from a minimum of forty percent postconsumer recycled content;
 - (B) Display in print on the exterior of the plastic bag the minimum percentage of postconsumer recycled content, the mil thickness, and that the bag is reusable; and
 - (C) Have a minimum thickness of no less than 2.25 mils until December 31, 2025, and beginning January 1, 2026, must have a minimum thickness of four mils.

(c) Except for the purposes of subsection (4) of this section, food banks and other food assistance programs are not retail establishments, but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

NEW SECTION. Sec. 4. It is a violation of section 3 of this act for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).

NEW SECTION. Sec. 5. (1) Until June 1, 2025, the department shall prioritize the expedited processing of applications for permits related to the expansion or reconfiguration of an existing pulp and paper mill for the purpose of manufacturing paper bags or raw materials used to manufacture paper bags.

(2) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(3) The enforcement of this chapter must be based primarily on complaints filed with the department and local governments. The department must establish a forum for the filing of complaints. Local governments and any person may file complaints with the department using the forum and local governments may review complaints filed with the department via the forum for purposes of the local government carrying out education and outreach to retail establishments. The forum established by the department may include a complaint form on the department's web site, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the local governments, must provide education and outreach activities to inform retail establishments, consumers, and other interested individuals about the requirements of this chapter.

(4) The department or local government shall work with retail establishments, retail associations, unions, and other organizations to create educational elements regarding the ban and the benefits of reusable carryout bags. Educational elements may include signage at store locations, informational literature, and employee training by October 1, 2020.

(5) Retail establishments are encouraged to educate their staff to promote reusable bags as the best option for carryout bags and to post signs encouraging customers to use reusable carryout bags.

(6) A violation of this chapter is subject to a civil penalty of up to two hundred fifty dollars. Each calendar day of operation or activity in violation of this chapter comprises a new violation. Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(7) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by July 1, 2020, from the waste reduction, recycling, and litter control account for purposes of implementing the education and outreach activities required under this section, then this act is null and void.

NEW SECTION. Sec. 6. (1) Except as provided in subsection (2) of this section, a city, town, county, or municipal corporation may not implement a local carryout bag ordinance. Except as provided in subsection (2) of this section, any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter.

(2)(a) A city, town, county, or municipal corporation carryout bag ordinance enacted as of April 1, 2020, that has established a pass-through charge of ten cents is not preempted with respect to the amount of the pass-through charge until January 1, 2026.

(b) A city, town, county, or municipal corporation ordinance not specified in (a) of this subsection and enacted as of April 1 2020, is not preempted until January 1, 2021.

NEW SECTION. Sec. 7. (1) By December 1, 2024, the department of commerce, in consultation with the department, must submit a report to the appropriate committees of the legislature in order to allow an opportunity for the legislature to amend the mil thickness requirements for reusable carryout bags made of film plastic, the amount of the pass-through charges for bags, or to make other needed revisions to this chapter during the 2025 legislative session. The report required under this section must include:

(a) An assessment of the effectiveness of the pass-through charge for reducing the total volume of bags purchased and encouraging the use of reusable carryout bags;

(b) An assessment of the sufficiency of the amount of the pass-through charge allowed under chapter 70.--- RCW (the new chapter created in section 13 of this act) relative to the cost of the authorized bags to retail establishments and an assessment of the pricing and availability of various types of carryout bags. For purposes of conducting this assessment, the department and the department of commerce may request, but not require, retail establishments and bag distributors to furnish information regarding the cost of various types of paper and plastic carryout bags provided to retail establishments; and

(c) Recommendations for revisions to chapter 70.--- RCW (the new chapter created in section 13 of this act), if needed.

(2) This section expires July 1, 2027.

NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

In computing the tax due under this chapter, there may be deducted any amounts derived from the pass-through charge collected by a taxpayer pursuant to chapter 70.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 9. RCW 82.32.805 and 82.32.808 do not apply to this act.

Sec. 10. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste

disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 11. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, section 5 of this act, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 14. Section 10 of this act expires June 30, 2021.

NEW SECTION. Sec. 15. Section 11 of this act takes effect June 30, 2021."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Das moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5323.

Senator Das spoke in favor of the motion.

Senators Rivers and Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Das that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5323.

The motion by Senator Das carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5323 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5323, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Fortunato, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson, L. and Zeiger

Excused: Senator Erickson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5434 with the following amendment(s): 5434-S.E AMH CRJ H5240.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, licensed child care center premises, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center:

(a) Any firearm;

(b) Any other dangerous weapon as described in RCW 9.41.250;

(c) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(d)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun that projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument that is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) A person who violates subsection (1) of this section is guilty of a gross misdemeanor. If a person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under subsection (1)(a) of this section is prohibited from applying for a concealed pistol license for a period of three years from the date of conviction. The court shall order the person to immediately surrender any concealed pistol license, and within three business days notify the department of licensing in writing of the required revocation of any concealed pistol license held by the person. Upon receipt of the notification by the court, the department of licensing shall determine if the person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of the notification, shall immediately revoke the license.

(3) Subsection (1) of this section does not apply to:

(a) Family day care provider homes as defined in RCW 43.216.010;

(b) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a child at the child care center;

(c) Any person at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the child care center; or

(d) Any law enforcement officer of a federal, state, or local government agency.

(4) Child care centers must post "GUN-FREE ZONE" signs giving warning of the prohibition of the possession of firearms on center premises.

(5) A child care center that is located on public or private elementary or secondary school premises is subject to the requirements of RCW 9.41.280.

(6) For the purposes of this section, child care center has the same meaning as "child day care center" as defined in RCW 43.216.010.

NEW SECTION. Sec. 2. A new section is added to chapter 43.216 RCW to read as follows:

(1) Every child day care center and early childhood education and assistance program provider is subject to section 1 of this act.

(2)(a) A family day care provider must store any firearm, ammunition, or other dangerous weapon as described in RCW 9.41.250 in a secure area when children for whom the family day care provider is licensed to provide care are present on the premises.

(b) The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, each firearm must be stored unloaded and with a trigger lock or other disabling feature.

(3) The department may deny, suspend, revoke, modify or not renew the license of a child care provider in violation of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 43.216 RCW to read as follows:

The department must adopt rules to implement sections 1 and 2 of this act."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5434.

Senator Wilson, C. spoke in favor of the motion.

Senators Padden, Fortunato and Becker spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5434.

The motion by Senator Wilson, C., carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5434 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5434, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5601 with the following amendment(s): 5601-S2 AMH APP H5312.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that growth in managed health care systems has shifted substantial authority over health care decisions from providers and patients to health carriers and health care benefit managers. Health care benefit managers acting as intermediaries between carriers, health care providers, and patients exercise broad discretion to affect health care services recommended and delivered by providers and the health care choices of patients. Regularly, these health care benefit managers are making health care decisions on behalf of carriers. However, unlike carriers, health care benefit managers are not currently regulated.

(2) Therefore, the legislature finds that it is in the best interest of the public to create a separate chapter in this title for health care benefit managers.

(3) The legislature intends to protect and promote the health, safety, and welfare of Washington residents by establishing standards for regulatory oversight of health care benefit managers.

"NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" or "affiliated employer" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another specified person.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

- (i) Prior authorization or preauthorization of benefits or care;
- (ii) Certification of benefits or care;
- (iii) Medical necessity determinations;
- (iv) Utilization review;
- (v) Benefit determinations;
- (vi) Claims processing and repricing for services and procedures;
- (vii) Outcome management;
- (viii) Provider credentialing and recredentialing;
- (ix) Payment or authorization of payment to providers and facilities for services or procedures;
- (x) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;
- (xi) Provider network management; or
- (xii) Disease management.

(b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.

(c) "Health care benefit manager" does not include:

- (i) Health care service contractors as defined in RCW 48.44.010;

(ii) Health maintenance organizations as defined in RCW 48.46.020;

(iii) Issuers as defined in RCW 48.01.053;

(iv) The public employees' benefits board established in RCW 41.05.055;

(v) The school employees' benefits board established in RCW 41.05.740;

(vi) Discount plans as defined in RCW 48.155.010;

(vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;

(viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;

(ix) A union administering a benefit plan on behalf of its members;

(x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;

(xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;

(xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; or

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection;

(iv) Manage pharmacy networks; or

(v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

(i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or

(ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

NEW SECTION. Sec. 3. (1) To conduct business in this state, a health care benefit manager must register with the commissioner and annually renew the registration.

(2) To apply for registration under this section, a health care benefit manager must:

(a) Submit an application on forms and in a manner prescribed by the commissioner and verified by the applicant by affidavit or declaration under chapter 5.50 RCW. Applications must contain at least the following information:

(i) The identity of the health care benefit manager and of persons with any ownership or controlling interest in the applicant including relevant business licenses and tax identification numbers, and the identity of any entity that the health care benefit manager has a controlling interest in;

(ii) The business name, address, phone number, and contact person for the health care benefit manager;

(iii) Any areas of specialty such as pharmacy benefit management, radiology benefit management, laboratory benefit management, mental health benefit management, or other specialty; and

(iv) Any other information as the commissioner may reasonably require.

(b) Pay an initial registration fee and annual renewal registration fee as established in rule by the commissioner. The fees for each registration must be set by the commissioner in an amount that ensures the registration, renewal, and oversight activities are self-supporting. If one health care benefit manager has a contract with more than one carrier, the health care benefit manager must complete only one application providing the details necessary for each contract.

(3) All receipts from fees collected by the commissioner under this section must be deposited into the insurance commissioner's regulatory account created in RCW 48.02.190.

(4) Before approving an application for or renewal of a registration, the commissioner must find that the health care benefit manager:

(a) Has not committed any act that would result in denial, suspension, or revocation of a registration;

(b) Has paid the required fees; and

(c) Has the capacity to comply with, and has designated a person responsible for, compliance with state and federal laws.

(5) Any material change in the information provided to obtain or renew a registration must be filed with the commissioner within thirty days of the change.

(6) Every registered health care benefit manager must retain a record of all transactions completed for a period of not less than seven years from the date of their creation. All such records as to any particular transaction must be kept available and open to inspection by the commissioner during the seven years after the date of completion of such transaction.

NEW SECTION. Sec. 4. (1) A health care benefit manager may not provide health care benefit management services to a health carrier or employee benefits programs without a written agreement describing the rights and responsibilities of the parties conforming to the provisions of this chapter and any rules adopted by the commissioner to implement or enforce this chapter including rules governing contract content.

(2) A health care benefit manager must file with the commissioner in the form and manner prescribed by the commissioner, every benefit management contract and contract amendment between the health care benefit manager and a provider, pharmacy, pharmacy services administration organization, or other health care benefit manager, entered into directly or indirectly in support of a contract with a carrier or employee benefits programs, within thirty days following the effective date of the contract or contract amendment.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56 RCW, if filed in accordance with the procedures for submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the health care benefit manager indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the health care benefit manager through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

NEW SECTION. Sec. 5. (1) Upon notifying a carrier or health care benefit manager of an inquiry or complaint filed with the commissioner pertaining to the conduct of a health care benefit manager identified in the inquiry or complaint, the commissioner must provide notice of the inquiry or complaint concurrently to the health care benefit manager and any carrier to which the inquiry or complaint pertains.

(2) Upon receipt of an inquiry from the commissioner, a health care benefit manager must provide to the commissioner within fifteen business days, in the form and manner required by the commissioner, a complete response to that inquiry including, but not limited to, providing a statement or testimony, producing its accounts, records, and files, responding to complaints, or responding to surveys and general requests. Failure to make a complete or timely response constitutes a violation of this chapter.

(3) Subject to chapter 48.04 RCW, if the commissioner finds that a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs has:

(a) Violated any insurance law, or violated any rule, subpoena, or order of the commissioner or of another state's insurance commissioner;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Failed to renew the health care benefit manager's registration;

(c) Failed to pay the registration or renewal fees;

(d) Provided incorrect, misleading, incomplete, or materially untrue information to the commissioner, to a carrier, or to a beneficiary;

(e) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, or financial irresponsibility in this state or elsewhere; or

(f) Had a health care benefit manager registration, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

the commissioner may take any combination of the following actions against a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs, other than an employee benefits program:

(i) Place on probation, suspend, revoke, or refuse to issue or renew the health care benefit manager's registration;

(ii) Issue a cease and desist order against the health care benefit manager and contracting carrier;

(iii) Fine the health care benefit manager up to five thousand dollars per violation, and the contracting carrier is subject to a fine for acts conducted under the contract;

(iv) Issue an order requiring corrective action against the health care benefit manager, the contracting carrier acting with the health care benefit manager, or both the health care benefit manager and the contracting carrier acting with the health care benefit manager; and

(v) Temporarily suspend the health care benefit manager's registration by an order served by mail or by personal service upon the health care benefit manager not less than three days prior to the suspension effective date. The order must contain a notice of revocation and include a finding that the public safety or welfare requires emergency action. A temporary suspension under this subsection (3)(f)(v) continues until proceedings for revocation are concluded.

(4) A stay of action is not available for actions the commissioner takes by cease and desist order, by order on hearing, or by temporary suspension.

(5)(a) Health carriers and employee benefits programs are responsible for the compliance of any person or organization acting directly or indirectly on behalf of or at the direction of the carrier or program, or acting pursuant to carrier or program standards or requirements concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.

(b) A carrier or program contracting with a health care benefit manager is responsible for the health care benefit manager's violations of this chapter, including a health care benefit manager's failure to produce records requested or required by the commissioner.

(c) No carrier or program may offer as a defense to a violation of any provision of this chapter that the violation arose from the act or omission of a health care benefit manager, or other person acting on behalf of or at the direction of the carrier or program, rather than from the direct act or omission of the carrier or program.

NEW SECTION. Sec. 6. A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier must file with the commissioner in the form and manner prescribed by the commissioner every contract and contract amendment between the carrier and any health care benefit manager registered under section 3 of this act, within thirty days following the effective date of the contract or contract amendment.

(2) For health plans issued or renewed on or after January 1, 2022, carriers must notify health plan enrollees in writing of each health care benefit manager contracted with the carrier to provide any benefit management services in the administration of the health plan.

(3) Contracts filed under this section are confidential and not subject to public inspection under RCW 48.02.120(2), or public disclosure under chapter 42.56 RCW, if filed in accordance with the procedures for submitting confidential filings through the system for electronic rate and form filings and the general filing instructions as set forth by the commissioner. In the event the referenced filing fails to comply with the filing instructions setting forth the process to withhold the contract from public inspection, and the carrier indicates that the contract is to be withheld from public inspection, the commissioner must reject the filing and notify the carrier through the system for electronic rate and form filings to amend its filing to comply with the confidentiality filing instructions.

(4) For purposes of this section, "health care benefit manager" has the same meaning as in section 2 of this act.

Sec. 7. RCW 48.02.120 and 2011 c 312 s 1 are each amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.

(2) The records of the commissioner and insurance filings in his or her office shall be open to public inspection, except as otherwise provided by sections 4 and 6 of this act and this code.

(3) Except as provided in subsection (4) of this section, actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

(4) For individual and small group health benefit plan rate filings submitted on or after July 1, 2011, subsection (3) of this section applies only to the numeric values of each small group rating factor used by a health carrier as authorized by RCW 48.21.045(3)(a), 48.44.023(3)(a), and 48.46.066(3)(a). Subsection (3) of this section may continue to apply for a period of one year from the date a new individual or small group product filing is submitted or until the next rate filing for the product, whichever occurs earlier, if the commissioner determines that the proposed rate filing is for a new product that is distinct and unique from any of the carrier's currently or previously offered health benefit plans. Carriers must make a written request for a product classification as a new product under this subsection and must receive subsequent written approval by the commissioner for this subsection to apply.

(5) Unless the commissioner has determined that a filing is for a new product pursuant to subsection (4) of this section, for all individual or small group health benefit rate filings submitted on or after July 1, 2011, the health carrier must submit part I rate increase summary and part II written explanation of the rate increase as set forth by the department of health and human services at the time of filing, and the commissioner must:

(a) Make each filing and the part I rate increase summary and part II written explanation of the rate increase available for public inspection on the tenth calendar day after the commissioner determines that the rate filing is complete and accepts the filing for review through the electronic rate and form filing system; and

(b) Prepare a standardized rate summary form, to explain his or her findings after the rate review process is completed. The

commissioner's summary form must be included as part of the rate filing documentation and available to the public electronically.

Sec. 8. RCW 48.02.220 and 2016 c 210 s 5 are each amended to read as follows:

(1) The commissioner shall accept registration of ((pharmacy)) health care benefit managers as established in ((RCW 19.340.030)) section 3 of this act and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter ((19.340)) 48.--- RCW (the new chapter created in section 17 of this act) consistent with requirements established in RCW 19.340.110 (as recodified by this act).

(3) The commissioner may adopt rules to implement chapter ((19.340)) 48.--- RCW (the new chapter created in section 17 of this act) and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

Sec. 9. RCW 42.56.400 and 2019 c 389 s 102 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2) as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess., that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 as it existed on January 1, 2017, and RCW 48.02.210 as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp. sess.;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3); ((and))

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; and

(31) Contracts not subject to public disclosure under sections 4 and 6 of this act.

Sec. 10. RCW 19.340.020 and 2014 c 213 s 3 are each amended to read as follows:

((As used in)) The definitions in this section apply throughout this section and RCW 19.340.040 through ((19.340.090:)) 19.340.110 (as recodified by this act) unless the context clearly requires otherwise.

(1) "Audit" means an on-site or remote review of the records of a pharmacy by or on behalf of an entity.

(2) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(3) "Clerical error" means a minor error:

(a) In the keeping, recording, or transcribing of records or documents or in the handling of electronic or hard copies of correspondence;

(b) That does not result in financial harm to an entity; and

(c) That does not involve dispensing an incorrect dose, amount, or type of medication, or dispensing a prescription drug to the wrong person.

((3)) (4) "Entity" includes:

(a) A pharmacy benefit manager;

(b) An insurer;

(c) A third-party payor;

(d) A state agency; or

(e) A person that represents or is employed by one of the entities described in this subsection.

((4)) (5) "Fraud" means knowingly and willfully executing or attempting to execute a scheme, in connection with the delivery of or payment for health care benefits, items, or services, that uses false or misleading pretenses, representations, or promises to obtain any money or property owned by or under the custody or control of any person.

(6) "Pharmacist" has the same meaning as in RCW 18.64.011.

(7) "Pharmacy" has the same meaning as in RCW 18.64.011.

(8) "Third-party payor" means a person licensed under RCW 48.39.005.

Sec. 11. RCW 19.340.040 and 2014 c 213 s 4 are each amended to read as follows:

An entity that audits claims or an independent third party that contracts with an entity to audit claims:

(1) Must establish, in writing, a procedure for a pharmacy to appeal the entity's findings with respect to a claim and must provide a pharmacy with a notice regarding the procedure, in writing or electronically, prior to conducting an audit of the pharmacy's claims;

(2) May not conduct an audit of a claim more than twenty-four months after the date the claim was adjudicated by the entity;

(3) Must give at least fifteen days' advance written notice of an on-site audit to the pharmacy or corporate headquarters of the pharmacy;

(4) May not conduct an on-site audit during the first five days of any month without the pharmacy's consent;

(5) Must conduct the audit in consultation with a pharmacist who is licensed by this or another state if the audit involves clinical or professional judgment;

(6) May not conduct an on-site audit of more than two hundred fifty unique prescriptions of a pharmacy in any twelve-month period except in cases of alleged fraud;

(7) May not conduct more than one on-site audit of a pharmacy in any twelve-month period;

(8) Must audit each pharmacy under the same standards and parameters that the entity uses to audit other similarly situated pharmacies;

(9) Must pay any outstanding claims of a pharmacy no more than forty-five days after the earlier of the date all appeals are concluded or the date a final report is issued under RCW 19.340.080(3) (as recodified by this act);

(10) May not include dispensing fees or interest in the amount of any overpayment assessed on a claim unless the overpaid claim was for a prescription that was not filled correctly;

(11) May not recoup costs associated with:

(a) Clerical errors; or

(b) Other errors that do not result in financial harm to the entity or a consumer; and

(12) May not charge a pharmacy for a denied or disputed claim until the audit and the appeals procedure established under subsection (1) of this section are final.

Sec. 12. RCW 19.340.070 and 2014 c 213 s 7 are each amended to read as follows:

For purposes of RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act), an entity, or an independent third party that contracts with an entity to conduct audits, must allow as evidence of validation of a claim:

(1) An electronic or physical copy of a valid prescription if the prescribed drug was, within fourteen days of the dispensing date:

(a) Picked up by the patient or the patient's designee;

(b) Delivered by the pharmacy to the patient; or

(c) Sent by the pharmacy to the patient using the United States postal service or other common carrier;

(2) Point of sale electronic register data showing purchase of the prescribed drug, medical supply, or service by the patient or the patient's designee; or

(3) Electronic records, including electronic beneficiary signature logs, electronically scanned and stored patient records maintained at or accessible to the audited pharmacy's central operations, and any other reasonably clear and accurate electronic documentation that corresponds to a claim.

Sec. 13. RCW 19.340.080 and 2014 c 213 s 8 are each amended to read as follows:

(1)(a) After conducting an audit, an entity must provide the pharmacy that is the subject of the audit with a preliminary report of the audit. The preliminary report must be received by the pharmacy no later than forty-five days after the date on which the audit was completed and must be sent:

(i) By mail or common carrier with a return receipt requested; or

(ii) Electronically with electronic receipt confirmation.

(b) An entity shall provide a pharmacy receiving a preliminary report under this subsection no fewer than forty-five days after receiving the report to contest the report or any findings in the report in accordance with the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) and ((to provide)) must allow the submission of additional documentation in support of the claim. The entity shall consider a reasonable request for an extension of time to submit documentation to contest the report or any findings in the report.

(2) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to resubmit the claim using any commercially reasonable method, including facsimile, mail, or ((electronic mail)) email.

(3) An entity must provide a pharmacy that is the subject of an audit with a final report of the audit no later than sixty days after the later of the date the preliminary report was received or the date

the pharmacy contested the report using the appeals procedure established under RCW 19.340.040(1) (as recodified by this act). The final report must include a final accounting of all moneys to be recovered by the entity.

(4) Recoupment of disputed funds from a pharmacy by an entity or repayment of funds to an entity by a pharmacy, unless otherwise agreed to by the entity and the pharmacy, shall occur after the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final. If the identified discrepancy for an individual audit exceeds forty thousand dollars, any future payments to the pharmacy may be withheld by the entity until the audit and the appeals procedure established under RCW 19.340.040(1) (as recodified by this act) are final.

Sec. 14. RCW 19.340.090 and 2014 c 213 s 9 are each amended to read as follows:

RCW 19.340.020 and 19.340.040 through 19.340.090 (as recodified by this act) do not:

(1) Preclude an entity from instituting an action for fraud against a pharmacy;

(2) Apply to an audit of pharmacy records when fraud or other intentional and willful misrepresentation is indicated by physical review, review of claims data or statements, or other investigative methods; or

(3) Apply to a state agency that is conducting audits or a person that has contracted with a state agency to conduct audits of pharmacy records for prescription drugs paid for by the state medical assistance program.

Sec. 15. RCW 19.340.100 and 2016 c 210 s 4 are each amended to read as follows:

(1) ((As used in this section:)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "List" means the list of drugs for which predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the predetermined

reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the predetermined reimbursement costs for multisource generic drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit manager network, or for participating in a pharmacy benefit manager network;

(j) May not require accreditation standards inconsistent with or more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; and

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 19.340.040 (as recodified by this act).

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

appeal under subsection (3) of this section for purposes of information collection and analysis.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program.

((8) A pharmacy benefit manager shall comply with any requests for information from the commissioner for purposes of the study of the pharmacy chain of supply conducted under section 7, chapter 210, Laws of 2016.))

Sec. 16. RCW 19.340.110 and 2016 c 210 s 2 are each amended to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of prescription drug benefits, and a pharmacy arising out of an appeal under RCW 19.340.100(6) (as recodified by this act) regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

NEW SECTION. Sec. 17. Sections 1 through 5 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 18. RCW 19.340.020, 19.340.040, 19.340.050, 19.340.060, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.340.110 are each recodified as sections under a subchapter in chapter 48.--- RCW (the new chapter created in section 17 of this act).

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1)RCW 19.340.010 (Definitions) and 2016 c 210 s 3 & 2014 c 213 s 1;

(2)RCW 19.340.030 (Pharmacy benefit managers—Registration—Renewal) and 2016 c 210 s 1 & 2014 c 213 s 2; and

(3)RCW 19.365.010 (Registration required—Requirements) and 2015 c 166 s 1.

NEW SECTION. Sec. 20. The insurance commissioner may adopt any rules necessary to implement this act.

NEW SECTION. Sec. 21. (1) Subject to the availability of amounts appropriated for this specific purpose, the pharmacy contract work group is established. The work group membership must consist of the following members appointed by the governor:

(a) A representative from the prescription drug purchasing consortium described in RCW 70.14.060;

(b) A representative from the pharmacy quality assurance commission;

(c) A representative from an association representing pharmacies;

(d) A representative from an association representing hospital pharmacies;

(e) A representative from a health carrier offering at least one health plan in a commercial market in the state;

(f) A representative from a health maintenance organization offering at least one health plan in the state;

(g) A representative from an association representing health carriers;

(h) A representative from the health care authority on behalf of the public employees' benefits board or the school employees' benefits board;

(i) A representative from the health care authority on behalf of the state medicaid program;

(j) A representative from a pharmacy benefit manager; and

(k) A representative from the office of the insurance commissioner.

(2) The work group must also include:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house; and

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate.

(3) The work group shall:

(a) Review pharmacy fee structures in the delivery of pharmacy benefits; and

(b) Review the use of performance-based contracts in the delivery of pharmacy benefits and develop recommendations on designs and use of performance-based contracts.

(4) Staff support for the work group shall be provided by the office of the insurance commissioner.

(5) The work group shall submit a progress report to the governor and the legislature by January 1, 2021, and a final report by September 1, 2021, detailing the current use of performance-based contracts and pharmacy fee structures in the delivery of pharmacy benefits and any recommendations for designs or use of performance-based contracts in the delivery of pharmacy benefits. The final report must include any statutory changes necessary to implement the recommendations.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. Sections 1 through 19 of this act take effect January 1, 2022.

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5601.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5601.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5601 by voice vote.

MOTION

On motion of Senator Rivers, Senator Wagoner was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5601, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Wagoner

SECOND SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 5613 with the following amendment(s): 5613 AMH LG H5051.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.87.130 and 1969 ex.s. c 185 s 7 are each amended to read as follows:

No county shall vacate a county road or part thereof which abuts on a body of salt or freshwater unless:

(1) The purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational, or other public purposes~~((or unless))~~;

(2) The property is zoned for industrial uses; or

(3) In a county west of the crest of the Cascade mountains and bordered by the Columbia river with a population over four hundred fifty thousand, the county determines that:

(a) The road has been used as an access point to trespass onto private property;

(b) Such trespass has caused loss of human life, and that public use of the county road creates an ongoing risk to public safety; and

(c) Public access to the same body of water abutting the county road is available at not less than three public access sites within two miles in any direction of the terminus of the road subject to vacation.

NEW SECTION. **Sec. 2.** Section 1 of this act expires December 31, 2023."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Senate Bill No. 5613.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Senate Bill No. 5613.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5613 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5613, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5613, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SENATE BILL NO. 5613, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087 with the following amendment(s): 6087-S2.E AMH HCW H5103.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the health plan offered under this chapter must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

Sec. 3. RCW 48.20.391 and 1997 c 276 s 2 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

Sec. 4. RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

Sec. 5. RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

Sec. 6. RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6087.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6087.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6087 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6087, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall,

Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Erickson

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6088 with the following amendment(s): 6088-S AMH ENGR H5317.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.14 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 5 of this act unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Biological product" has the meaning provided in 42 U.S.C. Sec. 262(i)(1).

(3) "Biosimilar" has the meaning provided in 42 U.S.C. Sec. 262(i)(2).

(4) "Board" means the prescription drug affordability board.

(5) "Generic drug" has the meaning provided in RCW 69.48.020.

NEW SECTION. Sec. 2. A new section is added to chapter 70.14 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the prescription drug affordability board is established, to include five members who have expertise in health care economics or clinical medicine appointed by the governor.

(2) Board members shall serve for a term of five years.

(3) No board member may be an employee of, a board member of, or consultant to, a prescription drug manufacturer, pharmacy benefit manager, health carrier, prescription drug wholesale distributor, or related trade association.

(4) The board may establish advisory groups consisting of relevant stakeholders when the board deems it necessary. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group.

(5) The authority shall provide administrative support to the board and any advisory group and may adopt rules governing their operation.

(6) Board members shall be compensated for participation in the work of the board in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board.

(7) A simple majority of the board's membership constitutes a quorum for the purpose of conducting business.

(8) The board must coordinate with and complement the work of the authority, other boards, and work groups related to prescription drug costs and emerging therapies.

(9) All meetings of the board must be open and public, except that the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

(1) By May 1, 2021, the board must provide the health care cost transparency board established in chapter 70.--- RCW (the new chapter created in Second Substitute House Bill No. 2457, Laws of 2020), with recommendations for the means and methodologies to establish a cost growth benchmark related to prescription drugs.

(2) By June 30, 2021, and yearly thereafter, using data collected under chapter 43.71C RCW, or other data deemed relevant by the board, the board must identify:

(a) Brand name prescription drugs and biological products that:

(i) Are introduced to the market with a wholesale acquisition cost of thirty thousand dollars or more per year or course of treatment lasting less than one year; or

(ii) Have a price increase of two thousand dollars or more in any twelve-month period;

(b) Biosimilar products that have a launch wholesale acquisition cost that is not at least fifteen percent lower than the reference brand biological product at the time the biosimilar is launched;

(c) Generic drugs with a wholesale acquisition cost of one hundred dollars or more for a thirty-day supply or less that has increased in price by two hundred percent or more in the preceding twelve months;

(d) Any prescription drug or biological products exceeding the relevant benchmark established by the health care cost transparency board established in chapter 70.--- RCW (the new chapter created in Second Substitute House Bill No. 2457, Laws of 2020); and

(e) Any other prescription drug or biological product the board believes the manufacturer's pricing of may exceed the proposed value of the prescription drug or biological products.

NEW SECTION. Sec. 4. A new section is added to chapter 70.14 RCW to read as follows:

(1) The board may choose to conduct a cost review of any prescription drug or biological product identified under section 3 of this act.

(2) For prescription drugs or biological products chosen for a cost review, the board must determine whether the manufacturer's pricing of the prescription drug or biological product substantially exceeds the proposed value of the prescription drug or biological product. The board may examine publicly available information as well as collect information from the drug manufacturer and other relevant sources. When conducting a review, the board may consider:

(a) The relevant factors contributing to the price paid by the state for the prescription drug or biological product, including the wholesale acquisition cost and discounts, rebates, or other price concessions provided by the manufacturer to the state;

(b) The average patient copay or other cost sharing for the drug;

(c) The dollar value of patient assistance programs offered by the manufacturer for the drug;

(d) The price of therapeutic alternatives;

(e) The amount of public funding received or provided for the development of the prescription drug or biological product;

(f) The manufacturer's research and development costs, as indicated on the manufacturer's federal tax filing or information filed with the federal securities and exchange commission for the most recent tax year in proportion to the manufacturer's sales in the state;

(g) The portion of direct-to-consumer marketing costs eligible for favorable federal tax treatment in the most recent tax year that are specific to the prescription drug under review and that are multiplied by the ratio of total manufacturer in-state sales to total manufacturer sales in the United States for the drug under review;

(h) The manufacturer's gross and net revenues for the most recent tax year; and

(i) Any other relevant factors as determined by the board.

(3) All information collected by the board under this section is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 70.14 RCW to read as follows:

(1) If, after the cost review of a prescription drug or biological product the board determines that the manufacturer's pricing of the drug or biological product does not substantially exceed the proposed value of the prescription drug or biological product, the board shall notify the manufacturer, in writing, of its determination and shall evaluate other ways to mitigate the eligible prescription drug or biological product's cost in order to improve patient access to the eligible prescription drug or biological product. The board may engage with the manufacturer and other relevant stakeholders, including, but not limited to, patients, patient advocacy organizations, providers, provider organizations and payers, to explore options for mitigating the cost of the prescription drug or biological product. Upon the conclusion of a stakeholder engagement process under this subsection, the board shall issue recommendations on ways to reduce the cost of the prescription drug or biological product for the purpose of improving patient access to the prescription drug or biological product. Recommendations must be publicly posted on the authority's web site. The recommendations may include, but are not be limited to:

(a) An alternative payment plan or methodology;

(b) A bulk purchasing program;

(c) Copayment, coinsurance, deductible, or other cost-sharing restrictions; and

(d) A reinsurance program to subsidize the cost of the eligible drug.

(2) If, after the cost review of a prescription drug or biological product, the board determines that the manufacturer's pricing of the prescription drug or biological product substantially exceeds the proposed value of the prescription drug or biological product, the board shall request that the manufacturer provide further information related to the pricing of the prescription drug or biological product and the manufacturer's reasons for the pricing not later than sixty days after receiving the request.

(3) No later than ninety days after receiving the additional information from the manufacturer, the board shall confidentially issue a determination on whether the manufacturer's pricing of a prescription drug or biological product still substantially exceeds the board's proposed value of the prescription drug or biological product and request the manufacturer to enter into negotiations to reduce the cost of the prescription drug or biological product. If the manufacturer refuses to enter into negotiations, the authority shall post the board's proposed value on the authority's web site.

(4) Any proprietary information submitted by a prescription drug or biological product manufacturer pursuant to this section or section 4 of this act must be kept confidential.

Sec. 6. RCW 43.71C.100 and 2019 c 334 s 10 are each amended to read as follows:

(1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, (~~individual prescription drugs, individual classes of prescription drugs,~~) individual manufacturers, except in the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

case of single source drugs, or discount amounts paid in connection with individual prescription drugs.

(3) Data received under this section must be used only for the enumerated purposes of this chapter and other statutorily authorized purposes.

(4) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

~~((4))~~ (5) Except for the report, and as provided in subsection ~~((5))~~ (6) of this section, the authority shall keep confidential all data submitted pursuant to RCW 43.71C.020 through 43.71C.080.

~~((5))~~ (6) For purposes of public policy, upon request of ~~((a legislator))~~ the office of the governor, the office of the attorney general, the prescription drug affordability board established in section 2 of this act, or a committee or subcommittee of the legislature with jurisdiction over matters relating to drug transparency, the authority must provide all data provided pursuant to RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the ~~((legislature))~~ office of the governor, the office of the attorney general, the prescription drug affordability board established in section 2 of this act, or a committee or subcommittee of the legislature with jurisdiction over matters relating to drug transparency and may not be publicly released.

~~((6))~~ (7) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW.

(8) Recipients of data received under subsection (6) of this section must:

(a) Follow all rules adopted by the authority regarding appropriate data use and protection; and

(b) Sign a nondisclosure agreement that includes acknowledgments that the recipient is solely responsible for any liability arising from misuse of the data, that the recipient does not have any conflicts under the ethics in public service act that would prevent the recipient from accessing or using the data, and that any violations of the nondisclosure agreement may result in losing the right to access or use the data.

NEW SECTION. Sec. 7. A new section is added to chapter 42.56 RCW to read as follows:

Any data collected by the prescription drug affordability board under section 4 of this act are exempt from disclosure under this chapter."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6088.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6088.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6088 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Fortunato, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6287 with the following amendment(s): 6287-S.E AMH CRJ H5183.1

Strike everything after the enacting clause and insert the following:

"Sec. 101. RCW 11.130.185 and 2019 c 437 s 201 are each amended to read as follows:

(1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

(a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;

(b) All parental rights have been terminated; or

(c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise ~~((the powers the court is granting the guardian))~~ parenting functions as defined in RCW 26.09.004.

Sec. 102. RCW 11.130.190 and 2019 c 437 s 202 are each amended to read as follows:

(1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The minor's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the minor will reside if the appointment is made;

(b) The name and current street address of the minor's parents;

(c) The name and address, if known, of each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) The name and address of any attorney for the minor and any attorney for each parent of the minor;

(e) ~~((The reason guardianship is sought and would be in the best interest of the minor))~~ The legal basis for the guardianship. Factual reasons why the guardianship is sought and would be in the best interest of the minor shall be set out in a separate supplemental declaration;

(f) The name and address of any proposed guardian and the reason the proposed guardian should be selected;

(g) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;

(h) Whether the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

(i) Whether any parent of the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(j) Whether any other proceeding concerning the care or custody of the minor is pending in any court in this state or another jurisdiction.

(3) The court may, upon a showing of good cause, order that the information concerning the reasons for the guardianship contained in the supplemental declaration to the petition and all subsequently filed pleadings and evidence by any party not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record.

(4) Courts may develop forms for the purpose of filing petitions under subsection (1) of this section.

Sec. 103. RCW 11.130.195 and 2019 c 437 s 203 are each amended to read as follows:

(1) If a petition is filed under RCW 11.130.190, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition and supplemental declaration, personally on each of the following that is not the petitioner:

(i) The minor, if the minor ~~((will be))~~ is twelve years of age or older ~~((at the time of the hearing))~~. The court may, upon a showing of good cause, order that information concerning the reasons for the guardianship contained in the petition, the supplemental declaration, and all subsequently filed pleadings and evidence by any party, not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record;

(ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(iii) ~~((Any adult with whom the minor resides;~~

~~((iv) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition; and~~

~~((v)) Any guardian or person with nonparental custody of the minor issued under chapter 26.10 RCW; and~~

~~((vi) Any other person the court determines should receive personal service of notice; and~~

~~((b)(i) Give notice by mail or other action reasonably calculated to give notice under RCW 11.130.065 of the date, time, and place of the hearing, together with a copy of the petition, to:~~

~~((A) Any adult with primary care and custody of the minor who is not a parent, guardian, or person with nonparental custody issued under chapter 26.10 RCW;~~

~~((B) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the~~

filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition, if known;

~~((C))~~ (C) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;

~~((D))~~ (D) Any nominee of a parent;

~~((E))~~ (E) Each grandparent and adult sibling of the minor, if known;

~~((F))~~ (F) Any ((guardian or)) conservator acting for the minor in any jurisdiction; and

~~((G))~~ (G) Any other person the court determines.

(ii) The court may waive notice to persons listed under (b)(i) of this subsection for good cause. Good cause includes an allegation that giving notice may risk harm to the minor.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian. Notice for the minor must specifically state all rights retained by the minor including the right to request counsel, the right to attend, and the right to participate and communicate with the court. Notice for the minor must also state whether the court has entered any prior order limiting information served upon the minor, and that the minor may ask the court to reconsider the court's order at any time. Notice for the minor must include information on how the minor can respond to the petition.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be located and served or the parent waived, in a record, the right to notice.

(4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, and in all cases involving a minor twelve years of age and older when the minor is unrepresented, the court shall appoint a court visitor who shall:

(a) Interview the petitioner and the minor;

(b) Meet with the minor and explain the rights retained by the minor as outlined in the notice requirements under this section. The court visitor shall ascertain the minor's views or positions regarding the guardianship and shall file a report with the court regarding the minor's views or positions. If the minor wishes the court to reconsider any prior order limiting information served upon the minor, the court visitor shall inform the court of the minor's request;

(c) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;

~~((e))~~ (d) Investigate any other matter relating to the petition the court directs; and

~~((f))~~ (e) Ascertain whether the parent consents to the guardian for the minor.

Sec. 104. RCW 11.130.205 and 2019 c 437 s 205 are each amended to read as follows:

(1) The court shall allow a minor who is the subject of a hearing under RCW 11.130.195 to attend the hearing and allow the minor to participate in the hearing unless the court determines ~~((by clear and convincing evidence presented at the hearing or a separate hearing,))~~ that:

(a) The minor lacks the ability or maturity to participate meaningfully in the hearing; or

(b) Attendance would be harmful to the minor.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(2) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under RCW 11.130.195.

(3) Each parent of a minor who is the subject of a hearing under RCW 11.130.195 has the right to attend the hearing.

(4) A person may request permission to participate in a hearing under RCW 11.130.195. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

Sec. 105. RCW 11.130.210 and 2019 c 437 s 206 are each amended to read as follows:

(1) Before granting any order ~~((regarding the custody of a child))~~ under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

Sec. 106. RCW 11.130.215 and 2019 c 437 s 207 are each amended to read as follows:

(1) After a hearing under RCW 11.130.195, the court may appoint a guardian for a minor, if appointment is proper under RCW 11.130.185, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which shall preserve the parent-child relationship through an order for parent-child visitation and other contact, unless the court finds the relationship should be limited or restricted under RCW 26.09.191; and which may include ~~((contact or visitation with the minor))~~ decision making regarding the minor's health care,

education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(a) The guardian has delegated custody of the minor subject to guardianship;

(b) The court has modified or limited the powers of the guardian; or

(c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

Sec. 107. RCW 11.130.220 and 2019 c 437 s 208 are each amended to read as follows:

(1) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under RCW 11.130.230 and 11.130.235, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(2) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may state desired limitations on the powers to be granted the standby guardian. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(3) The court may appoint a standby guardian for a minor on:

(a) Petition by a parent of the minor or a person nominated under subsection (2) of this section; and

(b) Finding that, within two years after the appointment, no parent of the minor likely will be able or willing to ~~((care for or make decisions with respect to the minor not later than two years after the appointment))~~ perform parenting functions as defined in RCW 26.09.004.

(4) A petition under subsection (3)(a) of this section must include the same information required under RCW 11.130.190 for the appointment of a guardian for a minor.

(5) On filing a petition under subsection (3)(a) of this section, the petitioner shall:

(a) Serve a copy of the petition personally on:

(i) The minor, if the minor is twelve years of age or older, and the minor's attorney, if any;

(ii) Each parent of the minor;

(iii) The person nominated as standby guardian; and

(iv) Any other person the court determines; and

(b) Include with the copy of the petition served under (a) of this subsection a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of the nature, purpose, and consequences of appointment of a standby guardian.

(6) The court may, upon a showing of good cause, order that the information concerning the reasons for the standby guardianship contained in the petition and all subsequently filed pleadings and evidence by any party not be served on the minor if the minor is unrepresented. A minor entitled to service under this subsection may request access to the court pleadings and evidence filed in the court record.

(7) A person entitled to notice under subsection (5) of this section, not later than sixty days after service of the petition and statement, may object to appointment of the standby guardian by filing an objection with the court and giving notice of the

objection to each other person entitled to notice under subsection (5) of this section.

~~((7))~~ (8) If an objection is filed under subsection ~~((6))~~ (7) of this section, the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

~~((8))~~ (9) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (5) of this section is not served on:

- (a) The minor, if the minor is twelve years of age or older; and
- (b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

~~((9))~~ (10) If a petitioner is unable to serve notice under subsection (5) of this section on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court shall appoint a court visitor who shall:

- (a) Interview the petitioner and the minor;
- (b) If the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and
- (c) Investigate any other matter relating to the petition the court directs.

~~((10))~~ (11) If the court finds under subsection (3) of this section that a standby guardian should be appointed, the following rules apply:

(a) The court shall appoint the person nominated under subsection (2) of this section unless the court finds the appointment is contrary to the best interest of the minor.

(b) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

~~((11))~~ (12) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

- (a) The standby guardian assumes the duties and powers of the guardian;
- (b) The guardian delegates custody of the minor;
- (c) The court modifies or limits the powers of the guardian; or
- (d) The court removes the guardian.

~~((12))~~ (13) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

- (a) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;
- (b) The minor, if the minor is twelve years of age or older; and
- (c) Any person, other than the parent, having care or custody of the minor.

~~((13))~~ (14) A person that receives notice under subsection ~~((12))~~ (13) of this section or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

Sec. 108. RCW 11.130.225 and 2019 c 437 s 209 are each amended to read as follows:

(1) On its own, or on petition by a person interested in a minor's welfare, including the minor, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

- (a) The minor, if the minor is twelve years of age or older;
- (b) Any attorney appointed under RCW 11.130.200;
- (c) Each parent of the minor;
- (d) Any person, other than a parent, having care or custody of the minor; and
- (e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under RCW 11.130.185.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under RCW 11.130.190 or 11.130.220.

(8) If a petition for guardianship under RCW 11.130.215 is pending, or is subsequently filed after a petition under this section, the cases shall be linked or consolidated.

Sec. 109. RCW 11.130.230 and 2019 c 437 s 210 are each amended to read as follows:

(1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor shall:

(a) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under (c) of this subsection for the minor's future needs, but if a conservator

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, ~~((as required by court rule or))~~ if ordered by the court on its own motion or on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

Sec. 110. RCW 11.130.240 and 2019 c 437 s 212 are each amended to read as follows:

(1) Guardianship under this chapter for a minor terminates:

(a) On the minor's death, adoption, emancipation, or attainment of majority; or

(b) When the court finds that the ~~((standard))~~ basis in RCW 11.130.185 for appointment of a guardian ~~((is not satisfied))~~ no longer exists, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian.

(3) A petitioner under subsection (2) of this section shall give notice of the hearing on the petition to the minor, if the minor is twelve years of age or older and is not the petitioner, the guardian, each parent of the minor, and any other person the court determines.

(4) The court shall follow the priorities in RCW 11.130.215(2) when selecting a successor guardian for a minor.

(5) Not later than thirty days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is twelve years of age or older, each parent of the minor, and any other person the court determines.

(6) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(7) A guardian for a minor that is removed shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

Sec. 111. RCW 11.130.245 and 2019 c 437 s 213 are each amended to read as follows:

(1) This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to January 1, 2021. Orders issued under chapter 26.10 RCW prior to January 1, 2021, remain in effect and do not need to be reissued in a new order under this chapter.

(2) All orders issued under chapter 26.10 RCW prior to the effective date of chapter 437, Laws of 2019 remain operative after the effective date of chapter 437, Laws of 2019. After the effective date of chapter 437, Laws of 2019, if an order issued under chapter 26.10 RCW is modified, the modification is subject to the requirements of this chapter.

NEW SECTION. Sec. 112. A new section is added to chapter 11.130 RCW to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining another party from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis by filing an appropriate separate civil cause of action. The petitioner shall inform the court of the existence of the action under this title. The court shall set all future protection hearings on the guardianship calendar to be heard concurrent with the action under this title and the clerk shall relate the cases in the case management system. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the respondent to surrender, and prohibit the respondent from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800. Such orders may only be made in the civil protection case related to the action under this title.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the

final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 113. RCW 11.130.250 and 2019 c 437 s 214 are each amended to read as follows:

(1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child, chapter 13.38 RCW shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice ~~((and)),~~ evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

Sec. 114. RCW 13.34.030 and 2019 c 172 s 2 and 2019 c 46 s 5016 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

(14) "Housing assistance" means appropriate referrals by the department or other agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or family reunification service as described in RCW 13.34.025(2).

~~((14))~~ (15) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((45))~~ (16) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((46))~~ (17) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((47))~~ (18) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

~~((48))~~ (19) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

~~((49))~~ (20) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

~~((20))~~ (21) "Qualified residential treatment program" means a program licensed as a group care facility under chapter 74.15 RCW that also qualifies for funding under the federal family first prevention services act under 42 U.S.C. Sec. 672(k) and meets the requirements provided in RCW 13.34.420.

~~((24))~~ (22) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

~~((22))~~ (23) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((23))~~ (24) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

~~((24))~~ (25) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

~~((25))~~ (26) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the department or the court.

~~((26))~~ (27) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 115. RCW 13.34.062 and 2018 c 58 s 71 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at ~~((insert appropriate phone number here))~~ . . . (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent

you. To get a court-appointed lawyer you must contact: ~~((--(explain local procedure)--))~~ . . . (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: ~~((--(insert name and telephone number)--))~~ . . . (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of children, youth, and families or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of children, youth, and families or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person.

You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, previously existing nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 116. RCW 13.34.110 and 2017 3rd sp.s. c 6 s 305 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2) The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

(3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights ~~((or dependency guardianship))~~ pursuant to this chapter or ~~((nonparental custody))~~ guardianship pursuant to ~~((chapter 26.10))~~ chapters 13.36 or 11.130 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the

stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

(4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

Sec. 117. RCW 13.34.136 and 2018 c 284 s 13 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's proposed permanency plan must be provided to the department, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to RCW 11.130.215; ~~((permanent legal custody))~~ long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan

as to where the child will be placed, what steps will be taken to return the child home, what steps the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The department shall provide all reasonable services that are available within the department, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((8))~~) (9), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(~~((6))~~) (7).

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning(=

~~(a) "Guardianship")~~, "guardianship" means a ~~((dependency guardianship or a legal))~~ guardianship pursuant to chapter ~~((41.88))~~ 13.36 RCW or a guardianship of a minor pursuant to RCW 11.130.215, or equivalent laws of another state or a federally recognized Indian tribe.

~~((b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~((c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.))~~

Sec. 118. RCW 13.34.145 and 2019 c 172 s 15 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(c) Regardless of whether the primary permanency planning goal has been achieved, for a child who remains placed in a qualified residential treatment program as defined in this chapter for at least sixty days, and remains placed there at subsequent permanency planning hearings, the court shall establish in writing:

(i) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(ii) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(iii) Whether the placement is consistent with the child's short and long-term goals as stated in the child's permanency plan;

(iv) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(v) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW (~~legal~~) guardian, a guardian pursuant to RCW 11.130.215, an adoptive parent, or in a foster family home.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

(i) The child is being cared for by a relative;

(ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;

(iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department;

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department shall continue for at least six

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 119. RCW 13.34.155 and 2019 c 46 s 5017 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to ~~((chapter 26.10 RCW)) a guardianship of a minor under RCW 11.130.215~~ in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. Any modification or establishment of a guardianship of a minor must be made in conformity with the standards in chapter 11.130 RCW. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish or modify a ~~((permanent custody order)) guardianship of a minor, but the court may decide any contested issues implementing the guardianship.~~ This agreed ~~((order)) guardianship of a minor~~ may have the concurrence of the other parties to the dependency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a ~~((custody)) guardianship of a minor~~ order under ~~((chapter 26.10)) RCW 11.130.215~~ is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a ~~((custody order)) guardianship of a minor.~~ Once ~~((an)) a guardianship of a minor~~ order is entered under ~~((chapter 26.10)) RCW 11.130.215~~, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09, 26.26A, or 26.26B RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09, 26.26A, or 26.26B RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09, 26.26A, or 26.26B RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

~~(3) ((Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.~~

~~(4)) Any order entered in the dependency court establishing or modifying a ((permanent legal custody order)) guardianship of a minor under RCW 11.130.215, parenting plan, or residential schedule under chapter 26.09, ((26.10,)) 26.26A, or 26.26B RCW shall also be filed in the chapter 11.130, 26.09, ((26.10,)) 26.26A, or 26.26B RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any guardianship of a minor order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding.~~

Sec. 120. RCW 13.34.210 and 2018 c 284 s 21 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court

shall commit the child to the custody of the department willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under chapter 13.36 RCW or ~~((chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW,))~~ a guardianship of a minor under RCW 11.130.215 has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The department shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130~~((6))~~ (7) and shall report to the court the status and extent of such relationships.

Sec. 121. RCW 13.50.100 and 2019 c 470 s 21 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050, 13.50.260, and 13.50.270.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of children, youth, and families may release information retained in the course of conducting child protective services investigations to a family or juvenile court hearing a petition for custody of a minor under chapter ~~((26.10))~~ 11.130 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which: (i) The juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department of social and health services or the department of children, youth, and families subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the

juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services or the department of children, youth, and families, pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services or the department of children, youth, and families, that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombuds information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(7) A juvenile, his or her parents, the juvenile's attorney, and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of children, youth, and families or the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(8) A juvenile or his or her parent denied access to any records following an agency determination under subsection (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection (7)(a) and (b) of this section.

(9) The person making a motion under subsection (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

one hundred dollars for each day the records were wrongfully denied.

(11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(1) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

NEW SECTION. Sec. 122. A new section is added to chapter 11.130 RCW to read as follows:

Any order for the relocation of a minor under a guardianship must comply with the notice requirements of RCW 26.09.430 through 26.09.490.

PART II GUARDIANSHIPS OF ADULTS

Sec. 201. RCW 11.130.275 and 2019 c 437 s 303 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.270 for appointment of a guardian for an adult shall be heard within sixty-days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2)(a) A copy of a petition under RCW 11.130.270 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.280 not more than five court days after the petition under RCW 11.130.270 has been filed. ~~((The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition.))~~

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the respondent that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on whether a basis exists under RCW 11.130.265 for the appointment of a guardian and the issue of the respondent's rights that will be retained or restricted if a guardian is appointed. Such notice must be in substantially the same form as set forth in section 321 of this act and must be double-spaced and in a type size not smaller than sixteen point font. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.270, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under RCW 11.130.270(2) (a) through (c) and any other ~~((person interested in the respondent's welfare the court determines))~~ notice party. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(4) After the appointment of a guardian, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

- (a) The adult subject to guardianship;
- (b) The guardian; and
- (c) Any other notice party or person the court determines pursuant to RCW 11.130.310(5) or a subsequent court order.

Sec. 202. RCW 11.130.285 and 2019 c 437 s 305 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in guardianship proceedings. Any attorney purporting to represent a respondent or person subject to guardianship shall petition the court to be appointed to represent the respondent or person subject to guardianship.

(b) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the

respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

- (A) The respondent is unable to afford an attorney;
- (B) The expense of an attorney would result in substantial hardship to the respondent; or
- (C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

- (a) Make reasonable efforts to ascertain the respondent's wishes;
- (b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- (c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

Sec. 203. RCW 11.130.290 and 2019 c 437 s 306 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition for a guardianship for an adult, the court shall order a professional evaluation of the respondent:))~~

- ~~((a) If the respondent requests the evaluation; or~~
- ~~((b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.))~~ On receipt of a petition under RCW 11.130.270 and at the time the court appoints a court visitor under RCW 11.130.280, the court shall order a professional evaluation of the respondent.

(2) ~~((If the court orders an evaluation under subsection (1) of this section, the))~~ The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, ((or)) advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. ((The individual conducting the evaluation promptly shall file F:\Journal\2020 Journal\Journal2020\LegDay057\A.doc F:\Journal\2020 Journal\Journal2020\LegDay057\A.doc was not found)) If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

((b)) (c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

((c)) (d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan; ((and

((d)) (e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification of persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

((3) The) (4) If the respondent ((may decline)) declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.275 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

Sec. 204. RCW 11.130.320 and 2019 c 437 s 312 are each amended to read as follows:

(1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of an emergency guardian for the adult.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and to the extent known, the following:

(a) The respondent's name, age, principal residence and current street address, if different;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) Any representative payee or authorized representative or protective payee;

(viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(x) A person nominated as guardian by the respondent;

(xi) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xii) A proposed emergency guardian, and the reason the proposed emergency guardian should be selected; and

(xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;

(d) The reason an emergency guardianship is necessary, including a specific description of:

(i) The nature and extent of the emergency situation;

(ii) The nature and extent of the respondent's alleged emergency need that arose because of the emergency situation;

(iii) The substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the respondent's alleged emergency need instead of emergency guardianship;

(v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency guardianship, the reason they have not been considered or implemented; and

(vi) The reason a protective arrangement or other less restrictive alternative instead of emergency guardianship is insufficient to meet the respondent's alleged emergency need;

(e) The reason the petitioner believes that a basis for appointment of a guardian under RCW 11.130.265 exists;

(f) Whether the petitioner intends to also seek guardianship for an adult under RCW 11.130.270;

(g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the respondent's identified needs caused by the emergency circumstances;

(h) The specific powers to be granted to the proposed emergency guardian and a description of how those powers will be used to meet the respondent's alleged emergency need;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

(3) The requirements of RCW 11.130.090 apply to an emergency guardian appointed for an adult with the following exceptions for any proposed emergency guardian required to complete the training under RCW 11.130.090:

(a) The proposed emergency guardian shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency guardian for an adult; and

(b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of petitioner.

(4) On its own after a petition has been filed under RCW 11.130.270, or on petition ((by a person interested in an adult's welfare)) for appointment of an emergency guardian for an adult, the court may appoint an emergency guardian for the adult if the court ((finds)) makes specific findings based on clear and convincing evidence that:

(a) ((Appointment)) An emergency exists such that appointment of an emergency guardian is likely to prevent

FIFTY SEVENTH DAY, MARCH 9, 2020

substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) The respondent's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency guardianship;

(c) No other person appears to have authority and willingness to act ~~((in the))~~ to address the respondent's identified needs caused by the emergency circumstances; and

~~((c))~~ (d) There is reason to believe that a basis for appointment of a guardian under RCW 11.130.265 exists.

~~((2))~~ (5) If the court acts on its own to appoint an emergency guardian after a petition has been filed under RCW 11.130.270, all requirements of this section shall be met.

(6) A court order appointing an emergency guardian for an adult shall:

(a) Grant only the specific powers necessary to meet the adult's identified emergency need and to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency guardian is likely to prevent substantial and irreparable harm to the respondent's health, safety, or welfare;

(c) Include a specific finding that the identified emergency need of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;

(d) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(e) State that the adult subject to emergency guardianship retains all rights the adult enjoyed prior to the emergency guardianship with the exception of the rights not retained during the period of emergency guardianship;

(f) Include the date that the sixty-day period of emergency guardianship ends, and the date the emergency guardian's report, required by this section, is due to the court; and

(g) Identify any person or notice party that subsequently is entitled to:

(i) Notice of the rights of the adult;

(ii) Notice of a change in the primary dwelling of the adult;

(iii) Notice of the removal of the guardian;

(iv) A copy of the emergency guardian's plan and the emergency guardian's report under this section;

(v) Access to court records relating to the emergency guardianship;

(vi) Notice of the death or significant change in the condition of the adult;

(vii) Notice that the court has limited or modified the powers of the emergency guardian; and

(viii) Notice of the removal of the emergency guardian.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency guardianship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the adult subject to emergency guardianship or not in the best interest of the adult subject to the emergency guardianship.

(8) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. ~~((The))~~ Upon a motion by the petitioner, adult subject to emergency guardianship, court visitor, or the emergency

2020 REGULAR SESSION

guardian, with notice served upon all applicable notice parties, the emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection ~~((4))~~ (4) of this section continue.

~~((3))~~ (9) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection ~~((4))~~ (10) of this section, ~~((reasonable))~~ an order appointing an emergency guardian for the respondent may not be entered unless the respondent, the respondent's attorney, and the court visitor appointed under subsection (11) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition ~~((must be given to the respondent, the respondent's attorney, and any other person the court determines))~~. A copy of the emergency petition and notice of a hearing on the petition must be served personally on the respondent, the respondent's attorney, and the court visitor not more than two court days after the petition has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the respondent.

~~((4))~~ (10) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection ~~((3))~~ (9) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

(i) The respondent;

(ii) The respondent's attorney; and

(iii) Any other person the court determines; and

(b) Hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

~~((5))~~ (11) On receipt of a petition for appointment of emergency guardian for an adult, the court shall appoint a court visitor. Notice of appointment of the court visitor must be served upon the court visitor within two days of appointment. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

(a) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.

(b) A court visitor appointed under this section shall use due diligence to attempt to interview the respondent in person and, in a manner the respondent is best able to understand:

(i) Explain to the respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed guardian as stated in the emergency petition;

(ii) Determine the respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency guardian, the emergency guardian's proposed powers and duties, and the scope and duration of the proposed emergency guardianship; and

(iii) Inform the respondent that all costs and expenses of the proceeding, including but not limited to the respondent's attorneys' fees, the appointed guardian's fees, and the appointed guardian's attorneys' fees, will be paid from the respondent's assets upon approval by the court.

(c) The court visitor appointed under this section shall:

(i) Interview the petitioner and proposed emergency guardian;

(ii) Use due diligence to attempt to visit the respondent's present dwelling;

(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.

(d) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

(i) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(ii) A recommendation regarding the appropriateness of emergency guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency guardianship is recommended;

(iii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;

(v) The specific powers to be granted to the emergency guardian and how the specific powers will address the alleged emergency and the respondent's alleged need;

(vi) A recommendation regarding the appropriateness of an ongoing guardianship for an adult, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available;

(vii) A statement of the qualifications of the proposed emergency guardian and whether the respondent approves or disapproves of the proposed emergency guardian, and the reasons for such approval or disapproval;

(viii) A recommendation whether a professional evaluation under RCW 11.130.290 is necessary;

(ix) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(x) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate;

(xi) A statement, as needed when the petition seeks emergency authority to change the respondent's place of dwelling, as to whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence; and

(xii) Any other matter the court directs.

(12) An emergency guardian shall:

(a) Comply with the requirements of RCW 11.130.325, the requirements regarding the adult's right to association under RCW 11.130.335, and the requirements of this chapter that pertain to the rights of an adult subject to guardianship;

(b) Not have authority to make decisions or take actions that a guardian for an adult is prohibited by law from having; and

(c) Be subject to the same special limitations on a guardian's power that apply to a guardian for an adult.

(13) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under RCW 11.130.265.

~~((6))~~ (14) The court may remove an emergency guardian appointed under this section at any time.

(15) The emergency guardian shall file a report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after appointment. The report shall include specific and updated information regarding the emergency alleged in the emergency petition, the adult's emergency needs, all actions and decisions by the emergency guardian, and a recommendation as to whether a guardian for an adult should be appointed. If the appointment of the emergency guardian is extended for an additional sixty days, the emergency guardian shall file a second report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after extension of the appointment is granted by the court, which shall include the same information required for the first report. The emergency guardian shall make any other report the court requires.

(16) The court shall issue letters of emergency guardianship to the emergency guardian in compliance with RCW 11.130.040. Such letters shall be issued on an expedited basis.

Sec. 205. RCW 11.130.330 and 2019 c 437 s 314 are each amended to read as follows:

(1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits as a representative payee or an authorized representative or protective payee for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health care information regarding the adult.

(2) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(3) The court by specific order may authorize a guardian for an adult to:

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(a) Consent or withhold consent to the marriage of the adult if the adult's right to marry has been removed under RCW 11.130.310;

(b) Petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage; or

(c) Support or oppose a petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage.

(4) In determining whether to authorize a power under subsection (2) or (3) of this section, the court shall consider whether the underlying act would be in accordance with the adult's preferences, values, and prior directions and whether the underlying act would be in the adult's best interest.

(5) In exercising a guardian's power under subsection (1)(b) of this section to establish the adult's place of dwelling, the guardian shall:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in RCW 11.130.325 (4) and (5). If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall choose in accordance with RCW 11.130.325(5) a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in RCW 11.130.325 (4) and (5);

(c) Not later than thirty days after a change in the dwelling of the adult:

(i) Give notice of the change to the court, the adult, and any ~~((person identified as entitled to the notice in the court order appointing the guardian or a subsequent order))~~ other notice party; and

(ii) Include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(d) Establish or move the permanent place of dwelling of the adult to a ~~((nursing home, mental health facility, or other facility))~~ care setting that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under RCW 11.130.340;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under RCW 11.130.310(5)(b) or a subsequent order, and no objection is filed;

(e) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(f) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under RCW 11.130.340;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under RCW 11.130.310(5)(b) or a subsequent order and no objection has been filed.

(6) In exercising a guardian's power under subsection (1)(c) of this section to make health care decisions, the guardian shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options;

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

(7) Notwithstanding subsection (1)(b) of this section no ~~((residential treatment facility))~~ care setting which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an individual subject to a guardianship shall be void and of no force or effect. ~~((This section does not apply to the detention of a minor as provided in chapter 71.34 RCW.))~~

(8) Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a ~~((residential treatment facility))~~ care setting if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an individual subject to a guardianship shall be served, either before or after placement, by the guardian or limited guardian on such individual, any court visitor of record, any guardian ad litem of record, and any attorney of record.

Sec. 206. RCW 11.130.335 and 2019 c 437 s 315 are each amended to read as follows:

(1) ~~((Unless authorized by the court by specific order, a))~~ A guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. The court has authority to revoke or amend any power of attorney executed by the adult.

(2) A guardian for an adult ~~((may))~~ shall not initiate the commitment of the adult to an evaluation and treatment facility except in accordance with the ~~((state's procedure for involuntary civil commitment))~~ provisions of chapter 10.77, 71.05, or 72.23 RCW.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

(a) Therapy or other procedure to induce convulsion;

(b) Surgery solely for the purpose of psychosurgery; or

(c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and

holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) Persons under a guardianship, conservatorship, or other protective arrangements—Right to associate with persons of their choosing.

(a) Except as otherwise provided in this section, ~~((a person under a guardianship retains the right to associate with persons of the person under a guardianship's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the person under a guardianship is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of a person under a guardianship, whether full or limited, must:~~

~~(i) Personally inform the person under a guardianship of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the person under a guardianship;~~

~~(ii) Maximize the person under a guardianship's participation in the decision-making process to the greatest extent possible, consistent with the person under a guardianship's abilities; and~~

~~(iii) Give substantial weight to the person under a guardianship's preferences, both expressed and historical.~~

~~(b) A guardian or limited guardian may not restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing, unless:~~

~~(i) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.130 RCW;~~

~~(ii) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the person under a guardianship and other persons;~~

~~(iii)(A) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing in order to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the person under a guardianship from activities that unnecessarily impose significant distress on the person under a guardianship; and~~

~~(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or~~

~~(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.~~

~~(6) A protection order under chapter 74.34 RCW issued to protect the person under a guardianship)) an adult subject to a guardianship, conservatorship, or other protective arrangement retains the right to associate with other persons of the adult's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the adult subject to a guardianship, conservatorship, or other protective arrangement is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another~~

person, the guardian, conservator, or person acting under a protective arrangement, whether full or limited, must:

(i) Personally inform the adult subject to a guardianship, conservatorship, or other protective arrangement of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the adult;

(ii) Maximize the adult's participation in the decision-making process to the greatest extent possible, consistent with the adult's abilities; and

(iii) Give substantial weight to the adult's preferences, both expressed and historical.

(b) A guardian or limited guardian, a conservator or limited conservator, or a person acting under a protective arrangement may not restrict an adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing, unless:

(i) The restriction is specifically authorized by the court in the court order establishing or modifying the guardianship or limited guardianship, the conservatorship or limited conservatorship, or the protective arrangement under this chapter;

(ii) The restriction is pursuant to a protection order issued under chapter 74.34 or 26.50 RCW, or other law, that limits contact between the adult under a guardianship, conservatorship, or other protective arrangement and other persons;

(iii)(A) The guardian or limited guardian, the conservator or limited conservator, or the person acting under the protective arrangement has good cause to believe that there is an immediate need to restrict the adult's right to communicate, visit, interact, or otherwise associate with persons of the adult's choosing in order to protect the adult from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the adult from activities that unnecessarily impose significant distress on the adult; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian, the conservator or limited conservator, or person acting under the protective arrangement files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A protection order under chapter 74.34 RCW issued to protect the adult under a guardianship, conservatorship, or other protective arrangement as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the ((person under a guardianship)) adult from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the ((person under a guardianship)) adult and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the ((person under a guardianship)) adult from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

Sec. 207. RCW 11.130.340 and 2019 c 437 s 317 are each amended to read as follows:

(1) A guardian for an adult, not later than ninety days after appointment, shall file with the court a plan for the care of the adult and shall provide a copy of the plan to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~ and any other ~~((person the court determines))~~ notice party. The plan must be based on the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian shall give notice of the filing of the guardian's plan under subsection (1) of this section, together with a copy of the plan, to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other (~~((person the court determines))~~) notice party. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An adult subject to guardianship and any person entitled under subsection (2) of this section to receive notice and a copy of the guardian's plan may object to the plan.

(4) The court shall review the guardian's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the guardian's duties and powers under RCW 11.130.325 and 11.130.330. The court may not approve the plan until thirty days after its filing.

(5) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the order approving the plan to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other (~~((person the court determines))~~) notice party.

Sec. 208. RCW 11.130.345 and 2019 c 437 s 318 are each amended to read as follows:

(1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other (~~((person the court determines))~~) notice party.

(2) A report under subsection (1) of this section must state or contain:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision making;

(g) If the adult is living in (~~((an evaluation and treatment facility or living in a facility that provides the adult with health care or other personal services))~~) a care setting, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;

(h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must abide by the standards of practice regarding the acceptance of gifts;

(i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;

(j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(k) A copy of the guardian's most recently approved plan under RCW 11.130.340 and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(l) Plans for future care and support of the adult;

(m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and

(n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report submitted under this section or a guardian's plan submitted under RCW 11.130.340, interview the guardian or adult subject to guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship(~~((a person entitled to notice under RCW 11.130.310(5) or a subsequent order,))~~) and any other (~~((person the court determines))~~) notice party. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

(a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult, the guardian, and any other person entitled to notice under RCW 11.130.310(5) or a subsequent order;

(b) May require additional information from the guardian;

(c) May appoint a court visitor to interview the adult or guardian or investigate any matter involving the guardianship; and

(d) Consistent with this section and RCW 11.130.350, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the guardian containing an expiration date which will be within one hundred twenty days after the date the court directs the guardian file its next report.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

Sec. 209. RCW 11.130.360 and 2019 c 437 s 401 are each amended to read as follows:

(1) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The ~~((respondent's))~~ adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship, or other less restrictive alternative would meet the needs of the respondent.

(4) A determination by the court that a basis under subsection (2) of this section exists for the appointment of a conservator for an adult and on the issue of the rights that will be retained or restricted by the appointment of a conservator is a legal, not a medical decision. The determination must be based on demonstrated management insufficiencies over time in the area of property or financial affairs. Age, eccentricity, poverty, or medical diagnosis alone are not a sufficient basis under subsection (2) of this section to justify a determination that a conservator should be appointed for the respondent.

(5) For purposes of subsection (2) of this section, an adult who resides in a long-term care facility, resides in another care setting, or is the subject of an involuntary commitment order is not considered missing or detained.

Sec. 210. RCW 11.130.370 and 2019 c 437 s 403 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.365 for appointment of a conservator shall be heard within sixty days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2)(a) A copy of a petition under RCW 11.130.365 and notice of a hearing on the petition must be served personally on the respondent ~~((and))~~, the court visitor appointed under RCW 11.130.380, and the appointed or proposed guardian not more than five court days after the petition under RCW 11.130.365 has been filed. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by publication. ~~((The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition.))~~

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the respondent that could be restricted or transferred to a conservator by a conservatorship order as well as the right to counsel of choice and to a jury trial whether a basis exists under RCW 11.130.360(2) for the appointment of a conservator and the issue of the respondent's rights that will be retained or restricted if a conservator is appointed. Such notice must be in substantially the same form as set forth in section 321 of this act and must be double-spaced and in a type size not smaller than sixteen point font. The court may not grant ~~((a))~~ the petition ~~((for appointment of a conservator))~~ if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.365, the notice required under subsection (2) of this section must be ~~((given to))~~ served upon the persons required to be listed in the petition under RCW 11.130.365(2) (a) through (c) and any other ~~((person interested in the respondent's welfare the court determines))~~ notice party. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(4) After the appointment of a conservator, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

(a) The individual subject to conservatorship, if the individual is twelve years of age or older and not missing, detained, or unable to return to the United States;

(b) The conservator; and

(c) Any other ~~notice party or~~ person the court determines pursuant to RCW 11.130.420(6) or a subsequent court order.

Sec. 211. RCW 11.130.385 and 2019 c 437 s 406 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in conservatorship proceedings. Any attorney purporting to represent a respondent or person subject to conservatorship shall petition the court to be appointed to represent the respondent or person subject to conservatorship.

(b) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under RCW 11.130.365 if:

(a) The parent objects to appointment of a conservator;

(b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or

(c) The court otherwise determines the parent needs representation.

Sec. 212. RCW 11.130.390 and 2019 c 437 s 407 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition for conservatorship for an adult, the court shall order a professional evaluation of the respondent:~~

~~(a) If the respondent requests the evaluation; or~~

~~(b) In other cases, unless the court finds it has sufficient information to determine the respondent's needs and abilities without the evaluation.)) On receipt of a petition under RCW 11.130.360 and at the time the court appoints a court visitor under RCW 11.130.380, the court shall order a professional evaluation of the respondent.~~

~~(2) ((If the court orders an evaluation under subsection (1) of this section, the)) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, ((or)) advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW, selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.~~

~~(3) The individual conducting the evaluation ((promptly)) shall promptly provide the completed evaluation report to the court visitor who shall file ((#)) the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:~~

~~(a) The professional's name, address, education, and experience;~~

~~(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;~~

~~((b)) (c) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;~~

~~((c)) (d) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs; ((and~~

~~((d)) (e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;~~

~~(f) Identification or persons with whom the professional has met or spoken with regarding the respondent; and~~

~~(g) The date of the examination on which the report is based.~~

~~((3)-A)) (4) If the respondent ((may decline)) declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.370 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.~~

~~(5) A professional evaluation is not required if a petition for appointment of a conservator under RCW 11.130.360 is for a conservator for the property or financial affairs of a minor or for an adult missing, detained, or unable to return to the United States.~~

Sec. 213. RCW 11.130.410 and 2019 c 437 s 409 are each amended to read as follows:

(1) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to conservatorship, or the parent of a minor subject to conservatorship requests the record be sealed; and

(b) Either:

- (i) The petition for conservatorship is dismissed; or
- (ii) The conservatorship is terminated.

(2) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed, an attorney designated by the individual, and a person entitled to notice under RCW 11.130.420(6) or a subsequent order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under RCW 11.130.510 and the conservator's report under RCW 11.130.530. A person not otherwise entitled access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report under RCW 11.130.380 of a court visitor or professional evaluation under RCW 11.130.390 is confidential and must be sealed on filing, but is available to:

- (a) The court;
- (b) The individual who is the subject of the report or evaluation, without limitation as to use;
- (c) The petitioner, court visitor, ~~((and))~~ petitioner's and respondent's attorneys, and proposed guardians, for purposes of the proceeding;
- (d) Unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and
- (e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

Sec. 214. RCW 11.130.415 and 2019 c 437 s 410 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

- (a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;
- (b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;
- (c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;
- (d) A spouse or domestic partner of the respondent;
- (e) A relative or other individual who has shown special care and concern for the respondent; and
- (f) A certified professional guardian or conservator or other entity the court determines is suitable.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to

provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood(~~(, marriage, or adoption))~~ or law; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood(~~(, marriage, or adoption))~~ or law.

Sec. 215. RCW 11.130.420 and 2019 c 437 s 411 are each amended to read as follows:

(1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for a minor may dispense with the requirement for the conservator to file reports with the court under RCW 11.130.530 if all the property of the minor subject to the conservatorship is protected by a verified receipt.

(3) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance, or supported decision making; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(4) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(5) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(6) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the individual subject to conservatorship under RCW 11.130.425(2);

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under RCW 11.130.435 or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(e) A copy of the conservator's plan under RCW 11.130.510 and the conservator's report under RCW 11.130.530;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(7) If an individual subject to conservatorship is an adult, the spouse, domestic partner, and adult children of the adult subject to conservatorship are entitled under subsection (6) of this section to notice unless the court ~~((determines))~~ orders otherwise based on good cause. Good cause includes the court's determination that

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

notice would be contrary to the preferences or prior directions of the adult subject to conservatorship (~~(or not in the best interest of the adult)~~).

(8) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (6) of this section to notice unless the court determines notice would not be in the best interest of the minor.

(9) All orders establishing a conservatorship for an adult must contain:

(a) A conservatorship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in RCW 11.130.665;

(b) The date which the limited conservator or conservator must file the conservator's plan under RCW 11.130.510;

(c) The date which the limited conservator or conservator must file an inventory under RCW 11.130.515;

(d) The date by which the court will review the conservator's plan as required by RCW 11.130.510;

(e) The report interval which the conservator must file its report under RCW 11.130.530. The report interval may be annual, biennial, or triennial;

(f) The date the limited conservator or conservator must file its report under RCW 11.130.530. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(g) The date for the court to review the report under RCW 11.130.530 and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

Sec. 216. RCW 11.130.425 and 2019 c 437 s 412 are each amended to read as follows:

(1) A conservator appointed under RCW 11.130.420 shall give to the individual subject to conservatorship and to all other persons (~~(given)~~) entitled to notice pursuant to an order under RCW (~~(11.130.370)~~) 11.130.420(6) or a subsequent order a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a conservator under RCW 11.130.420, the conservator shall give to the individual subject to conservatorship and any other person entitled to notice under RCW 11.130.420(6) a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under RCW 11.130.510, the conservator's inventory under RCW 11.130.515, and the conservator's report under RCW 11.130.530; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in RCW 11.130.360(2)(a)(ii) and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

Sec. 217. RCW 11.130.430 and 2019 c 437 s 413 are each amended to read as follows:

(1) A person interested in an individual's welfare, including the individual for whom the order is sought, may petition for appointment of an emergency conservator for the individual.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and to the extent known, the following:

(a) The respondent's name, age, principal residence and current street address, if different;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) Any representative payee or authorized representative or protective payee;

(viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(x) A person nominated as conservator by the respondent;

(xi) A person nominated as conservator by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xii) A proposed emergency conservator, and the reason the proposed emergency conservator should be selected; and

(xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;

(d) The reason an emergency conservatorship is necessary, including a specific description of:

(i) The nature and extent of the emergency situation;

(ii) The nature and extent of the individual's alleged emergency need that arose because of the emergency situation;

(iii) The substantial and irreparable harm to the individual's property or financial interests that is likely to be prevented by the appointment of an emergency conservator;

(iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the individual's alleged emergency needs instead of emergency conservatorship;

(v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency conservatorship, the reason they have not been considered or implemented; and

(vi) The reason a protective arrangement or other less restrictive alternative instead of emergency conservatorship is insufficient to meet the individual's alleged emergency need;

(e) The reason the petitioner believes that a basis for appointment of a conservator under RCW 11.130.360 exists;

(f) Whether the petitioner intends to also seek conservatorship for an individual under RCW 11.130.365;

(g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the individual's identified needs caused by the emergency circumstances;

(h) The specific powers to be granted to the proposed emergency conservator and a description of how those powers will be used to meet the individual's alleged emergency need;

(i) If the individual has property other than personal effects, a general statement of the individual's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the individual needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

(3) The requirements of RCW 11.130.090 apply to an emergency conservator appointed for an individual with the following exceptions for any proposed emergency conservator required to complete the training under RCW 11.130.090:

(a) The proposed emergency conservator shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency conservator for an individual; and

(b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of petitioner.

(4) On its own or on petition ~~((by a person interested in an individual's welfare))~~ for appointment of an emergency conservator for an individual after a petition has been filed under RCW 11.130.365, the court may appoint an emergency conservator for the individual if the court ~~((finds))~~ makes specific findings based on clear and convincing evidence that:

(a) ~~((Appointment))~~ An emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) The individual's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency conservatorship;

(c) No other person appears to have authority and willingness to act ~~((in the))~~ to address the individual's identified needs caused by the emergency circumstances; and

~~((e))~~ (d) There is reason to believe that a basis for appointment of a conservator under RCW 11.130.360 exists.

~~((2))~~ (5) If the court acts on its own to appoint an emergency conservator after a petition has been filed under RCW 11.130.365, all requirements of this section shall be met.

(6) A court order appointing an emergency conservator for an individual shall:

(a) Grant only the specific powers necessary to meet the individual's identified emergency need and to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency conservator is likely to prevent

substantial and irreparable harm to the individual's property or financial interests;

(c) Include a specific finding that the identified emergency need of the individual cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;

(d) Include a specific finding that clear and convincing evidence established the adult respondent was given proper notice of the hearing on the petition;

(e) State that the individual subject to emergency conservatorship retains all rights the individual enjoyed prior to the emergency conservatorship with the exception of the rights not retained during the period of emergency conservatorship;

(f) Require the emergency conservator to furnish a bond or other security under RCW 11.130.445;

(g) Include the date that the sixty-day period of emergency conservatorship ends, and the date the emergency conservator's report, required by this section, is due to the court; and

(h) Identify any person or notice party that subsequently is entitled to:

(i) Notice of the rights of the individual;

(ii) Notice of a change in the primary dwelling of the individual;

(iii) Notice of the removal of the conservator;

(iv) A copy of the emergency conservator's plan and the emergency conservator's report under this section;

(v) Access to court records relating to the emergency conservatorship;

(vi) Notice of the death or significant change in the condition of the individual;

(vii) Notice that the court has limited or modified the powers of the emergency conservator; and

(viii) Notice of the removal of the emergency conservator.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency conservatorship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the individual subject to emergency conservatorship or in the best interest of the individual.

(8) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. ~~((The))~~ Upon a motion by the emergency conservator, with notice served upon all applicable notice parties, the emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection ~~((4))~~ (4) of this section continue.

~~((3))~~ (9) Immediately on filing of a petition for an emergency conservator for an adult, the court shall appoint an attorney to represent the ~~((respondent))~~ adult in the proceeding. ~~((Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines))~~ An order appointing an emergency conservator for an adult may not be entered unless the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition. A copy of the emergency petition and notice of a hearing on the petition must be served personally on the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

this section not more than two court days after the petition has been filed. The notice must inform the respondent of the adult respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the respondent.

~~((4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3) of this section, the court must give notice of the appointment not later than forty-eight hours after the appointment to:~~

- ~~(a) The respondent;~~
- ~~(b) The respondent's attorney; and~~
- ~~(c) Any other person the court determines.~~

~~(5) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.~~

~~(6)) (10)(a) On receipt of a petition for appointment of emergency conservator for an individual, the court:~~

~~(i) Shall appoint a court visitor if an emergency conservator is sought for an adult; or~~

~~(ii) May appoint a court visitor if an emergency conservator is sought for a minor.~~

~~(b) Notice of appointment of the court visitor must be served upon the court visitor within two days of appointment. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.~~

~~(c) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.~~

~~(d) A court visitor appointed under this section shall use due diligence to attempt to interview the adult respondent in person and, in a manner the individual is best able to understand:~~

~~(i) Explain to the adult respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed conservator as stated in the emergency petition;~~

~~(ii) Determine the adult respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency conservator, the emergency conservator's proposed powers and duties, and the scope and duration of the proposed emergency conservatorship; and~~

~~(iii) Inform the adult respondent that all costs and expenses of the proceeding, including but not limited to the adult respondent's attorneys' fees, the appointed conservator's fees, and the appointed conservator's attorneys' fees, will be paid from the individual's assets upon approval by the court.~~

~~(e) The court visitor appointed under this section shall:~~

~~(i) Interview the petitioner and proposed emergency conservator;~~

~~(ii) Use due diligence to attempt to visit the adult respondent's present dwelling;~~

~~(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the adult respondent's relevant physical or mental condition; and~~

~~(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.~~

~~(f) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the petitioner, the adult subject to the emergency conservatorship, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:~~

~~(i) A recommendation regarding the appropriateness of emergency conservatorship, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency conservatorship is recommended;~~

~~(ii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the individual's property or finances that is likely to be prevented by the appointment of an emergency conservator;~~

~~(iii) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;~~

~~(iv) The specific powers to be granted to the emergency conservator and how the specific powers will address the alleged emergency and the respondent's alleged need;~~

~~(v) A recommendation regarding the appropriateness of an ongoing conservatorship for an individual, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;~~

~~(vi) A statement of the qualifications of the proposed emergency conservator and whether the respondent approves or disapproves of the proposed emergency conservator, and the reasons for such approval or disapproval;~~

~~(vii) A recommendation whether a professional evaluation under RCW 11.130.390 is necessary;~~

~~(viii) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;~~

~~(ix) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate; and~~

~~(x) Any other matter the court directs.~~

~~(11) An emergency conservator shall:~~

~~(a) Comply with the requirements of RCW 11.130.505 and the requirements of this chapter that pertain to the rights of an individual subject to conservatorship;~~

~~(b) Not have authority to make decisions or take actions that a conservator for an individual is prohibited by law from having; and~~

~~(c) Be subject to the same special limitations on a conservator's power that apply to a conservator for an individual.~~

~~(12) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under RCW 11.130.360.~~

~~((7)) (13) The court may remove an emergency conservator appointed under this section at any time.~~

~~(14) The emergency conservator shall file a report in a record with the court and provide a copy of the report to the individual~~

subject to emergency conservatorship, and any notice party no later than forty-five days after appointment. The report shall include specific and updated information regarding the emergency alleged in the emergency petition, the individual's emergency needs, all actions and decisions by the emergency conservator, and a recommendation as to whether a conservator for an individual should be appointed. If the appointment of the emergency conservator is extended for an additional sixty days, the emergency conservator shall file a second report in a record with the court and provide a copy of the report to the individual subject to emergency conservatorship, and any notice party no later than forty-five days after the emergency conservatorship is extended by the court, which shall include the same information required for the first report. The emergency conservator shall make any other report the court requires.

(15) The court shall issue letters of emergency conservatorship to the emergency conservator in compliance with RCW 11.130.040.

Sec. 218. RCW 11.130.435 and 2019 c 437 s 414 are each amended to read as follows:

(1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under RCW 11.130.370(4) and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

- (a) Make a gift, except a gift of de minimis value;
- (b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;
- (c) Sell, or encumber an interest in, any other real estate;
- (d) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;
- ~~((e))~~ (e) Exercise or release a power of appointment;
- ~~((f))~~ (f) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;
- ~~((g))~~ (g) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;
- ~~((h))~~ (h) Exercise a right to a quasi-community property share under RCW 26.16.230 or a right to an elective share under other law in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;
- ~~((i))~~ (i) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under RCW 11.130.555(5);

~~((and))~~ (j) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW;

(k) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;

(l) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;

(m) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;

(n) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship; and

(o) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

- (a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;
- (b) Possible reduction of income, estate, inheritance, or other tax liabilities;
- (c) Eligibility for governmental assistance;
- (d) The previous pattern of giving or level of support provided by the individual;
- (e) Any existing estate plan or lack of estate plan of the individual;
- (f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and
- (g) Any other relevant factor.

(4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to conservatorship. If a power of attorney for finances is in effect, a decision of the agent within the scope of the agent's authority takes precedence over that of the conservator, unless the court orders otherwise. The court has authority to revoke or amend any power of attorney executed by the adult.

Sec. 219. RCW 11.130.505 and 2019 c 437 s 418 are each amended to read as follows:

(1) A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

(2) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs.

(3) In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) of this section because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4) of this section, a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(b) General economic conditions;

(c) The possible effect of inflation or deflation;

(d) The expected tax consequences of an investment decision or strategy;

(e) The role of each investment or course of action in relation to the conservatorship estate as a whole;

(f) The expected total return from income and appreciation of capital;

(g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and

(h) The special relationship or value, if any, of specific property to the individual subject to conservatorship.

(6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(a) The property lacks sufficient equity; or

(b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(11) If a power of attorney for finances is in effect, a conservator shall cooperate with the agent to the extent feasible.

(12) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act (chapter 11.120 RCW) or court order.

(13) A conservator for an adult shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed. The notice must be given immediately on learning of the change.

(14) A conservator shall notify the court within thirty days of any substantial change in the value of the property of the person subject to conservatorship and shall provide a copy of the notice to the person subject to guardianship, a person entitled to notice under RCW ~~((11.130.370))~~ 11.130.420(6) or a subsequent court order, and any other person the court has determined is entitled to notice and schedule a hearing for the court to review the adequacy of the bond or other verified receipt under RCW 11.130.445 and 11.130.500.

Sec. 220. RCW 11.130.515 and 2019 c 437 s 420 are each amended to read as follows:

(1) Not later than ~~((sixty))~~ ninety days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under RCW 11.130.420(6) or a subsequent order, and any other person the court determines. The notice must be given not later than fourteen days after the filing.

(3) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

Sec. 221. RCW 11.130.520 and 2019 c 437 s 421 are each amended to read as follows:

(1) Except as otherwise provided in RCW 11.130.435 or qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this chapter.

(2) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservatorship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

(a) Collect, hold, and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;

(b) Receive additions to the conservatorship estate;

(c) Continue or participate in the operation of a business or other enterprise;

(d) Acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;

(e) Invest assets;

(f) Deposit funds or other property in a financial institution, including one operated by the conservator;

~~(g) ((Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;~~

~~(h) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;~~

~~(i) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;~~

~~(j) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;~~

~~((k))~~) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;

~~((H))~~) ~~(h)~~) Grant an option involving disposition of property or accept or exercise an option for the acquisition of property;

~~((m))~~) ~~(i)~~) Vote a security, in person or by general or limited proxy;

~~((n))~~) ~~(j)~~) Pay a call, assessment, or other sum chargeable or accruing against or on account of a security;

~~((o))~~) ~~(k)~~) Sell or exercise a stock subscription or conversion right;

~~((p))~~) ~~(l)~~) Consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;

~~((q))~~) ~~(m)~~) Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

~~((r))~~) ~~(n)~~) Insure:

(i) The conservatorship estate, in whole or in part, against damage or loss in accordance with RCW 11.130.505(10); and

(ii) The conservator against liability with respect to a third person;

~~((s))~~) ~~(o)~~) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;

~~((t))~~) ~~(p)~~) Advance funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;

~~((u))~~) ~~(q)~~) Pay or contest a claim, settle a claim by or against the conservatorship estate or the individual subject to conservatorship by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;

~~((v))~~) ~~(r)~~) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;

~~((w))~~) ~~(s)~~) Pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:

(i) To the guardian for the distributee;

(ii) To the custodian of the distributee under the uniform transfers to minors act (chapter 11.114 RCW); or

(iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

~~((x))~~) ~~(t)~~) Bring or defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties; and

~~((y))~~) ~~Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties; and~~

~~((z))~~) ~~(u)~~) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

Sec. 222. RCW 11.130.530 and 2019 c 437 s 423 are each amended to read as follows:

(1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court

otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report under this section or conservator's plan under RCW 11.130.510, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under RCW 11.130.420(6) or a subsequent order, and other persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under RCW 11.130.420(6) or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a court visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with RCW 11.130.565 and 11.130.570, may hold a hearing to consider removal of the conservator, termination

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the conservator containing an expiration date which will be within one hundred ~~((twenty))~~ eighty days after the date the court directs the conservator file its next report.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under this section is subject to appropriation.

Sec. 223. RCW 11.130.550 and 2019 c 437 s 427 are each amended to read as follows:

(1) ~~((If an individual subject to conservatorship dies, the conservator shall deliver))~~ Upon the death of an individual subject to conservatorship, a conservator shall:

(a) Have authority to disburse or commit those funds under the control of the conservator as are prudent and within the means of the estate for the disposition of the deceased individual subject to conservatorship's remains. Consent for such arrangement must be secured according to RCW 68.50.160. If no person authorized by RCW 68.50.160 accepts responsibility for giving consent, the conservator may consent, subject to the provisions of this section and to the known directives of the deceased individual subject to conservatorship. Reasonable financial commitments made by a conservator pursuant to this section are binding against the estate of the deceased individual subject to conservatorship;

(b) Deliver to the court for safekeeping any will of the individual in the conservator's possession and inform the personal representative named in the will if feasible, or if not feasible, a beneficiary named in the will, of the delivery.

(2) If forty days after the death of an individual subject to conservatorship no personal representative has been appointed and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative to administer and distribute the decedent's estate. The conservator shall give notice of his or her appointment and the pendency of any probate proceedings as provided in RCW 11.28.237 and shall also give notice to a person nominated as personal representative by a will of the decedent of which the conservator is aware. The court may grant the application if there is no objection and endorse the letters of office to note that the individual formerly subject to conservatorship is deceased and the conservator has acquired the powers and duties of a personal representative.

(3) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in RCW 11.130.570.

NEW SECTION. Sec. 224. A new section is added to chapter 11.130 RCW to read as follows:

CONSERVATOR ACCESS TO CERTAIN HELD ASSETS.

(1) For purposes of this section, "institution" means all financial institutions as defined in RCW 30A.22.041, all insurance companies holding a certificate of authority under chapter 48.05 RCW, or any agent who constitutes a salesperson or broker-dealer of securities under the definitions of RCW 21.20.005, individually and collectively.

(2) Institutions shall provide the conservator access and control over the assets described in (a)(vii) of this subsection, including but not limited to delivery of the asset to the conservator, upon receipt of the following:

(a) An affidavit containing as an attachment a true and correct copy of the conservator's letters of conservatorship and stating:

(i) That as of the date of the affidavit, the affiant is a duly appointed conservator with authority over assets held by the institution but owned or subject to withdrawal or delivery to a client or depositor of the institution;

(ii) The cause number of the conservatorship;

(iii) The name of the person under conservatorship and the name of the client or depositor, which names must be the same;

(iv) The account or the safety deposit box number or numbers;

(v) The address of the client or depositor;

(vi) The name and address of the affiant-conservator being provided assets or access to assets;

(vii) A description of and the value of the asset or assets, or, where the value cannot be readily ascertained, a reasonable estimate thereof, and a statement that the conservator receives delivery or control of each asset solely in its capacity as conservator;

(viii) The date the conservator assumed control over the assets; and

(ix) That a true and correct copy of the letters of conservatorship duly issued by a court to the conservator is attached to the affidavit; and

(b) An envelope, with postage prepaid, addressed to the clerk of the court issuing the letters of conservatorship. The affidavit must be sent in the envelope by the institution to the clerk of the court together with a statement signed by an agent of the institution that the description of the asset set forth in the affidavit appears to be accurate, and confirming in the case of cash assets, the value of the asset.

(3) Any conservator provided with access to a safe deposit box pursuant to subsection (1) of this section shall make an inventory of the contents of the box and attach this inventory to the affidavit before the affidavit is sent to the clerk of the court and before the contents of the box are released to the conservator. Any inventory must be prepared in the presence of an employee of the institution and the statement of the institution required under subsection (1) of this section must include a statement executed by the employee that the inventory appears to be accurate. The institution may require payment by the conservator of any fees or charges then due in connection with the asset or account and of a reasonable fee for witnessing preparation of the inventory and preparing the statement required by this subsection or subsection (1) of this section.

(4) Any institution to which an affidavit complying with subsection (1) of this section is submitted may rely on the affidavit without inquiry and is not subject to any liability of any nature whatsoever to any person whatsoever, including but not limited to the institution's client or depositor or any other person with an ownership or other interest in or right to the asset, for the reliance or for providing the conservator access and control over the asset, including but not limited to delivery of the asset to the conservator.

Sec. 225. RCW 11.130.670 and 2019 c 437 s 701 are each amended to read as follows:

(1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice, statutes, regulations, or rules, that relate to the conduct of a certified professional guardian or conservator.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that ~~((allege))~~ describe a violation of the standards of practice, statutes, regulations, or rules, and relates to the conduct of a professional guardian and/or conservator, before ~~((any investigation or))~~ investigating, requesting a response ((is requested)) from the professional guardian or conservator, or forwarding to the superior courts. ((Grievances)) To be complete, grievances must provide sufficient details of the alleged conduct to demonstrate that a violation of the statute, regulation, standard of practice, or rule, relating to the conduct of a certified professional guardian or conservator could have occurred, the dates ((of)) the alleged ((violations)) conduct occurred, and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the certified professional guardianship board's standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in RCW 11.130.140, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must accept as facts any finding of fact contained in the order. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be ~~((resolved))~~ investigated and the resolution determined and in process within one hundred eighty days of receipt. The one hundred eighty days is tolled during any period of time when:

(a) The certified professional guardianship board has provided a certified professional guardian or conservator an opportunity to respond to a grievance against the certified professional guardian or conservator and the certified professional guardianship board is awaiting the certified professional guardian or conservator's response;

(b) The certified professional guardianship board has forwarded a grievance to the superior court for review under subsection (1)(b) of this section and is awaiting receipt of the court's entered order with findings; or

(c) A certified professional guardianship board disciplinary hearing has been requested or is in process and during the time of posthearing board review of the hearing officer's recommendations through issuance of a final certified professional guardianship board's order on the matter.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the superior court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The superior court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board ~~((at the time of))~~ one year or more before January 1, 2021, must be forwarded to the superior court for that guardianship or conservatorship for review by the superior court as set forth in RCW 11.130.140 if the grievance is not in process of a hearing or final resolution.

NEW SECTION. Sec. 226. A new section is added to chapter 11.130 RCW to read as follows:

For the purposes of this chapter, an adult is presumed to have legal capacity.

PART III OTHER PROVISIONS

Sec. 301. RCW 11.130.010 and 2019 c 437 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Court visitor" means the person appointed by the court pursuant to this chapter.

(8) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

~~((8))~~ (9) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

~~((9))~~ (10) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

~~((10))~~ (11) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

~~((11))~~ (12) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interests of ~~((an individual))~~ a minor.

~~((12))~~ (13) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

~~((13))~~ (14) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

~~((14))~~ (15) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

~~((15))~~ (16) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

~~((16))~~ (17) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

~~((17))~~ (18) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

~~((18))~~ (19) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

~~((19))~~ (20) "Minor" means an unemancipated individual under eighteen years of age.

~~((20))~~ (21) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

~~((21))~~ (22) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

~~((22))~~ (23) "Notice party" means a person entitled to notice under this chapter or otherwise determined by the court to be entitled to notice.

(24) "Parent" does not include an individual whose parental rights have been terminated.

~~((23))~~ (25) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

~~((24))~~ (26) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying

out the duties of court-appointed guardian or conservator for three or more persons.

~~((25))~~ (27) "Property" includes tangible and intangible property.

~~((26))~~ (28) "Protective arrangement instead of conservatorship" means a court order entered under RCW 11.130.590.

~~((27))~~ (29) "Protective arrangement instead of guardianship" means a court order entered under RCW 11.130.585.

~~((28))~~ (30) "Protective arrangement under Article 5 of this chapter" means a court order entered under RCW 11.130.585 or 11.130.590.

~~((29))~~ (31) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~((30))~~ (32) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

~~((31))~~ (33) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

~~((32))~~ (34) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

~~((33))~~ (35) "Special agent" means the person appointed by the court pursuant to RCW 11.130.375 or 11.130.635.

~~((34))~~ (36) "Standby guardian" means a person appointed by the court under RCW 11.130.220.

~~((35))~~ (37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

~~((36))~~ (38) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

~~((37))~~ (39) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

~~((38))~~ (40) "Visitor" means ~~((the person appointed by the court pursuant to RCW 11.130.280(1) or 11.130.380(1)))~~ a court visitor.

Sec. 302. RCW 11.130.035 and 2019 c 437 s 107 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the rules of evidence and civil procedure, including rules concerning appellate review, govern a proceeding under this chapter.

(2) If proceedings for a guardianship, conservatorship, or protective arrangement under Article 5 of this chapter for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(3) ~~((A))~~ An adult respondent may demand a jury trial in a proceeding under this chapter on the issue ~~((whether a basis exists for appointment of a guardian or conservator))~~ of whether a basis exists for the appointment of a guardian under RCW 11.130.265 or a conservator under RCW 11.130.360(2) and on the rights to be retained or restricted if a guardian or conservator is appointed.

(4) Upon the motion of the respondent or the court visitor, prior to the appointment of a guardian or a conservator or the establishment of a protective arrangement for an adult, or upon the motion of the respondent, guardian, conservator, or any notice party subsequent to such appointment, whenever it appears that the adult respondent could benefit from mediation, the court may require the petitioner, adult respondent, guardian, conservator, and any notice party to participate in mediation pursuant to RCW 11.96A.300.

Sec. 303. RCW 11.130.040 and 2019 c 437 s 108 are each amended to read as follows:

(1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be ~~((stated on the letters of office))~~ included on the form prescribed by RCW 11.130.660.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in RCW 11.130.660.

(7) Letters of office issued to a guardian or conservator who is a nonresident of this state must include the name and contact information for the resident agent of the guardian or conservator, appointed pursuant to RCW 11.130.090(1)(c).

(8) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to January 1, 2021.

Sec. 304. RCW 11.130.100 and 2019 c 437 s 120 are each amended to read as follows:

(1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under Article 5 of this chapter was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

~~(3) ((The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.~~

~~(4) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.~~

~~((5))~~ Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

~~((6))~~ (4) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other

protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

~~((7))~~ (5) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

~~((8))~~ (6) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or court visitor against the petitioner.

Sec. 305. RCW 11.130.105 and 2019 c 437 s 121 are each amended to read as follows:

(1) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the individual subject to guardianship. ~~((If a conservator, other than the guardian or a person affiliated with the guardian, is appointed for the individual, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without court approval.))~~ The court shall determine if the fees charged by a guardian and conservator are just and reasonable.

(2) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(3) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (1) of this section, shall approve compensation that shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner, considering:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the individual subject to guardianship or conservatorship;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under RCW 11.130.340 or conservator's plan under RCW 11.130.510; and

(g) The fees customarily paid to a person that performs a like service in the community.

(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorship, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(7) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship or conservatorship.

Sec. 306. RCW 11.130.115 and 2019 c 437 s 123 are each amended to read as follows:

(1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) ~~((On reasonable notice and hearing on))~~ Fourteen days after notice of a petition under subsection (1) of this section, the court may give an instruction and issue an appropriate order.

(3) The petitioner must provide reasonable notice of the petition and hearing to the individual subject to a guardianship or conservatorship and any notice party.

Sec. 307. RCW 11.130.140 and 2019 c 437 s 128 are each amended to read as follows:

(1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this chapter may file a grievance in a record with the court.

(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the person who is the subject of the guardianship or conservatorship. The complaint must also provide the complainant's address, the case number (if available), and the address of the person subject to a guardianship or conservatorship (if available). The complaint must state facts to support the claim.

(b) By the next judicial day after receipt of a complaint from an unrepresented person, the court's designee must ensure the original complaint is filed and deliver the complaint to the court.

(c) Within fourteen days of being presented with a complaint, the court must enter an order to do one or more of the following actions:

(i) To show cause, with fourteen days' notice, directing the guardian or conservator to appear at a hearing set by the court in order to respond to the complaint;

(ii) To appoint a court visitor or other court representative to investigate the issues raised by the complaint or to take any emergency action the court deems necessary to protect the person subject to a guardianship or conservatorship until a hearing can be held;

(iii) To dismiss the complaint without scheduling a hearing, if it appears to the court that the complaint: Is without merit on its face; is filed in other than good faith; is filed for an improper purpose; regards issues that have already been adjudicated; or is frivolous. In making a determination, the court may review the matter and consider previous behavior of the complainant that is documented in the guardianship or conservatorship record;

(iv) To direct the guardian or conservator to provide, in not less than fourteen days, a written report to the court on the issues raised in the complaint;

(v) To defer consideration of the complaint until the next regularly scheduled hearing in the guardianship or conservatorship, if the date of that hearing is within the next three

months, provided that there is no indication that the person subject to a guardianship or conservatorship will suffer physical, emotional, financial, or other harm as a result of the court's deferral of consideration;

(vi) To order other action, in the court's discretion, in addition to doing one or more of the actions set out in this subsection.

(3) Subject to subsection ~~((3))~~ (4) of this section, after receiving a grievance under subsection (1) of this section, the court:

(a) Shall promptly review the grievance against a guardian and shall act to protect the autonomy, values, preferences, and independence of the individual subject to guardianship or conservatorship;

(b) Shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(i) Removal of the guardian and appointment of a successor may be appropriate under RCW 11.130.350;

(ii) Termination or modification of the guardianship may be appropriate under RCW 11.130.355;

(iii) Removal of the conservator and appointment of a successor may be appropriate under RCW 11.130.565;

(iv) Termination or modification of the conservatorship may be appropriate under RCW 11.130.570; or

(v) A hearing is necessary to resolve the allegations set forth in the grievance; and

(c) May take any action supported by the evidence, including:

(i) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan, or other information;

(ii) Appointing a ~~((guardian ad litem))~~ court visitor;

(iii) Appointing an attorney for the individual subject to guardianship or conservatorship; or

(iv) Holding a hearing.

~~((3))~~ (4) The court may decline to act under subsection ~~((2))~~ (3) of this section if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection ~~((2))~~ (3) of this section in considering the earlier grievance; and may levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, striking pleadings, or other appropriate relief, if after consideration the court finds that the grievance is made for reason to harass, delay, with malice, or other bad faith.

~~((4))~~ (5) In any court action under this section where the court finds the professional guardian or conservator breached a fiduciary duty, the court must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board.

~~((5))~~ (6) A court shall not dismiss a grievance that has been filed against a guardian or conservator due to an inability to resolve the grievance in a timely manner.

Sec. 308. RCW 11.130.265 and 2019 c 437 s 301 are each amended to read as follows:

(1) On petition and after notice and hearing, the court may:

(a) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; ~~((and))~~

(ii) Appointment is necessary to prevent significant risk of harm to the adult respondent's physical health, safety, or self-care; and

(iii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(b) With appropriate findings, treat the petition as one for a conservatorship under Article 4 of this chapter or protective arrangement under Article 5 of this chapter, issue any appropriate order, or dismiss the proceeding.

(2) The court shall grant a guardian appointed under subsection (1) of this section only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship, or other less restrictive alternative would meet the needs of the respondent.

(3) A determination by the court that a basis exists under subsection (1) of this section for the appointment of a guardian and on the issue of the rights that will be retained or restricted by the appointment of a guardian is a legal decision, not a medical decision. The determination must be based on a demonstration of management insufficiencies over time in the area of physical health, safety, or self-care. Age, eccentricity, poverty, or medical diagnosis alone are not sufficient basis under subsection (1) of this section to justify a determination that a guardian should be appointed for the respondent.

Sec. 309. RCW 11.130.280 and 2019 c 437 s 304 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.270 for appointment of a guardian for an adult, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(3)(a) The court visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A court visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a guardian;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) The court visitor appointed under subsection (1) of this section shall:

(a) Interview the petitioner and proposed guardian, if any;

(b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(6) A court visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition filed under RCW 11.130.270, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.290 ~~((is necessary))~~ and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

(7) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

Sec. 310. RCW 11.130.380 and 2019 c 437 s 405 are each amended to read as follows:

(1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a court visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a court visitor. The duties and reporting requirements of the court visitor are limited to the relief requested in the petition. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(3) The court, in the order appointing court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(4)(a) The court visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the ~~((guardian ad litem))~~ court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party

attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A court visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a conservator;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.

(6) A court visitor appointed under subsection (2) of this section for an adult shall:

(a) Interview the petitioner and proposed conservator, if any;

(b) Review financial records of the respondent, if relevant to the court visitor's recommendation under subsection (7)(b) of this section;

(c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A court visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition filed under RCW 11.130.365, which must include:

(a) A recommendation:

(i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(ii) If a conservatorship is recommended, whether it should be full or limited;

(iii) If a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under RCW 11.130.445 and 11.130.500;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.390 ((is necessary)) and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

(8) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does

not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

Sec. 311. RCW 11.130.605 and 2019 c 437 s 506 are each amended to read as follows:

(1) On filing of a petition under RCW 11.130.580 for a protective arrangement instead of guardianship, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) On filing of a petition under RCW 11.130.580 for a protective arrangement instead of conservatorship for a minor, the court may appoint a court visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(3) On filing of a petition under RCW 11.130.580 or a protective arrangement instead of conservatorship for an adult, the court shall appoint a court visitor unless the respondent is represented by an attorney appointed by the court. The court visitor must be an individual with training or experience in the types of abilities, limitations, and needs alleged in the petition.

(4) The court, in the order appointing a court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship, conservatorship, or other protective arrangement proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(5)(a) The court visitor appointed under subsection (1) or (3) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the ~~((guardian ad litem))~~ court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(6) A court visitor appointed under subsection (1) or (3) of this section shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(b) Determine the respondent's views with respect to the order sought;

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets;

(d) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(e) If a protective arrangement instead of guardianship is sought, obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(f) If a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to the court visitor's recommendation under subsection (7)(b) of this section; and

(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A court visitor under subsection (1), (2), or (3) of this section promptly shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.580 (1) through (3), at least fifteen days prior to the hearing on the petition filed under RCW 11.130.585, 11.130.590, or 11.130.595, which must include:

(a) To the extent relevant to the order sought, a summary of self-care, independent living tasks, and financial management tasks the respondent:

(i) Can manage without assistance or with existing supports;

(ii) Could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making; and

(iii) Cannot manage;

(b) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(c) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(d) A ~~((recommendation whether))~~ statement whether the respondent declined a professional evaluation under RCW 11.130.615 ((is necessary)) and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(e) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(f) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(g) Any other matter the court directs.

Sec. 312. RCW 11.130.080 and 2019 c 437 s 116 are each amended to read as follows:

(1) A person may file with the court a request for notice under this chapter if the person is:

(a) Not otherwise entitled to notice; and

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Interested in the welfare of a respondent, individual subject to guardianship or conservatorship, or individual subject to a protective arrangement under Article 5 of this chapter.

(2) A request under subsection (1) of this section must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1) of this section, the ~~((court))~~ approved individual shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

Sec. 313. RCW 11.130.120 and 2019 c 437 s 124 are each amended to read as follows:

(1) A person must not recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The guardian's or conservator's proposed action would be inconsistent with this chapter; or

(b) The person makes, or has actual knowledge that another person has made, a report to the department of children, youth, and families or the department of social and health services stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) of this section may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship.

(5) If the court determines that a third party has failed to recognize the legitimate authority of a guardian or conservator, or requires a third party to accept a decision made by the guardian on behalf of the individual subject to guardianship, the court may order that third party to compensate the guardian or conservator, for the time spent only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship.

Sec. 314. RCW 11.130.295 and 2019 c 437 s 307 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, a hearing under RCW 11.130.275 may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to

the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under RCW 11.130.275 may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent ~~((consistently and repeatedly))~~ has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(3) The respondent may be assisted in a hearing under RCW 11.130.275 by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under RCW 11.130.275.

(5) At a hearing held under RCW 11.130.275, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the court visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under RCW 11.130.275.

(7) A hearing under RCW 11.130.275 must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under RCW 11.130.275. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

Sec. 315. RCW 11.130.585 and 2019 c 437 s 502 are each amended to read as follows:

(1) After the hearing on a petition under RCW 11.130.270 for a guardianship or under RCW 11.130.580(2) for a protective arrangement instead of guardianship, the court may issue an order under subsection (2) of this section for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(a) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(b) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

(i) A particular medical treatment or refusal of a particular medical treatment; or

(ii) ~~((A move to a specified place of dwelling; or
(iii)))~~ Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

(3) In deciding whether to issue an order under this section, the court shall consider the factors under RCW 11.130.330 and 11.130.335 that a guardian must consider when making a decision on behalf of an adult subject to guardianship.

Sec. 316. RCW 11.130.600 and 2019 c 437 s 505 are each amended to read as follows:

(1) All petitions filed under RCW 11.130.595 for ~~((appointment of a guardian for an adult))~~ the establishment of a protective arrangement shall be heard within sixty days unless an extension of time is requested by a party or the court visitor within such sixty-day period and granted for good cause shown.

(2)(a) A copy of a petition under RCW 11.130.580 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.605 not more than five court days after the petition under RCW 11.130.595 has been filed.

(b) A copy of a petition under RCW 11.130.580 and notice of a hearing on the petition must be served personally on the respondent and the court visitor appointed under RCW 11.130.605 not more than five court days after the petition under RCW 11.130.595 has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition for a protective arrangement. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under RCW 11.130.580, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under RCW 11.130.595 (1) through (3) and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(4) After the court has ordered a protective arrangement under this article, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.

Sec. 317. RCW 11.130.625 and 2019 c 437 s 510 are each amended to read as follows:

The ~~((court))~~ petitioner shall give notice of an order under this article to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is restricted by the order, and any other person the court determines.

Sec. 318. RCW 11.130.610 and 2019 c 437 s 507 are each amended to read as follows:

(1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in protective arrangement proceedings. Any attorney purporting to represent a respondent or person subject to a protective arrangement shall petition the court to be appointed to represent the respondent or person subject to a protective arrangement.

(b) Unless the respondent in a proceeding under this article is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an

attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding under this article shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this article if:

(a) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(b) The court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(c) The court otherwise determines the parent needs representation.

Sec. 319. RCW 11.130.615 and 2019 c 437 s 508 are each amended to read as follows:

(1) ~~((At or before a hearing on a petition under this article for a protective arrangement, the court shall order a professional evaluation of the respondent:~~

~~(a) If the respondent requests the evaluation; or~~

~~(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.~~

~~(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a licensed physician, psychologist, social worker, or other individual appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:~~

~~(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;~~

~~(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;~~

~~(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support, or habilitation plan; and~~

~~(d) The date of the examination on which the report is based.~~

~~(3) The respondent may decline.)) On receipt of a petition under RCW 11.130.595 and at the time the court appoints a court visitor under RCW 11.130.605, the court shall order a professional evaluation of the respondent.~~

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(2) The respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, advanced registered nurse practitioner licensed under chapter 18.79 RCW, or physician assistant licensed under chapter 18.71A RCW selected by the court visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. If the respondent opposes the professional selected by the court visitor, the court visitor shall obtain a professional evaluation from the professional selected by the respondent. The court visitor, after receiving a professional evaluation from the individual selected by the respondent, may obtain a supplemental evaluation from a different professional.

(3) The individual conducting the evaluation shall provide the completed evaluation report to the court visitor within thirty days of the examination of the respondent. The court visitor shall file the report in a sealed record with the court. Unless otherwise directed by the court, the report must contain:

(a) The professional's name, address, education, and experience;

(b) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(c) An evaluation of the respondent's mental and physical condition and, if appropriate, education potential, adaptive behavior, and social skills;

(d) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan;

(e) A description of the respondent's current medications, and the effect of the medications on the respondent's cognitive and functional abilities;

(f) Identification of persons with whom the professional has met or spoken with regarding the respondent; and

(g) The date of the examination on which the report is based.

(4) If the respondent declines to participate in an evaluation ordered under subsection (1) of this section, the court may proceed with the hearing under RCW 11.130.600 if the court finds that it has sufficient information to determine the respondent's needs and abilities without the professional evaluation.

Sec. 320. RCW 11.125.080 and 2019 c 437 s 316 are each amended to read as follows:

(1) In a power of attorney, a principal may nominate a ~~((guardian))~~ conservator of the ~~((principal's))~~ estate or guardian of the ~~((principal's))~~ person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a ~~((guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney remains in effect subject to the provisions of RCW 11.130.335(1).))~~ conservator of the estate or other fiduciary charged with the management of some or all of the principal's property, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues, subject to the provisions of RCW 11.130.335(1) and 11.130.435(4), unless limited, suspended, or terminated by the court.

(3) If, after a principal executes a power of attorney ~~((a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.))~~ that

includes health care decisions, a court appoints a guardian of the person, the agent is accountable to the fiduciary as well as to the principal. The power of attorney is not terminated and the agent's authority continues, subject to the provisions of RCW 11.130.335(1) and 11.130.435(4), unless limited, suspended, or terminated by the court.

NEW SECTION. Sec. 321. A new section is added to chapter 11.130 RCW to read as follows:

This form must be used to notify an adult respondent of the respondent's rights that could be restricted if a guardianship petition under RCW 11.130.270 or a conservatorship petition under RCW 11.130.365 is granted.

IMPORTANT NOTICE

PLEASE READ CAREFULLY

A petition to have a guardian or conservator appointed for you has been filed in the . . . county superior court by . . . If a guardian or conservator is appointed, you could lose one or more of the following rights:

(1) To marry, divorce, or enter into or end a state registered domestic partnership;

(2) To vote or hold an elected office;

(3) To enter into a contract or make or revoke a will;

(4) To appoint someone to act on your behalf;

(5) To sue and be sued other than through a guardian;

(6) To possess a license to drive;

(7) To buy, sell, own, mortgage, or lease property;

(8) To consent to or refuse medical treatment;

(9) To decide who shall provide care and assistance;

(10) To make decisions regarding social aspects of your life.

Under the law, you have certain rights.

You have the right to be represented by a lawyer of your own choosing. The court will appoint a lawyer to represent you if you are unable to pay or payment would result in a substantial hardship to you.

You have the right to ask for a jury trial on the issue of capacity.

You have the right to be present in court and testify when the hearing is held to decide whether or not you need a guardian or conservator. If a court visitor is appointed, you have the right to request the court to replace that person.

You have the right to ask the court to establish a protective arrangement instead of a guardianship or conservatorship.

PART IV

OFFICE OF PUBLIC GUARDIANSHIP

Sec. 401. RCW 2.72.005 and 2019 c 215 s 1 are each amended to read as follows:

(1) In establishing an office of public guardianship and conservatorship, the legislature intends to promote the availability of guardianship, conservatorship, and alternate services that provide support for decision making for individuals who need them and for whom adequate services may otherwise be unavailable. The legislature reaffirms its commitment to treat liberty and autonomy as paramount values for all Washington residents and to authorize public guardianship and conservatorship only to the minimum extent necessary to provide for health or safety, or to manage financial affairs, when the legal conditions for appointment of a guardian or conservator are met. It does not intend to alter those legal conditions or to expand judicial authority to determine that any individual ~~((is incapacitated))~~ may be subject to guardianship or conservatorship.

(2) The legislature further recognizes that ~~((services that support))~~ decision making assistance for people who have limited capacity can preserve individual liberty and provide effective support responsive to individual needs and wishes. The legislature also recognizes that these services may be less

expensive than guardianship and conservatorship for the state, the courts, and for individuals with limited capacity and their families.

Sec. 402. RCW 2.72.010 and 2019 c 215 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~("Attorney in fact" means an agent authorized by an individual to act on his or her behalf pursuant to a power of attorney.)~~ "Agent" means a person granted authority to act for a principal under a power of attorney.

(2) "Contract service provider" means a public guardian or public conservator providing services under contract with the office of public guardianship and conservatorship. Any public guardian or public conservator providing such services must be certified by the certified professional guardian board established by the supreme court.

(3) "Estate administration" means services provided for a fee to the estate of an individual who died at age eighteen or older, in circumstances where a contract service provider is granted letters under RCW 11.28.120(7).

(4) "Long-term care services" means services provided through the department of social and health services either in a hospital or skilled nursing facility, or in another setting under a home and community-based waiver authorized under 42 U.S.C. Sec. 1396n.

~~((3))~~ (5) "Office" means the office of public guardianship and conservatorship.

~~((4))~~ (6) "Public conservator" means an individual or entity appointed by a court to make decisions with respect to property or financial affairs of an individual subject to conservatorship, and who provides these services under contract with the office of public guardianship and conservatorship.

(7) "Public guardian" means an individual or entity ~~((providing public guardianship services))~~ appointed by the court to make decisions with respect to the personal affairs of an individual, and who provides these services under contract with the office of public guardianship and conservatorship.

~~((5))~~ "Public guardianship services" means the services provided by a guardian or limited guardian appointed under chapters 11.88 and 11.92 RCW, who is compensated under a contract with the office of public guardianship.

~~((6))~~ (8) "Representative payee" means the designated agent for a recipient of government benefits whom a government agency has determined to be incapable of managing his or her benefits.

~~((7))~~ ~~("Supported decision-making")~~ (9) "Decision-making assistance" means support for an individual with diminished decision-making ability in making decisions affecting health or safety or to manage financial affairs. Assistance includes, without limitation, acting as a representative payee, an ~~((attorney in fact))~~ agent, a trustee, ~~((or))~~ a public guardian, or a public conservator.

~~((8))~~ (10) "Trustee" means a person or organization named in a trust agreement to handle trust property for the benefit of one or more beneficiaries in accordance with the terms of the agreement.

Sec. 403. RCW 2.72.020 and 2019 c 215 s 3 are each amended to read as follows:

(1) There is created an office of public guardianship and conservatorship within the administrative office of the courts.

(2) The supreme court shall appoint a public guardianship and conservatorship administrator to establish and administer a public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration program in the office of public guardianship and conservatorship. The public guardianship and conservatorship administrator serves at the pleasure of the supreme court.

Sec. 404. RCW 2.72.030 and 2019 c 215 s 4 are each amended to read as follows:

The public guardianship and conservatorship administrator is authorized to establish and administer a public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration program as follows:

(1)(a) The office shall contract with ~~((public or private entities or individuals to provide:~~

~~((i))~~ Public guardianship, supported decision-making assistance, and estate administration services to certified professional guardians and conservators or certified professional guardian and conservator agencies to provide public guardianship, public conservatorship, decision-making assistance, and estate administration services to persons age eighteen or older whose income does not exceed two hundred percent of the federal poverty level determined annually by the United States department of health and human services or who are receiving long-term care services through the Washington state department of social and health services(;

~~((ii))~~ Supported decision-making services for a fee to persons age eighteen or older), when there is no one else qualified who is willing and able to serve(;

~~((iii))~~ Estate administration services for a fee to the estate of an individual who died at age eighteen or older, in circumstances where a service provider under contract with the office of public guardianship is granted letters under RCW 11.28.120(7)).

(b) Neither the public guardianship and conservatorship administrator nor the office may act as public guardian or ~~((limited guardian))~~ conservator or act in any other representative capacity for any individual.

(c) The primary function of the office is to contract for public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration services that are provided in a manner consistent with the requirements of this chapter. The office is subject to audit by the state auditor.

(d) Public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration service contracts are dependent upon legislative appropriation. This chapter does not create an entitlement.

(2) The office shall adopt and maintain eligibility criteria to enable it to serve individuals with the greatest need when the number of cases in which courts propose to appoint a public guardian or conservator exceeds the number of cases in which ~~((public guardianship and supported decision-making assistance))~~ services can be provided. In adopting such criteria, the office may consider factors including, but not limited to, the following: Whether an individual with diminished decision-making ability is at significant risk of harm from abuse, exploitation, abandonment, neglect, or self-neglect; and whether an individual with diminished decision-making ability is in imminent danger of loss or significant reduction in public services that are necessary for the individual to live successfully in the most integrated and least restrictive environment that is appropriate in light of the individual's needs and values.

(3) The office shall adopt minimum standards of practice for public guardians, public conservators, and other contract service providers providing public guardianship, public conservatorship, ~~((supported))~~ decision-making assistance, and estate administration services. ~~((Any public guardian providing such public guardianship services must be certified by the certified professional guardian board established by the supreme court.))~~

(4) The office shall require a public guardian or conservator to visit each ~~((incapacitated person))~~ individual subject to guardianship or conservatorship for which public guardianship or conservatorship services are provided no less than monthly to be eligible for compensation.

(5) The office shall not petition for appointment of a public guardian or conservator for any individual. It may develop a

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

proposal for the legislature to make affordable legal assistance available to petition for guardianships or conservatorships.

(6) The office shall develop and adopt a case-weighting system designed to balance the increasing need for access to guardianship and conservatorship services, while effectively managing public guardian and conservator caseloads and providing appropriate supports for individuals on that caseload.

(a) The standard caseload limit for a contract service provider must be no more than twenty (~~((incapacitated))~~) persons placed under a guardianship per certified professional guardian or conservator. The office may authorize adjustments to the standard caseload limit on a case-by-case basis, and payment for services to a contract service provider that serves more than twenty (~~((incapacitated))~~) persons placed under a guardianship per professional guardian or conservator is subject to review by the office. In evaluating caseload size, the office shall consider the expected activities, time, and demands involved, as well as the available support for each case.

(b) (~~((Caseload))~~) Adjusted caseload limits must not exceed thirty-six cases. The office shall not authorize payment for services for any contract service provider that fails to comply with the (~~((standard))~~) adjusted caseload limit guidelines.

(c) The office shall develop case-weighting guidelines to include a process for adjusting caseload limits, relevant policies and procedures, and recommendations for changes in court rules which may be appropriate for the implementation of the system.

(d) By December 1, 2019, the office must submit to the legislature a report detailing the final case-weighting system and guidelines, and implementation progress and recommendations. The report must be made available to the public.

(e) The administrative office of the courts shall notify the superior courts of the policies contained in the final case-weighting system.

(7) The office shall monitor and oversee the use of state funding to ensure compliance with this chapter.

(8) The office shall collect uniform and consistent basic data elements regarding service delivery. This data shall be made available to the legislature and supreme court in a format that is not identifiable by individual (~~((incapacitated person))~~) subject to guardianship or conservatorship to protect confidentiality.

(9) The office shall require contract service providers to seek reimbursement of fees from program clients who are receiving long-term care services through the department of social and health services to the extent, and only to the extent, that such reimbursement may be paid, consistent with an order of the superior court, from income that would otherwise be required by the department to be paid toward the cost of the client's care. Fees reimbursed shall be remitted by the contract service provider to the office unless a different disposition is directed by the public guardianship and conservatorship administrator.

(10) Fees may be collected from the estate when the (~~((decendant's))~~) decendant's income prior to death exceeded two hundred percent of the federal poverty level, determined annually by the United States department of health and human services, based on a fee schedule established by the office that must be published annually.

(11) The office shall require public (~~((guardianship providers))~~) guardians or conservators to certify annually that for each individual served they have reviewed the need for continued public guardianship (~~((services))~~) or conservatorship and the appropriateness of limiting, or further limiting, the authority of the public guardian or conservator under the applicable (~~((guardianship))~~) order, and that where termination or modification of a guardianship or conservatorship order appears

warranted, the superior court has been asked to take the corresponding action.

(12) The office shall adopt a process for receipt and consideration of and response to complaints against the office and (~~((contracted))~~) contract service providers of public guardianship, public conservatorship, (~~((supported))~~) decision-making assistance, and estate administration (~~((services))~~). The process shall include investigation in cases in which investigation appears warranted in the judgment of the administrator.

(13) The office shall develop standardized forms and reporting instruments that may include, but are not limited to, intake, initial assessment, guardianship care plan, decisional accounting, staff time logs, changes in condition or abilities of an (~~((incapacitated person))~~) individual subject to guardianship or conservatorship, and values history. The office shall collect and analyze the data gathered from these reports.

(14) The office shall identify training needs for contract service providers it contracts with, and shall make recommendations to the supreme court, the certified professional guardian board, and the legislature for improvements in training. The office may offer training to individuals providing services pursuant to this chapter, to individuals who, in the judgment of the administrator or the administrator's designee, are likely to provide such services in the future, to lay guardians or conservators, and to the family and friends of individuals subject to guardianship or conservatorship.

(15) The office shall establish a system for monitoring the performance of contract service providers, and office staff shall make in-home visits to a randomly selected sample of public guardianship, public conservatorship, and (~~((supported))~~) decision-making assistance clients. The office may conduct further monitoring, including in-home visits, as the administrator deems appropriate. For monitoring purposes, office staff shall have access to any information relating to a public guardianship, public conservatorship, (~~((supported))~~) decision-making assistance, and estate administration client that is available to the guardian or conservator.

Sec. 405. RCW 11.28.120 and 2019 c 215 s 5 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse or state registered domestic partner, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian (~~((of the person or estate))~~) of the decedent, conservator of the decedent, or (~~((attorney in fact))~~) an agent named in a durable power of attorney appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in RCW 74.39A.008; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint a contract service provider ~~((under contract))~~ with the office of public guardianship and conservatorship under chapter 2.72 RCW or any suitable person to administer such estate.

PART V UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

Sec. 501. RCW 11.90.020 and 2009 c 81 s 2 are each amended to read as follows:

In this chapter:

(1) "Adult" means an individual who has attained eighteen years of age.

(2) ~~((("Guardian of the estate")))~~ "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under chapter 11.130 RCW, and includes a conservator appointed by the court in another state.

(3) ~~((("Guardian of the person" or "guardian")))~~ "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under chapter 11.130 RCW, and includes a guardian appointed by the court in another state.

(4) "Guardianship order" means an order appointing a guardian ~~((of the person or guardian of the estate))~~.

(5) "Guardianship proceeding" means a judicial proceeding in which an order for the appointment of a guardian ~~((of the person or guardian of the estate))~~ is sought or has been issued.

(6) ~~((("Incapacitated person" means an adult for whom a guardian of the person or guardian of the estate has been appointed.~~

(7)) "Party" means the respondent, petitioner, guardian ~~((of the person or guardian of the estate))~~, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.

~~((8))~~ (7) "Person," except in the term ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(8) "Person subject to a guardianship" means an adult for whom a guardian has been appointed.

(9) "Protected person" means an adult for whom a protective order has been issued.

(10) "Protective order" means an order appointing a ~~((guardian of the estate))~~ conservator or other order related to management of an adult's property ~~((including an order issued by a court in another state appointing a conservator))~~.

(11) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "Respondent" means an adult for whom a protective order or the appointment of a guardian ~~((of the person))~~ is sought.

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 502. RCW 11.90.230 and 2009 c 81 s 10 are each amended to read as follows:

(1) A court of this state lacking jurisdiction under RCW 11.90.220 has special jurisdiction to do any of the following:

(a) ~~((In an emergency, process a petition under RCW 11.88.090 for appointment of a guardian for a respondent who is physically present in this state, for a term not exceeding ninety days;))~~ Appoint a guardian in an emergency for a term not exceeding sixty days for a respondent who is physically present in this state;

(b) Issue a protective order with respect to ~~((a respondent's))~~ real or tangible personal property located in this state if a petition for appointment of a guardian or a conservator for the respondent is pending or has been approved in another state;

(c) Appoint a guardian ~~((of the person or guardian of the estate))~~ or conservator for ~~((an incapacitated))~~ a person under a guardianship, person under a conservatorship, or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to RCW 11.90.400.

(2) If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

Sec. 503. RCW 11.90.250 and 2009 c 81 s 12 are each amended to read as follows:

(1) A court of this state having jurisdiction under RCW 11.90.220 to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(2) If a court of this state declines to exercise its jurisdiction under subsection (1) of this section, it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

(3) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

- (a) Any expressed preference of the respondent;
- (b) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;
- (c) The length of time the respondent was physically present in or was a legal resident of this or another state;
- (d) The distance of the respondent from the court in each state;
- (e) The financial circumstances of the respondent's estate;
- (f) The nature and location of the evidence;
- (g) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;
- (h) The familiarity of the court of each state with the facts and issues in the proceeding; and

(i) If an appointment were made, the court's ability to monitor the conduct of the guardian ~~((of the person or guardian of the estate))~~ or conservator.

Sec. 504. RCW 11.90.400 and 2009 c 81 s 16 are each amended to read as follows:

(1) A guardian ~~((of the person or guardian of the estate))~~ or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

(2) Notice of a petition under subsection (1) of this section must be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian ~~((of the person or guardian of the estate))~~ or conservator.

(3) On the court's own motion or on request of the guardian ~~((of the person or guardian of the estate))~~ or conservator, the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (1) of this section.

(4) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian ~~((of the person or guardian of the estate))~~ to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(a) The ~~((incapacitated))~~ person under a guardianship is physically present in or is reasonably expected to move permanently to the other state;

(b) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the ~~((incapacitated))~~ person under a guardianship; and

(c) Plans for care and services for the ~~((incapacitated))~~ person under a guardianship in the other state are reasonable and sufficient.

(5) The court shall issue a provisional order granting a petition to transfer a ~~((guardianship of the estate))~~ conservatorship and shall direct the ~~((guardian of the estate))~~ conservator to petition for ~~((guardianship of the estate or))~~ conservatorship in the other state if the court is satisfied that the ~~((guardianship of the estate))~~ conservatorship will be accepted by the court of the other state and the court finds that:

(a) The protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state considering the factors in RCW 11.90.200(2);

(b) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(c) Adequate arrangements will be made for management of the protected person's property.

(6) The court shall issue a final order confirming the transfer and terminating the guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship upon its receipt of:

(a) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to RCW 11.90.410; and

(b) The documents required to terminate a guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship in this state.

Sec. 505. RCW 11.90.410 and 2009 c 81 s 17 are each amended to read as follows:

(1) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to RCW 11.90.400, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(2) Notice of a petition under subsection (1) of this section must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(3) On the court's own motion or on request of the guardian or conservator, the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person, or other person required to be notified of the proceeding, the court shall

hold a hearing on a petition filed pursuant to subsection (1) of this section.

(4) The court shall issue an order provisionally granting a petition filed under subsection (1) of this section unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person; or

(b) The guardian or conservator is ineligible for appointment in this state.

(5) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian ~~((of the person or guardian of the estate))~~ or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to RCW 11.90.400 transferring the proceeding to this state.

(6) Not later than ninety days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship ~~((of the person or guardianship of the estate))~~ or conservatorship needs to be modified to conform to the law of this state.

(7) In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ~~((incapacitated))~~ person under a guardianship, person under a conservatorship, or protected person's incapacity and the appointment of the guardian or conservator.

(8) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or ~~((guardian of the estate))~~ conservator in this state if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

PART VI

SUPPORTED DECISION-MAKING AGREEMENTS

NEW SECTION. Sec. 601. DEFINITIONS. The definitions in this section apply throughout this section and sections 602 through 612 of this act unless the context clearly requires otherwise.

(1) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities.

(2) "Supported decision-making agreement" is an agreement between an adult with a disability and one or more supporters entered into under this chapter.

(3) "Supporter" means an adult who has entered into a supported decision-making agreement with an adult with a disability.

NEW SECTION. Sec. 602. PURPOSE. The purpose of sections 601 through 612 of this act is to recognize a less restrictive alternative to guardianship for adults with disabilities who need assistance with decisions regarding daily living.

NEW SECTION. Sec. 603. PRESUMPTION OF CAPACITY. (1) All adults are presumed to be capable of managing their affairs.

(2) The manner in which an adult communicates with others is not grounds for deciding that the adult is incapable of managing the adult's affairs.

(3) Execution of a supported decision-making agreement may not be used as evidence for the petition or appointment of a guardianship or conservatorship under this chapter, and does not preclude the ability of the adult who has entered into such an agreement to act independently of the agreement.

NEW SECTION. Sec. 604. SCOPE OF SUPPORTED DECISION-MAKING AGREEMENT. An adult with a

disability may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with a supporter under which the adult with a disability authorizes the supporter to do any or all of the following:

(1) Provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the adult's life decisions, without making those decisions on behalf of the adult with a disability;

(2) Assist the adult in accessing, collecting, and obtaining information that is relevant to a given life decision, including medical, psychological, financial, educational, or treatment records, from any person;

(3) Assist the adult with a disability in understanding the information described in subsection (2) of this section; and

(4) Assist the adult in communicating the adult's decisions to appropriate persons.

NEW SECTION. Sec. 605. AUTHORITY OF SUPPORTER. A supporter may exercise the authority granted to the supporter in the supported decision-making agreement.

NEW SECTION. Sec. 606. TERM OF AGREEMENT. (1) Except as provided by subsection (2) of this section, the supported decision-making agreement extends until terminated by either party or by the terms of the agreement.

(2) The supported decision-making agreement is terminated if:

(a) The department of social and health services finds that the adult with a disability has been abused, neglected, or exploited by the supporter;

(b) The supporter is found criminally liable for conduct described in (a) of this subsection;

(c) The person with a disability gives notice to the supporter orally, in writing, through an assistive technology device, or by any other means or act showing a specific intent to terminate the agreement; or

(d) The supporter provides written notice of the supporter's resignation to the person with a disability. If a supported decision-making agreement includes more than one supporter, each supporter can terminate the agreement only as to that supporter.

NEW SECTION. Sec. 607. DISQUALIFICATION OF SUPPORTER. The following are disqualified from acting as a supporter:

(1) A person who is an employer or employee of the adult with a disability, unless the person is an immediate family member of the adult with a disability;

(2) A person directly providing paid support services to the adult with a disability, unless the person is an immediate family member of the adult with a disability; and

(3) An individual against whom the person with a disability has obtained an order of protection from abuse, or an individual who is the subject of a civil or criminal order prohibiting contact with the adult with a disability.

NEW SECTION. Sec. 608. ACCESS TO PERSONAL INFORMATION. (1) A supporter is only authorized to assist the adult with a disability in accessing, collecting, or obtaining information that is relevant to a decision authorized under the supported decision-making agreement.

(2) If a supporter assists an adult with a disability in accessing, collecting, or obtaining personal information, including protected health information under the federal health insurance portability and accountability act of 1996, P.L. 104-191, or educational records under the federal family educational rights and privacy act of 1974, 20 U.S.C. Sec. 1232g, the supporter shall ensure the information is kept privileged and confidential, as applicable, and is not subject to unauthorized access, use, or disclosure.

(3) The existence of a supported decision-making agreement does not preclude an adult with a disability from seeking personal information without the assistance of a supporter.

NEW SECTION. Sec. 609. AUTHORIZING AND WITNESSING OF SUPPORTED DECISION-MAKING AGREEMENT. (1) A supported decision-making agreement must be in writing, dated, and signed voluntarily, without coercion or undue influence, by the adult with a disability and the supporter in the presence of two or more subscribing witnesses or a notary public.

(2) If signed before two witnesses, the attesting witnesses must be at least eighteen years of age.

(3) The witnesses required by subsection (1) of this section may not be any of the following:

(a) A supporter for the person with a disability;

(b) An employee or agent of a supporter named in the supported decision-making agreement;

(c) A paid provider of services to the person with a disability; or

(d) Any person who does not understand the type of communication the person with a disability uses, unless an individual who understands the person with a disability's means of communication is present to assist during the execution of the supported decision-making agreement.

NEW SECTION. Sec. 610. FORM OF SUPPORTED DECISION-MAKING AGREEMENT. (1) Subject to subsection (2) of this section, a supported decision-making agreement is valid only if it is in substantially the following form:

SUPPORTED DECISION-MAKING AGREEMENT

Appointment of Supporter

I, (name of supported adult), make this agreement of my own free will.

I agree and designate that:

Name: (name of supporter)

Address: (address of supporter)

Phone Number: (phone number of supporter)

Email Address: (email address of supporter)

is my supporter.

My supporter may help me with making everyday life decisions relating to the following:

(Y/N) Obtaining food, clothing, and shelter.

(Y/N) Taking care of my health.

(Y/N) Managing my financial affairs.

(Y/N) Other matters: (specify).

My supporter is not allowed to make decisions for me. To help me with my decisions, my supporter may:

1. Help me access, collect, or obtain information that is relevant to a decision, including medical, psychological, financial, educational, or treatment records;

2. Help me understand my options so I can make an informed decision; and

3. Help me communicate my decision to appropriate persons.

(Y/N) A release allowing my supporter to see protected health information under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, is attached.

(Y/N) A release allowing my supporter to see educational records under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g, is attached.

Effective Date of Supported Decision-Making Agreement

This supported decision-making agreement is effective immediately and will continue until (insert date) or until the agreement is terminated by my supporter or me or by operation of law.

Signed this (day) day of (month), (year)

Consent of Supporter

I, (name of supporter), acknowledge my responsibilities and consent to act as a supporter under this agreement.

(Signature of supporter)

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(Printed name of supporter)

Supporter

(Signature of supported adult)

(Printed name of supported adult)

Supported Adult

(Signature of witness 1)

(Printed name of witness 1)

Witness 1

(Signature of witness 2)

(Printed name of witness 2)

Witness 2

State of

County of

This record was acknowledged before me on (date) by
(name(s) of individuals)......
(Signature of notary public)
(Stamp)(Title of office)
My commission expires:

(Date)

**WARNING: PROTECTION FOR VULNERABLE ADULTS
AS DEFINED UNDER CHAPTER 74.34 RCW.**

IF A PERSON WHO RECEIVES A COPY OF THIS AGREEMENT OR IS AWARE OF THE EXISTENCE OF THIS AGREEMENT HAS CAUSE TO BELIEVE THAT A VULNERABLE ADULT IS BEING ABUSED, ABANDONED, NEGLECTED (INCLUDING SELF-NEGLECT), OR PERSONALLY OR FINANCIALLY EXPLOITED BY THE SUPPORTER, THE PERSON SHALL REPORT THE ALLEGED ABUSE, ABANDONMENT, NEGLECT, SELF-NEGLECT, OR PERSONAL OR FINANCIAL EXPLOITATION TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES BY CALLING THE ABUSE HOTLINE AT 1-800-END-HARM.

(2) A supported decision-making agreement may be in any form not inconsistent with subsection (1) of this section and the other requirements of this chapter.

NEW SECTION. Sec. 611. RELIANCE ON AGREEMENT—LIMITATION OF LIABILITY. (1) A person who receives the original or a copy of a supported decision-making agreement shall rely on the agreement.

(2) A person is not subject to criminal or civil liability and has not engaged in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on a supported decision-making agreement.

NEW SECTION. Sec. 612. REPORTING OF SUSPECTED ABUSE, ABANDONMENT, NEGLECT (INCLUDING SELF-NEGLECT), OR PERSONAL OR FINANCIAL EXPLOITATION. If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that a vulnerable adult as defined in RCW 74.34.020 is being abused, abandoned, neglected (including self-neglect), or personally or financially exploited by the supporter, the person shall make a report to the department of social and health services, except where the person is exempted from the requirements to report abuse due to a confidential relationship recognized in statute, regulation, or professional standards.

**PART VII
TECHNICAL CORRECTIONS**

Sec. 701. RCW 2.56.150 and 2005 c 282 s 9 are each amended to read as follows:

(1) The administrator for the courts shall review the advisability and feasibility of the statewide mandatory use of court-appointed special advocates as described in RCW 26.12.175 to act as guardians ad litem in appropriate cases under Titles 13 and 26 RCW. The review must explore the feasibility of obtaining various sources of private and public funding to implement statewide mandatory use of court-appointed special advocates, such as grants and donations, instead of or in combination with raising court fees or assessments.

(2) The administrator shall also conduct a study on the feasibility and desirability of requiring all persons who act as guardians ad litem or court visitors under Titles 11, 13, and 26 RCW to be certified as qualified guardians ad litem or court visitors prior to their eligibility for appointment.

(3) In conducting the review and study the administrator shall consult with: (a) The presidents or directors of all public benefit nonprofit corporations that are eligible to receive state funds under RCW 43.330.135; (b) the attorney general, or a designee; (c) the secretary of the department of social and health services, or a designee; (d) the superior court judges' association; (e) the Washington state bar association; (f) public defenders who represent children under Title 13 or 26 RCW; (g) private attorneys who represent parents under Title 13 or 26 RCW; (h) professionals who evaluate families for the purposes of determining the custody or placement decisions of children; (i) the office of financial management; (j) persons who act as volunteer or compensated guardians ad litem; and (k) parents who have dealt with guardians ad litem or court visitors in court cases. For the purposes of studying the feasibility of a certification requirement for guardians ad litem acting under Title 11 RCW the administrator shall consult with the advisory group formed under RCW ~~((11.88.090))~~ 11.130.155.

(4) The administrator shall also conduct a review of problems and concerns about the role of guardians ad litem in actions under Titles 11, 13, and 26 RCW and recommend alternatives to strengthen judicial oversight of guardians ad litem or court visitors and ensure fairness and impartiality of the process. The administrator must accept and obtain comments from parties designated in subsection (3) of this section.

Sec. 702. RCW 4.16.190 and 2006 c 8 s 303 are each amended to read as follows:

(1) Unless otherwise provided in this section, if a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter ~~((41.88))~~ 11.130 RCW, or imprisoned on a criminal charge prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action.

(2) Subsection (1) of this section with respect to a person under the age of eighteen years does not apply to the time limited for the commencement of an action under RCW 4.16.350.

Sec. 703. RCW 7.28.090 and 1977 ex.s. c 80 s 7 are each amended to read as follows:

RCW 7.28.070 and 7.28.080 shall not extend to lands or tenements owned by the United States or this state, nor to school lands, nor to lands held for any public purpose. Nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is a person under eighteen years of age, or ~~((incompetent within the meaning of RCW 11.88.010: PROVIDED, Such))~~ has been

placed under a guardianship under RCW 11.130.265 or has been placed under a conservatorship under RCW 11.130.360. However, such persons as aforesaid shall commence an action to recover such lands or tenements so possessed as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied land shall, within the time last aforesaid, pay to the person or persons who have paid the same for his or her betterments, and the taxes, with interest on said taxes at the legal rate per annum that have been paid on said vacant and unimproved land.

Sec. 704. RCW 7.36.020 and 2008 c 6 s 801 are each amended to read as follows:

Writs of habeas corpus shall be granted in favor of parents, guardians, limited guardians where appropriate, spouses or domestic partners, and next of kin, and to enforce the rights, and for the protection of ~~((infants and incompetent or disabled persons within the meaning of RCW 11.88.010))~~ minors and persons who have been placed under a guardianship under RCW 11.130.265 or under a conservatorship under RCW 11.130.360; and the proceedings shall in all cases conform to the provisions of this chapter.

Sec. 705. RCW 7.70.065 and 2019 c 232 s 8 and 2019 c 209 s 1 are each reenacted and amended to read as follows:

(1) Informed consent for health care for a patient who is ~~((not competent, as defined in RCW 11.88.010(1)(e)))~~ a minor or, to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who ~~((is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d)))~~ has been placed under a guardianship under RCW 11.130.265 a minor or, shall be a member of one of the following classes of persons in the following order of priority:

- (i) The appointed guardian of the patient, if any;
- (ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;
- (iii) The patient's spouse or state registered domestic partner;
- (iv) Children of the patient who are at least eighteen years of age;
- (v) Parents of the patient;
- (vi) Adult brothers and sisters of the patient;
- (vii) Adult grandchildren of the patient who are familiar with the patient;
- (viii) Adult nieces and nephews of the patient who are familiar with the patient;
- (ix) Adult aunts and uncles of the patient who are familiar with the patient; and
- (x)(A) An adult who:
 - (I) Has exhibited special care and concern for the patient;
 - (II) Is familiar with the patient's personal values;
 - (III) Is reasonably available to make health care decisions;
 - (IV) Is not any of the following: A physician to the patient or an employee of the physician; the owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who receives compensation to provide care to the patient; and
 - (V) Provides a declaration under (a)(x)(B) of this subsection.
- (B) An adult who meets the requirements of (a)(x)(A) of this subsection shall provide a declaration, which is effective for up to six months from the date of the declaration, signed and dated under penalty of perjury pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW, that recites facts and circumstances demonstrating that he or she is familiar with the patient and that he or she:
 - (I) Meets the requirements of (a)(x)(A) of this subsection;

(II) Is a close friend of the patient;

(III) Is willing and able to become involved in the patient's health care;

(IV) Has maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and

(V) Is not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

(C) A health care provider may, but is not required to, rely on a declaration provided under (a)(x)(B) of this subsection. The health care provider or health care facility where services are rendered is immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration provided in compliance with (a)(x)(B) of this subsection.

(b) If the health care provider seeking informed consent for proposed health care of the patient who ~~((is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent))~~ has been placed under a guardianship under RCW 11.130.265, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient ~~((not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent))~~ who has been placed under a guardianship under RCW 11.130.265, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(d) No rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a person authorized to provide informed consent to health care on behalf of a patient ~~((not competent to consent under RCW 11.88.010(1)(e)))~~ who is a minor or has been placed under a guardianship under RCW 11.130.265.

(2) Informed consent for health care, including mental health care, for a patient who ~~((is not competent, as defined in RCW 11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who ~~((is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who ~~((is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she))~~ is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to chapter 5.50 RCW stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

(d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the

health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to chapter 5.50 RCW stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

(4) A person who knowingly provides a false declaration under this section shall be subject to criminal penalties under chapter 9A.72 RCW.

Sec. 706. RCW 9.35.005 and 2017 c 4 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Financial information" means any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(a) Account numbers and balances;

(b) Transactional information concerning an account; and

(c) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(2) "Financial information repository" means a person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(3) "Means of identification" means information or an item that is not describing finances or credit but is personal to or identifiable with an individual or other person, including: A current or former name of the person, telephone number, an electronic address, or identifier of the individual or a member of his or her family, including the ancestor of the person; information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; a social security, driver's license, or tax identification number of the individual or a member of his or her family; and other information that could be used to identify the person, including unique biometric data.

(4) "Person" means a person as defined in RCW 9A.04.110.

(5) "Senior" means a person over the age of sixty-five.

(6) "Victim" means a person whose means of identification or financial information has been used or transferred with the intent to commit, or to aid or abet, any unlawful activity.

(7) "Vulnerable individual" means a person:

~~((i) [(a)]))~~ (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself;

~~((ii) [(b)(b) was not found(b)] Found incapacitated under chapter 11.88))~~ (b) Who has been placed under a guardianship under RCW 11.130.265 or has been placed under a conservatorship under RCW 11.130.360 RCW;

~~((iii) [(c)(c) was not found(c) was not found]))~~ (c) Who has a developmental disability as defined under RCW 71A.10.020;

~~((iv) [(d)(d) was not found(d) was not found]))~~ (d) Admitted to any facility;

~~((v))~~ ~~((e))~~ ~~((e) was not found((e) was not found))~~ (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW;

~~((vi))~~ ~~((f))~~ ~~((f) was not found((f) was not found))~~ (f) Receiving services from an individual provider as defined in RCW 74.39A.240; or

~~((vii))~~ ~~((g))~~ ~~((g) was not found((g) was not found))~~ (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Sec. 707. RCW 9A.44.010 and 2007 c 20 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

(3) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(4) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.

(5) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(6) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped.

(7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(8) "Significant relationship" means a situation in which the perpetrator is:

(a) A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors;

(b) A person who in the course of his or her employment supervises minors; or

(c) A person who provides welfare, health or residential assistance, personal care, or organized recreational activities to frail elders or vulnerable adults, including a provider, employee, temporary employee, volunteer, or independent contractor who supplies services to long-term care facilities licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW, but not including a consensual sexual partner.

(9) "Abuse of a supervisory position" means:

(a) To use a direct or indirect threat or promise to exercise authority to the detriment or benefit of a minor; or

(b) To exploit a significant relationship in order to obtain the consent of a minor.

(10) "Person with a developmental disability," for purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person with a developmental disability as defined in RCW 71A.10.020.

(11) "Person with supervisory authority," for purposes of RCW 9A.44.050(1) (c) or (e) and 9A.44.100(1) (c) or (e), means any proprietor or employee of any public or private care or treatment facility who directly supervises developmentally disabled, mentally disordered, or chemically dependent persons at the facility.

(12) "Person with a mental disorder" for the purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental disorder" as defined in RCW 71.05.020.

(13) "Person with a chemical dependency" for purposes of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person who is "chemically dependent" as defined in RCW 70.96A.020~~((4))~~.

(14) "Health care provider" for purposes of RCW 9A.44.050 and 9A.44.100 means a person who is, holds himself or herself out to be, or provides services as if he or she were: (a) A member of a health care profession under chapter 18.130 RCW; or (b) registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of whether the health care provider is licensed, certified, or registered by the state.

(15) "Treatment" for purposes of RCW 9A.44.050 and 9A.44.100 means the active delivery of professional services by a health care provider which the health care provider holds himself or herself out to be qualified to provide.

(16) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" also includes a person ~~((found incapacitated under chapter 11.88 RCW))~~ who has been placed under a guardianship under RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person over eighteen years of age who has a developmental disability under chapter 71A.10 RCW, a person admitted to a long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and a person receiving services from a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW.

Sec. 708. RCW 11.02.005 and 2018 c 22 s 6 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(2) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(3) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(4) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(5) "Guardian," ~~((or))~~ "limited guardian," "conservator," or "limited conservator" means a personal representative of the person or estate of ~~((an incompetent or disabled))~~ a person ((as defined in RCW 11.88.010)) who has been placed under a guardianship under RCW 11.130.265 or who has been placed under a conservatorship under RCW 11.130.360 and the term

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

may be used in lieu of "personal representative" wherever required by context.

(6) "Heirs" denotes those persons, including the surviving spouse or surviving domestic partner, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Internal revenue code" means the United States internal revenue code of 1986, as amended or renumbered as of January 1, 2001.

(8) "Issue" means all the lineal descendants of an individual. An adopted individual is a lineal descendant of each of his or her adoptive parents and of all individuals with regard to which each adoptive parent is a lineal descendant. A child conceived prior to the death of a parent but born after the death of the deceased parent is considered to be the surviving issue of the deceased parent for purposes of this title.

(9) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(10) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, transfer on death deed, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(11) "Personal representative" includes executor, administrator, special administrator, and ~~((guardian))~~ conservator or limited ~~((guardian))~~ conservator and special representative.

(12) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(13) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to a decedent, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the decedent who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the decedent but who left issue surviving the decedent; each share of a deceased person in the nearest

degree must be divided among those of the deceased person's issue who survive the decedent and have no ancestor then living who is in the line of relationship between them and the decedent, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the decedent.

(14) References to "section 2033A" of the internal revenue code in wills, trust agreements, powers of appointment, beneficiary designations, and other instruments governed by or subject to this title are deemed to refer to the comparable or corresponding provisions of section 2057 of the internal revenue code, as added by section 6006(b) of the internal revenue service restructuring act of 1998 (H.R. 2676, P.L. 105-206); and references to the section 2033A "exclusion" are deemed to mean the section 2057 deduction.

(15) "Settlor" has the same meaning as provided for "trustor" in this section.

(16) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(17) "Surviving spouse" or "surviving domestic partner" does not include an individual whose marriage to or state registered domestic partnership with the decedent has been terminated, dissolved, or invalidated unless, by virtue of a subsequent marriage or state registered domestic partnership, he or she is married to or in a domestic partnership with the decedent at the time of death. A decree of separation that does not terminate the status of spouses or domestic partners is not a dissolution or invalidation for purposes of this subsection.

(18) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(19) "Trustor" means a person, including a testator, who creates, or contributes property to, a trust.

(20) "Will" means an instrument validly executed as required by RCW 11.12.020.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

Sec. 709. RCW 11.28.185 and 2008 c 6 s 915 are each amended to read as follows:

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse or surviving domestic partner of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse or surviving domestic partner, then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved

as provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW ~~((41.88.105))~~ 11.130.445, or as the court may deem adequate to protect the assets of the estate.

Sec. 710. RCW 11.76.080 and 2008 c 6 s 806 are each amended to read as follows:

If there be any alleged incapacitated person ~~((as defined in RCW 11.88.010))~~ interested in the estate who has no legally appointed ~~((guardian or limited guardian))~~ conservator or limited conservator under RCW 11.130.360, the court:

(1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may appoint; and

(2) For hearings held under RCW 11.54.010, 11.68.041, 11.68.100, and 11.76.050 or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall appoint some disinterested person as guardian ad litem to represent the allegedly incapacitated person with reference to any petition, proceeding report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent in which the alleged incapacitated person may have an interest, who, on behalf of the alleged incapacitated person, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his or her services: PROVIDED, HOWEVER, That where a surviving spouse or surviving domestic partner is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of the surviving spouse or surviving domestic partner and the decedent and who is incapacitated solely for the reason of his or her being under eighteen years of age.

Sec. 711. RCW 11.86.021 and 2016 c 209 s 402 are each amended to read as follows:

(1) A beneficiary may disclaim an interest in whole or in part, or with reference to specific parts, shares or assets, in the manner provided in RCW 11.86.031.

(2) Likewise, a beneficiary may so disclaim through an agent or attorney so authorized by written instrument.

(3) A personal representative, guardian, attorney-in-fact if authorized under a durable power of attorney under chapter 11.125 RCW, or other legal representative of the estate of a minor, incompetent, or deceased beneficiary, may so disclaim on behalf of the beneficiary, with or without court order, if:

(a) The legal representative deems the disclaimer to be in the best interests of those interested in the estate of the beneficiary and of those who take the disclaimed interest because of the disclaimer, and not detrimental to the best interests of the beneficiary; and

(b) In the case of a ~~((guardian))~~ conservatorship, no order has been issued under ~~((RCW 11.92.140))~~ RCW 11.130.435 determining that the disclaimer is not in the best interests of the beneficiary.

Sec. 712. RCW 11.90.210 and 2009 c 81 s 8 are each amended to read as follows:

This chapter provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a protective order for an adult under ~~((chapters 11.88 and 11.92))~~ chapter 11.130 RCW.

Sec. 713. RCW 11.96A.050 and 2013 c 272 s 3 are each amended to read as follows:

(1) Venue for proceedings pertaining to trusts is:

(a) For testamentary trusts established under wills probated in the state of Washington, in the superior court of the county where

the probate of the will is being administered or was completed or, in the alternative, the superior court of the county where any qualified beneficiary of the trust as defined in RCW 11.98.002 resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located; and

(b) For all other trusts, in the superior court of the county where any qualified beneficiary of the trust as defined in RCW 11.98.002 resides, the county where any trustee resides or has a place of business, or the county where any real property that is an asset of the trust is located. If no county has venue for proceedings pertaining to a trust under the preceding sentence, then in any county.

(2) A party to a proceeding pertaining to a trust may request that venue be changed. If the request is made within four months of the giving of the first notice of a proceeding pertaining to the trust, except for good cause shown, venue must be moved to the county with the strongest connection to the trust as determined by the court, considering such factors as the residence of a qualified beneficiary of the trust as defined in RCW 11.98.002, the residence or place of business of a trustee, and the location of any real property that is an asset of the trust.

(3) Venue for proceedings subject to chapter ~~((41.88 or 11.92))~~ 11.130 RCW must be determined under the provisions of those chapters.

(4) Venue for proceedings pertaining to the probate of wills, the administration and disposition of a decedent's property, including nonprobate assets, and any other matter not identified in subsection (1), (2), or (3) of this section, must be in any county in the state of Washington that the petitioner selects. A party to a proceeding may request that venue be changed if the request is made within four months of the mailing of the notice of appointment and pendency of probate required by RCW 11.28.237, and except for good cause shown, venue must be moved as follows:

(a) If the decedent was a resident of the state of Washington at the time of death, to the county of the decedent's residence; or

(b) If the decedent was not a resident of the state of Washington at the time of death, to any of the following:

(i) Any county in which any part of the probate estate might be;

(ii) If there are no probate assets, any county where any nonprobate asset might be; or

(iii) The county in which the decedent died.

(5) Once letters testamentary or of administration have been granted in the state of Washington, all orders, settlements, trials, and other proceedings under this title must be had or made in the county in which such letters have been granted unless venue is moved as provided in subsection (4) of this section.

(6) Venue for proceedings pertaining to powers of attorney must be in the superior court of the county of the principal's residence, except for good cause shown.

(7) If venue is moved, an action taken before venue is changed is not invalid because of the venue.

(8) Any request to change venue that is made more than four months after the commencement of the action may be granted in the discretion of the court.

Sec. 714. RCW 11.96A.080 and 1999 c 42 s 301 are each amended to read as follows:

(1) Subject to the provisions of RCW 11.96A.260 through 11.96A.320, any party may have a judicial proceeding for the declaration of rights or legal relations with respect to any matter, as defined by RCW 11.96A.030; the resolution of any other case or controversy that arises under the Revised Code of Washington and references judicial proceedings under this title; or the determination of the persons entitled to notice under RCW 11.96A.110 or 11.96A.120.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(2) The provisions of this chapter apply to disputes arising in connection with estates of ~~((incapacitated persons))~~ individuals subject to conservatorship under RCW 11.130.360 unless otherwise covered by ~~((chapters 11.88 and 11.92))~~ chapter 11.130 RCW. The provisions of this chapter shall not supersede, but shall supplement, any otherwise applicable provisions and procedures contained in this title, including without limitation those contained in chapter 11.20, 11.24, 11.28, 11.40, 11.42, or 11.56 RCW. The provisions of this chapter shall not apply to actions for wrongful death under chapter 4.20 RCW.

Sec. 715. RCW 11.96A.120 and 2013 c 272 s 5 are each amended to read as follows:

(1) Notice to a person who may represent and bind another person under this section has the same effect as if notice were given directly to the other person.

(2) The consent of a person who may represent and bind another person under this section is binding on the person represented unless the person represented objects to the representation before the consent would otherwise have become effective.

(3) The following limitations on the ability to serve as a virtual representative apply:

(a) A trustor may not represent and bind a beneficiary under this section with respect to the termination and modification of an irrevocable trust; and

(b) Representation of an incapacitated trustor with respect to his or her powers over a trust is subject to the provisions of RCW 11.103.030, and chapters 11.96A(~~(11.88, and 11.92))~~ and 11.130 RCW.

(4) To the extent there is no conflict of interest between the representative and the person represented or among those being represented with respect to the particular question or dispute:

(a) A guardian may represent and bind the estate that the guardian controls, subject to chapters 11.96A(~~(11.88, and 11.92))~~ and 11.130 RCW;

(b) A guardian of the person may represent and bind the incapacitated person if a guardian of the incapacitated person's estate has not been appointed;

(c) An agent having authority to act with respect to the particular question or dispute may represent and bind the principal;

(d) A trustee may represent and bind the beneficiaries of the trust;

(e) A personal representative of a decedent's estate may represent and bind persons interested in the estate; and

(f) A parent may represent and bind the parent's minor or unborn child or children if a guardian for the child or children has not been appointed.

(5) Unless otherwise represented, a minor, incapacitated, or unborn individual, or a person whose identity or location is unknown and not reasonably ascertainable, may be represented by and bound by another having a substantially identical interest with respect to the particular question or dispute, but only to the extent there is no conflict of interest between the representative and the person represented with regard to the particular question or dispute.

(6) Where an interest has been given to persons who comprise a certain class upon the happening of a certain event, the living persons who would constitute the class as of the date the representation is to be determined may virtually represent all other members of the class as of that date, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(7) Where an interest has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or surviving domestic partner or to persons who are, or might be, the heirs, issue, or other kindred of that living person or the distributees of the estate of that living person upon the happening of a future event, that living person may virtually represent the surviving spouse or surviving domestic partner, heirs, issue, or other kindred of the person, and the distributees of the estate of the person, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(8) Except as otherwise provided in subsection (7) of this section, where an interest has been given to a person or a class of persons, or both, upon the happening of any future event, and the same interest or a share of the interest is to pass to another person or class of persons, or both, upon the happening of an additional future event, the living person or persons who would take the interest upon the happening of the first event may virtually represent the persons and classes of persons who might take on the happening of the additional future event, but only to the extent that there is no conflict of interest between the representative and the person(s) represented with regard to the particular question or dispute.

(9) To the extent there is no conflict of interest between the holder of the power of appointment and the persons represented with respect to the particular question or dispute, the holder of a lifetime or testamentary power of appointment may virtually represent and bind persons who are permissible appointees or takers in default (but only to the extent that they are permissible appointees in the case of a limited power of appointment) under the power, and who are not permissible distributees as defined in RCW 11.98.002.

(10) The attorney general may virtually represent and bind a charitable organization if:

(a) The charitable organization is not a qualified beneficiary as defined in RCW 11.98.002 specified in the trust instrument or acting as trustee; or

(b) The charitable organization is a qualified beneficiary, but is not a permissible distributee, as those terms are defined in RCW 11.98.002, and its beneficial interest in the trust is subject to change by the trustor or by a person designated by the trustor.

(11) An action taken by the court is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise represented under this section.

(12) This section is intended to adopt the common law concept of virtual representation. This section supplements the common law relating to the doctrine of virtual representation and may not be construed as limiting the application of that common law doctrine.

Sec. 716. RCW 11.96A.130 and 1999 c 42 s 306 are each amended to read as follows:

Nothing in this chapter eliminates the requirement to give notice to a person who has requested special notice under RCW 11.28.240 or ~~((11.92.150))~~ notice under RCW 11.130.080.

Sec. 717. RCW 11.96A.150 and 2007 c 475 s 5 are each amended to read as follows:

(1) Either the superior court or any court on an appeal may, in its discretion, order costs, including reasonable attorneys' fees, to be awarded to any party: (a) From any party to the proceedings; (b) from the assets of the estate or trust involved in the proceedings; or (c) from any nonprobate asset that is the subject of the proceedings. The court may order the costs, including reasonable attorneys' fees, to be paid in such amount and in such manner as the court determines to be equitable. In exercising its discretion under this section, the court may consider any and all

factors that it deems to be relevant and appropriate, which factors may but need not include whether the litigation benefits the estate or trust involved.

(2) This section applies to all proceedings governed by this title, including but not limited to proceedings involving trusts, decedent's estates and properties, and guardianship matters. This section shall not be construed as being limited by any other specific statutory provision providing for the payment of costs, including RCW 11.68.070 and 11.24.050, unless such statute specifically provides otherwise. This section shall apply to matters involving guardians and guardians ad litem ~~((and shall not be limited or controlled by the provisions of RCW 11.88.090(10))).~~

Sec. 718. RCW 11.96A.220 and 1999 c 42 s 402 are each amended to read as follows:

RCW 11.96A.210 through 11.96A.250 shall be applicable to the resolution of any matter, as defined by RCW 11.96A.030, other than matters subject to chapter ~~((11.88 or 11.92))~~ 11.130 RCW, or a trust for a minor or other incapacitated person created at its inception by the judgment or decree of a court unless the judgment or decree provides that RCW 11.96A.210 through 11.96A.250 shall be applicable. If all parties agree to a resolution of any such matter, then the agreement shall be evidenced by a written agreement signed by all parties. Subject to the provisions of RCW 11.96A.240, the written agreement shall be binding and conclusive on all persons interested in the estate or trust. The agreement shall identify the subject matter of the dispute and the parties. If the agreement or a memorandum of the agreement is to be filed with the court under RCW 11.96A.230, the agreement may, but need not, include provisions specifically addressing jurisdiction, governing law, the waiver of notice of the filing as provided in RCW 11.96A.230, and the discharge of any special representative who has acted with respect to the agreement.

If a party who virtually represents another under RCW 11.96A.120 signs the agreement, then the party's signature constitutes the signature of all persons whom the party virtually represents, and all the virtually represented persons shall be bound by the agreement.

Sec. 719. RCW 11.103.030 and 2016 c 209 s 404 are each amended to read as follows:

(1) Unless the terms of a trust expressly provide that the trust is revocable, the trustor may not revoke or amend the trust.

(2) If a revocable trust is created or funded by more than one trustor and unless the trust agreement provides otherwise:

(a) To the extent the trust consists of community property, the trust may be revoked by either spouse or either domestic partner acting alone but may be amended only by joint action of both spouses or both domestic partners;

(b) To the extent the trust consists of property other than community property, each trustor may revoke or amend the trust with regard to the portion of the trust property attributable to that trustor's contribution;

(c) The character of community property or separate property is unaffected by its transfer to and from a revocable trust; and

(d) Upon the revocation or amendment of the trust by fewer than all of the trustors, the trustee must promptly notify the other trustors of the revocation or amendment.

(3) The trustor may revoke or amend a revocable trust:

(a) By substantial compliance with a method provided in the terms of the trust; or

(b)(i) If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(A) A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(B) A written instrument signed by the trustor evidencing intent to revoke or amend.

(ii) The requirements of chapter 11.11 RCW do not apply to revocation or amendment of a revocable trust under (b)(i) of this subsection.

(4) Upon revocation of a revocable trust, the trustee must deliver the trust property as the trustor directs.

(5) A trustor's powers with respect to the revocation or amendment of a trust or distribution of the property of a trust may be exercised by the trustor's agent under a power of attorney only to the extent specified in the power of attorney document, as provided in RCW 11.125.240 and to the extent consistent with or expressly authorized by the trust agreement.

(6) A ~~((guardian))~~ conservator of the trustor may exercise a trustor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship pursuant to ~~((RCW 11.92.140))~~ chapter 11.130 RCW.

(7) A trustee who does not know that a trust has been revoked or amended is not liable to the trustor or trustor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

(8) This section does not limit or affect operation of RCW 11.96A.220 through 11.96A.240.

Sec. 720. RCW 11.107.060 and 2017 c 29 s 6 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Beneficiary with a disability" means a beneficiary of the first trust who the trustee believes may qualify for governmental benefits based on disability, whether or not the beneficiary currently receives those benefits or is an individual who ~~((is incapacitated within the meaning of RCW 11.88.010))~~ has been placed under a guardianship or conservatorship under chapter 11.130 RCW.

(b) "Governmental benefits" means financial aid or services from a state, federal, or other public agency.

(c) "Special needs trust" means a trust the trustee believes would not be considered a resource for purposes of determining whether the beneficiary with a disability is eligible for governmental benefits.

(2) A trustee may exercise the decanting power under RCW 11.107.020 and 11.107.030 over the property of the first trust as if the trustee had authority to distribute principal to a beneficiary with a disability subject to expanded discretion if:

(a) The second trust is a special needs trust that benefits the beneficiary with a disability; and

(b) The trustee determines that exercise of the decanting power will further the purposes of the first trust.

(3) In an exercise of the decanting power under this section, the following rules apply:

(a) The provisions of the second trust for a beneficiary with a disability may:

(i) Meet the medicaid law requirements for an account in a pooled trust for a beneficiary with a disability under 42 U.S.C. Sec. 1369p(d)(4)(C), as amended, including requiring a payback to the state of medicaid expenditures of funds not retained by the pooled trust; or

(ii) Meet the medicaid law requirements for a trust for the sole benefit of a beneficiary with a disability under age sixty-five under 42 U.S.C. Sec. 1369(d)(4)(A), as amended, including requiring a payback to the state of medicaid expenditures.

(b) RCW 11.107.020(1)(a)(iii) does not apply to the interests of the beneficiary with a disability.

(c) Except as affected by any change to the interests of the beneficiary with a disability, the second trusts, in the aggregate,

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

must grant each other beneficiary of the first trust beneficial interests in the second trusts which are substantially similar to the beneficiary's beneficial interests in the first trust unless inconsistent with (a)(i) or (ii) of this subsection (3).

Sec. 721. RCW 11.120.140 and 2016 c 140 s 14 are each amended to read as follows:

(1) Unless otherwise ordered by the court, a guardian or conservator appointed ~~((due to a finding of incapacity under RCW 11.88.010(1)))~~ under chapter 11.130 RCW has the right to access an incapacitated person's digital assets other than the content of electronic communications.

(2) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by an incapacitated person and any digital assets, other than the content of electronic communications, if the guardian gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) Certified copies of letters of guardianship and the court order appointing the guardian; and

(c) If requested by the custodian:

(i) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the person; or

(ii) Evidence linking the account to the incapacitated person.

(3) A guardian may request a custodian of the incapacitated person's digital assets to suspend or terminate an account of the incapacitated person for good cause. A request made under this section must be accompanied by certified copies of letters of guardianship and the court order appointing the guardian.

Sec. 722. RCW 11.125.400 and 2016 c 209 s 217 are each amended to read as follows:

Unless the power of attorney otherwise provides, where language in a power of attorney grants general authority with respect to health care matters:

(1) The agent shall be authorized to act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations for all purposes thereunder, including but not limited to accessing and acquiring the principal's health care related information.

(2) The agent shall be authorized to provide informed consent for health care decisions on the principal's behalf. If a principal has appointed more than one agent with authority to make mental health treatment decisions in accordance with a directive under chapter 71.32 RCW, to the extent of any conflict, the most recently appointed agent shall be treated as the principal's agent for mental health treatment decisions unless provided otherwise in either appointment.

(3) Unless he or she is the spouse, state registered domestic partner, father or mother, or adult child or brother or sister of the principal, none of the following persons may act as the agent for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility or long-term care facility as defined in RCW 43.190.020 where the principal resides or receives care. Except when the principal has consented in a mental health advance directive executed under chapter 71.32 RCW to inpatient admission or electroconvulsive therapy, this authorization is subject to the same limitations as those that apply to a guardian under ~~((RCW 11.92.043(5) (a) through (e) and 11.92.190))~~ chapter 11.130 RCW.

Sec. 723. RCW 11.125.410 and 2016 c 209 s 218 are each amended to read as follows:

Unless the power of attorney otherwise provides, the following general provisions shall apply to any power of attorney making reference to the care of the principal's minor children:

(1) A parent or guardian, through a power of attorney, may authorize an agent to make health care decisions on behalf of one or more of his or her children, or children for whom he or she is the legal guardian, who are under the age of majority as defined in RCW 26.28.015, to be effective if the child has no other parent or legal representative readily available and authorized to give such consent.

(2) A principal may further nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of making the durable power of attorney or afterwards, to continue during the disability of the principal, during the minority of the child or for any less time by including such a provision in his or her power of attorney.

(3) The authority of any guardian of the person of any minor child shall supersede the authority of a designated agent to make health care decisions for the minor only after such designated guardian has been appointed by the court.

(4) In the event a conflict between the provisions of a will nominating a testamentary guardian under ~~((the authority of RCW 44.88.080))~~ chapter 11.130 RCW and the nomination of a guardian under the authority of this statute, the most recent designation shall control.

Sec. 724. RCW 13.32A.160 and 2019 c 124 s 1 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters ~~((44.88))~~ 11.130, 13.34, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, HOPE center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

Sec. 725. RCW 13.34.270 and 2019 c 470 s 1 are each amended to read as follows:

(1) Whenever the department of social and health services places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter ~~((41.88))~~ 11.130 RCW has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter ~~((41.88))~~ 11.130 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care,

until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) When state or federal funds are expended for the care and maintenance of a child with a developmental disability, placed in care as a result of an action under this chapter, the department shall refer the case to the division of child support, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(8) This section does not prevent the department of children, youth, and families from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

(9) For purposes of this section, unless the context clearly requires otherwise, "department" means the department of social and health services.

Sec. 726. RCW 18.20.020 and 2012 c 10 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult day services" means care and services provided to a nonresident individual by the assisted living facility on the assisted living facility premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

(2) "Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. "Assisted living facility" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care

FIFTY SEVENTH DAY, MARCH 9, 2020

retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(4) "Department" means the state department of social and health services.

(5) "Domiciliary care" means: Assistance with activities of daily living provided by the assisted living facility either directly or indirectly; or health support services, if provided directly or indirectly by the assisted living facility; or intermittent nursing services, if provided directly or indirectly by the assisted living facility.

(6) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(7) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident.

(8) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in an unlicensed room located within an assisted living facility. Nothing in this chapter prohibits nonresidents from receiving one or more of the services listed in RCW 18.20.030(5) or requires licensure as an assisted living facility when one or more of the services listed in RCW 18.20.030(5) are provided to nonresidents. A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the assisted living facility and may not receive the items and services listed in subsection (6) of this section, except during the time the person is receiving adult day services as defined in this section.

(9) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(10) "Resident" means an individual who is not related by blood or marriage to the operator of the assisted living facility, and by reason of age or disability, chooses to reside in the assisted living facility and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the assisted living facility and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(11) "Resident applicant" means an individual who is seeking admission to a licensed assisted living facility and who has completed and signed an application for admission, or such

application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(12) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the assisted living facility and to receive information from the assisted living facility, if there is no legal representative. The resident's competence shall be determined using the criteria in ~~((RCW 11.88.010(1)(c)))~~ chapter 11.130 RCW. The resident's representative may not be affiliated with the licensee, assisted living facility, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(13) "Secretary" means the secretary of social and health services.

Sec. 727. RCW 25.15.131 and 2015 c 188 s 28 are each amended to read as follows:

(1) A person is dissociated as a member of a limited liability company upon the occurrence of one or more of the following events:

(a) The member dies or withdraws by voluntary act from the limited liability company as provided in subsection (2) of this section;

(b) The transfer of all of the member's transferable interest in the limited liability company;

(c) The member is removed as a member in accordance with the limited liability company agreement;

(d) The occurrence of an event upon which the member ceases to be a member under the limited liability company agreement;

(e) The person is a corporation, limited liability company, general partnership, or limited partnership, and the person is removed as a member by the unanimous consent of the other members, which may be done under this subsection (1)(e) only if:

(i) The person has filed articles of dissolution, a certificate of dissolution or the equivalent, or the person has been administratively or judicially dissolved, or its right to conduct business has been suspended or revoked by the jurisdiction of its incorporation, or the person has otherwise been dissolved; and

(ii) The dissolution has not been revoked or the person or its right to conduct business has not been reinstated within ninety days after the limited liability company notifies the person that it will be removed as a member for any reason identified in (e)(i) of this subsection;

(f) Unless all other members otherwise agree at the time, the member (i) makes a general assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) becomes the subject of an order for relief in bankruptcy proceedings; (iv) files a petition or answer seeking for the member any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the member in any proceeding of the nature described in (f)(i) through (iv) of this subsection; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties;

(g) Unless all other members otherwise agree at the time, if within one hundred twenty days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after

the appointment without his or her consent or acquiescence of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within ninety days after the expiration of any stay, the appointment is not vacated; or

(h) Unless all other members otherwise agree at the time, in the case of a member who is an individual, the entry of an order by a court of competent jurisdiction adjudicating the member ~~((incapacitated, as used and defined under chapter 11.88 RCW, as to his or her estate))~~ as being subject to a conservatorship under RCW 11.130.360.

(2) A member may withdraw from a limited liability company at the time or upon the happening of events specified in and in accordance with the limited liability company agreement. If the limited liability company agreement does not specify the time or the events upon the happening of which a member may withdraw, a member may not withdraw from the limited liability company without the written consent of all other members.

(3) When a person is dissociated as a member of a limited liability company:

(a) The person's right to participate as a member in the management and conduct of the limited liability company's activities terminates;

(b) If the limited liability company is member-managed, the person's fiduciary duties as a member end with regard to matters arising and events occurring after the person's dissociation; and

(c) Subject to subsection (5) of this section, any transferable interest owned by the person immediately before dissociation in the person's capacity as a member is owned by the person solely as a transferee.

(4) A person's dissociation as a member of a limited liability company does not of itself discharge the person from any debt, obligation, or other liability to the limited liability company or the other members which the person incurred while a member.

(5) If a member dies, the deceased member's personal representative or other legal representative may exercise the rights of a transferee provided in RCW 25.15.251 and, for the purposes of settling the estate, the rights of a current member under RCW 25.15.136.

Sec. 728. RCW 29A.08.515 and 2004 c 267 s 125 are each amended to read as follows:

Upon receiving official notice that a court has imposed a guardianship for ~~((an incapacitated))~~ a person under RCW 11.130.265 and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, ~~((under chapter 11.88 RCW))~~ if the ((incapacitated)) person subject to guardianship is a registered voter in the county, the county auditor shall cancel ((the incapacitated)) that person's voter registration.

Sec. 729. RCW 70.58A.010 and 2019 c 148 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means a person who is at least eighteen years of age, or an emancipated minor under chapter 13.64 RCW.

(2) "Amendment" means a change to a certification item on the vital record.

(3) "Authorized representative" means a person permitted to receive a certification who is:

(a) Identified in a notarized statement signed by a qualified applicant; or

(b) An agent identified in a power of attorney as defined in chapter 11.125 RCW.

(4) "Certification" means the document, in either paper or electronic format, containing all or part of the information contained in the original vital record from which the document is derived, and is issued from the central vital records system. A

certification includes an attestation by the state or local registrar to the accuracy of information, and has the full force and effect of the original vital record.

(5) "Certification item" means any item of information that appears on certifications.

(6) "Coroner" means the person elected or appointed in a county under chapter 36.16 RCW to serve as the county coroner and fulfill the responsibilities established under chapter 36.24 RCW.

(7) "Cremated remains" has the same meaning as "cremated human remains" in chapter 68.04 RCW.

(8) "Delayed report of live birth" means the report submitted to the department for the purpose of registering the live birth of a person born in state that was not registered within one year of the date of live birth.

(9) "Department" means the department of health.

(10) "Domestic partner" means a party to a state registered domestic partnership established under chapter 26.60 RCW.

(11) "Facility" means any licensed establishment, public or private, located in state, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment; or nursing, custodial, or domiciliary care. The term also includes establishments to which persons are committed by law including, but not limited to:

(a) Mental illness detention facilities designated to assess, diagnose, and treat individuals detained or committed, under chapter 71.05 RCW;

(b) City and county jails;

(c) State department of corrections facilities; and

(d) Juvenile correction centers governed by Title 72 RCW.

(12) "Fetal death" means any product of conception that shows no evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles after complete expulsion or extraction from the individual who gave birth that is not an induced termination of pregnancy and:

(a) Has completed twenty or more weeks of gestation as calculated from the date the last menstrual period of the individual who gave birth began, to the date of expulsion or extraction; or

(b) Weighs three hundred fifty grams or more, if weeks of gestation are not known.

(13) "Final disposition" means the burial, interment, entombment, cremation, removal from the state, or other manner of disposing of human remains as authorized under chapter 68.50 RCW.

(14) "Funeral director" means a person licensed under chapter 18.39 RCW as a funeral director.

(15) "Funeral establishment" means a place of business licensed under chapter 18.39 RCW as a funeral establishment.

(16) "Government agencies" include state boards, commissions, committees, departments, educational institutions, or other state agencies which are created by or pursuant to statute, other than courts and the legislature; county or city agencies, United States federal agencies, and federally recognized tribes and tribal organizations.

(17) "Human remains" means the body of a deceased person, includes the body in any stage of decomposition, and includes cremated human remains, but does not include human remains that are or were at any time under the jurisdiction of the state physical anthropologist under chapter 27.44 RCW.

(18) "Individual" means a natural person.

(19) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with an intention other than to produce a live-born infant, and which does not result in a live birth.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(20) "Informational copy" means a birth or death record issued from the central vital records system, containing all or part of the information contained in the original vital record from which the document is derived, and indicating it cannot be used for legal purposes on its face.

(21) "Legal guardian" means a person who serves as a guardian for the purpose of either legal or custodial matters, or both, relating to the person for whom the guardian is appointed. The term legal guardian includes, but is not limited to, guardians appointed pursuant to chapters ~~((41.88))~~ 11.130 and 13.36 RCW.

(22) "Legal representative" means a licensed attorney representing either the subject of the record or qualified applicant.

(23) "Live birth" means the complete expulsion or extraction of a product of human conception from the individual who gave birth, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(24) "Local health officer" has the same meaning as in chapter 70.05 RCW.

(25) "Medical certifier" for a death or fetal death means an individual required to attest to the cause of death information provided on a report of death or fetal death. Each individual certifying cause of death or fetal death may certify cause of death only as permitted by that individual's professional scope of practice. These individuals include:

(a) A physician, physician's assistant, or an advanced registered nurse practitioner last in attendance at death or who treated the decedent through examination, medical advice, or medications within the twelve months preceding the death;

(b) A midwife, only in cases of fetal death; and

(c) A physician performing an autopsy, when the decedent was not treated within the last twelve months and the person died a natural death.

(26) "Medical examiner" means the person appointed under chapter 36.24 RCW to fulfill the responsibilities established under chapter 36.24 RCW.

(27) "Midwife" means a person licensed to practice midwifery pursuant to chapter 18.50 RCW.

(28) "Physician" means a person licensed to practice medicine, naturopathy, or osteopathy pursuant to Title 18 RCW.

(29) "Registration" or "register" means the process by which a report is approved and incorporated as a vital record into the vital records system.

(30) "Registration date" means the month, day, and year a report is incorporated into the vital records system.

(31) "Report" means an electronic or paper document containing information related to a vital life event for the purpose of registering the vital life event.

(32) "Sealed record" means the original record of a vital life event and the evidence submitted to support a change to the original record.

(33) "Secretary" means the secretary of the department of health.

(34) "State" means Washington state unless otherwise specified.

(35) "State registrar" means the person appointed by the secretary to administer the vital records system under RCW 70.58A.030.

(36) "Territory of the United States" means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(37) "Vital life event" means a birth, death, fetal death, marriage, dissolution of marriage, dissolution of domestic

partnership, declaration of invalidity of marriage, declaration of invalidity of domestic partnership, and legal separation.

(38) "Vital record" or "record" means a report of a vital life event that has been registered and supporting documentation.

(39) "Vital records system" means the statewide system created, operated, and maintained by the department under this chapter.

(40) "Vital statistics" means the aggregated data derived from vital records, including related reports, and supporting documentation.

Sec. 730. RCW 70.97.040 and 2013 c 23 s 179 are each amended to read as follows:

(1)(a) Every person who is a resident of an enhanced services facility shall be entitled to all the rights set forth in this chapter, and chapters 71.05 and 70.96A RCW, and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, or chapter 71.05 or 70.96A RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or ~~((41.88))~~ 11.130 RCW.

(c) At the time of his or her treatment planning meeting, every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section. The department shall by rule develop a statement and process for informing residents of their rights in a manner that is likely to be understood by the resident.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, or 71.05 RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(6) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.215 or 71.05.217, or the performance of electroconvulsant therapy, or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(h) To discuss and actively participate in treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue; and

(k) To complain about rights violations or conditions and request the assistance of a mental health ombuds or representative of Washington protection and advocacy. The facility may not prohibit or interfere with a resident's decision to consult with an advocate of his or her choice.

(7) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(8) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

(9) A person has a right to refuse placement, except where subject to commitment, in an enhanced services facility. No person shall be denied other department services solely on the grounds that he or she has made such a refusal.

(10) A person has a right to appeal the decision of the department that he or she is eligible for placement at an enhanced services facility, and shall be given notice of the right to appeal in a format that is accessible to the person with instructions regarding what to do if the person wants to appeal.

Sec. 731. RCW 71.05.360 and 2019 c 446 s 13 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or ~~((41.88))~~ 11.130 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program the personnel of the facility or the designated crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 732. RCW 71.32.020 and 2016 c 209 s 407 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that an adult has not been found to be incapacitated pursuant to this chapter or ~~((RCW 11.88.010(1)(e)))~~ subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means an adult who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be ~~((incompetent pursuant to RCW 11.88.010(1)(e)))~~ subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after the person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means an adult who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

Sec. 733. RCW 71A.16.030 and 1998 c 216 s 4 are each amended to read as follows:

~~(1) ((The department will develop an outreach program to ensure that any eligible person with developmental disabilities services in homes, the community, and residential habilitation centers will be made aware of these services. This subsection (1) expires June 30, 2003.~~

~~(2)) The secretary shall establish a single procedure for persons to apply for a determination of eligibility for services provided to persons with developmental disabilities.~~

~~((3) Until June 30, 2003, the procedure set out under subsection (1) of this section must require that all applicants and all persons with developmental disabilities currently receiving services from the division of developmental disabilities within the department be given notice of the existence and availability of residential habilitation center and community support services. For genuine choice to exist, people must know what the options are. Available options must be clearly explained, with services customized to fit the unique needs and circumstances of developmentally disabled clients and their families. Choice of providers and design of services and supports will be determined by the individual in conjunction with the department. When the person cannot make these choices, the person's legal guardian may make them, consistent with chapter 11.88 or 11.92 RCW. This subsection expires June 30, 2003.~~

~~(4)) (2) An application may be submitted by a person with a developmental disability, by the legal representative of a person with a developmental disability, or by any other person who is authorized by rule of the secretary to submit an application.~~

Sec. 734. RCW 73.36.050 and 1994 c 147 s 4 are each amended to read as follows:

(1) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within thirty days after mailing of notice by the veterans administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this state.

(2) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the veterans administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(3) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

(4) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration.

(5) All proceedings under this chapter shall be governed by the provisions of ~~((chapters 11.88 and 11.92))~~ chapter 11.130 RCW which shall prevail over any conflicting provisions of this chapter.

Sec. 735. RCW 74.34.020 and 2019 c 325 s 5030 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) ~~("Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1)(a), (b), (c), or (d).)~~

((44)) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

((42)) (11) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

((43)) (12)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter ((44.92)) 11.130 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

((44)) (13) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare,

mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

((45)) (14) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

((46)) (15) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

((47)) (16) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

((48)) (17) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

((49)) (18) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

((20)) (19) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

((24)) (20) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

((22)) (21) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) ~~((Found incapacitated under chapter 11.88 RCW)) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or~~

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

~~((23))~~ (22) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

Sec. 736. RCW 74.34.067 and 2013 c 263 s 3 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department has reason to believe that the vulnerable adult has suffered from abandonment, abuse, financial exploitation, neglect, or self-neglect, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship ~~((action))~~, conservatorship, or other protective proceedings under chapter ~~((11.88))~~ 11.130 RCW.

(6) For purposes consistent with this chapter, the department, the certified professional guardian board, and the office of public guardianship may share information contained in reports and investigations of the abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. This information may be used solely for (a) recruiting or appointing appropriate guardians and (b) monitoring, or when appropriate, disciplining certified professional or public guardians. Reports of abuse, abandonment, neglect, self-neglect, and financial exploitation are confidential under RCW 74.34.095 and other laws, and secondary disclosure of information shared under this section is prohibited.

(7) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department

shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

(8) The department's adult protective services division may enter into agreements with federally recognized tribes to investigate reports of abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults on property over which a federally recognized tribe has exclusive jurisdiction. If the department has information that abandonment, abuse, financial exploitation, or neglect is criminal or is placing a vulnerable adult on tribal property at potential risk of personal or financial harm, the department may notify tribal law enforcement or another tribal representative specified by the tribe. Upon receipt of the notification, the tribe may assume jurisdiction of the matter. Neither the department nor its employees may participate in the investigation after the tribe assumes jurisdiction. The department, its officers, and its employees are not liable for any action or inaction of the tribe or for any harm to the alleged victim, the person against whom the allegations were made, or other parties that occurs after the tribe assumes jurisdiction. Nothing in this section limits the department's jurisdiction and authority over facilities or entities that the department licenses or certifies under federal or state law.

(9) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

(10) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

Sec. 737. RCW 74.34.135 and 2007 c 312 s 9 are each amended to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's ~~((full))~~ guardian ~~((over either the person or the estate))~~, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than six court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over either the person or the estate, or both, under the guardianship laws,))~~ subject to a guardianship, conservatorship, or other protective arrangement under chapter ((41.88)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

Sec. 738. RCW 74.34.163 and 2007 c 312 s 10 are each amended to read as follows:

Any vulnerable adult who ~~((has not been adjudicated fully incapacitated under chapter 11.88 RCW, or the vulnerable adult's guardian,))~~ is subject to a limited guardianship, limited conservatorship, or other protective arrangement under chapter 11.130 RCW, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement may at any time subsequent to entry of a permanent protection order under this chapter, ~~((may))~~ apply to the court for an order to modify or vacate the order. In a hearing on an application to dismiss or modify the protection order, the court shall grant such relief consistent with RCW 74.34.110 as it deems necessary for the protection of the vulnerable adult, including dismissal or modification of the protection order.

Sec. 739. RCW 74.42.430 and 1980 c 184 s 12 are each amended to read as follows:

The facility shall develop written guidelines governing:

- (1) All services provided by the facility;
- (2) Admission, transfer or discharge;
- (3) The use of chemical and physical restraints, the personnel authorized to administer restraints in an emergency, and procedures for monitoring and controlling the use of the restraints;
- (4) Procedures for receiving and responding to residents' complaints and recommendations;

(5) Access to, duplication of, and dissemination of information from the resident's record;

(6) Residents' rights, privileges, and duties;

(7) Procedures if the resident is adjudicated incompetent or incapable of understanding his or her rights and responsibilities;

(8) When to recommend initiation of guardianship, conservatorship, or other protective arrangement proceedings under chapter ~~((41.88))~~ 11.130 RCW; ~~((and))~~

(9) Emergencies;

(10) Procedures for isolation of residents with infectious diseases; and

(11) Procedures for residents to refuse treatment and for the facility to document informed refusal.

The written guidelines shall be made available to the staff, residents, members of residents' families, and the public.

PART VIII

INTENT

NEW SECTION. Sec. 801. A new section is added to chapter 11.130 RCW to read as follows:

It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. The legislature recognizes that people with incapacities have unique abilities and needs, and that some people with incapacities cannot exercise their rights or provide for their basic needs without the help of a guardian. However, their liberty and autonomy should be restricted through guardianship, conservatorship, emergency guardianship, emergency conservatorship, and other protective arrangements only to the minimum extent necessary to adequately provide for their own health or safety, or to adequately manage their financial affairs.

PART IX TECHNICAL

NEW SECTION. Sec. 901. Sections 601 through 612 of this act are each added to chapter 11.130 RCW.

Sec. 902. RCW 11.130.915 and 2019 c 437 s 807 are each amended to read as follows:

This act takes effect January 1, ~~((2021))~~ 2022, except that:

(1) Section 129, chapter 437, Laws of 2019 takes effect on the effective date of this section; and

(2) With respect to minors, sections 101 through 128, 130 through 136, 201 through 216, 602, 802, 803, and 805, chapter 437, Laws of 2019 take effect January 1, 2021.

NEW SECTION. Sec. 903. 2019 c 437 s 801 (uncodified) is repealed.

NEW SECTION. Sec. 904. The following acts or parts of acts are each repealed:

(1) RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2) RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3) RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4) RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5) RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.115 (Notice to department of revenue);

(18)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(19)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(20)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(21)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(22)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(23)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(24)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(25)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(26)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(27)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(28)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(29)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(30)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(31)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(32)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(33)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(34)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(35)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(36)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(37)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(38)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(39)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(40)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(41)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(42)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(43)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(44)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(45)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(46)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(47)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(48)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(49)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14; and

(50)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 905. The following acts or parts of acts are each repealed:

- (1)RCW 26.10.010 (Intent) and 1987 c 460 s 25;
- (2)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;
- (3)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;
- (4)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;
- (5)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;
- (6)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;
- (7)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;
- (8)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;
- (9)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;
- (10)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;
- (11)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;
- (12)RCW 26.10.080 (Payment of costs, attorney's fees, etc.) and 1987 c 460 s 35;
- (13)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;
- (14)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;
- (15)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;
- (16)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;
- (17)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;
- (18)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;
- (19)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;
- (20)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;
- (21)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;
- (22)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;
- (23)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;
- (24)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(25)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(26)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(27)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(28)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 906. A new section is added to chapter 11.130 RCW to read as follows:

(1) To the extent of a conflict between this chapter and chapter 11.88 or 11.92 RCW, chapter 11.88 or 11.92 RCW prevails.

(2) This section expires January 1, 2022.

NEW SECTION. Sec. 907. (1) Except for sections 101 through 122, 301 through 307, 312, 313, 725, 801, 902, 903, 905, and 906 of this act, this act takes effect January 1, 2022.

(2) Sections 101 through 122, 301 through 307, 312, 313, 725, 801, 905, and 906 of this act take effect January 1, 2021."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6287.

Senators Pedersen and Padden spoke in favor of the motion.

Senator Sheldon spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6287.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6287 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1808 by House Committee on Finance (originally sponsored by Orcutt)
AN ACT Relating to making the nonprofit and library fund-raising exemption permanent; amending RCW 82.12.225; and creating a new section.

Referred to Committee on Ways & Means.

HB 2505 by Representatives Robinson, Boehnke, Chapman, Leavitt, Orcutt, Doglio and Tharinger
AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2943 by Representatives Robinson, Chapman and Tharinger
AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2950 by House Committee on Finance (originally sponsored by Macri and Ramel)
AN ACT Relating to addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group; amending RCW 84.14.020 and 84.14.100; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6300 with the following amendment(s): 6300-S.E AMH ENGR H5181.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to read as follows:

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under RCW 16.08.080; (b) owner does not secure the liability insurance coverage required under RCW 16.08.080; (c) dog is not maintained in the proper enclosure; or (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within twenty days. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether or not the dog has previously been declared potentially dangerous or dangerous, shall, upon conviction, be guilty of a class C felony punishable in accordance with RCW 9A.20.021. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) Trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog. In such a prosecution, the state has the burden of showing that the owner of the dog either knew or should have known that the dog was potentially dangerous as defined in this chapter. The state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

dog to be a particular breed or breeds. In addition, the dog shall be immediately confiscated by an animal control authority, quarantined, and upon conviction of the owner destroyed in an expeditious and humane manner.

~~((4) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.))~~

Sec. 2. RCW 16.52.011 and 2019 c 174 s 3 are each amended to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner, or by a person who has taken control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117, or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal's adequate care.

(b) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

(c) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

(d) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (h) of this subsection and RCW 16.52.025.

(e) "Dog" means an animal of the species *Canis lupus familiaris*.

(f) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

(g) "Food" means food or feed appropriate to the species for which it is intended.

(h) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

(i) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(j) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, and bison.

(k) "Malice" has the same meaning as provided in RCW 9A.04.110, but applied to acts against animals.

(l) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age, species, and condition, and that is sufficient to provide a reasonable level of nutrition for the animal and is easily accessible to the animal or as directed by a veterinarian for medical reasons.

(m) "Necessary shelter" means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

(n) "Necessary water" means water that is in sufficient quantity and of appropriate quality for the species for which it is intended

and that is accessible to the animal or as directed by a veterinarian for medical reasons.

(o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

(p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

~~(q) ("Similar animal" means: (i) For a mammal, another animal that is in the same taxonomic order; or (ii) for an animal that is not a mammal, another animal that is in the same taxonomic class.~~

~~(+))~~ "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

~~((s))~~ (r) "Tether" means: (i) To restrain an animal by tying or securing the animal to any object or structure; and (ii) a device including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

Sec. 3. RCW 16.52.085 and 2016 c 181 s 1 are each amended to read as follows:

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has

prohibited the owner from owning, caring for, or residing with ~~((a similar))~~ animals under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

(5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court. Copies of the petition must be served on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the hearing on the petition, then the petition shall be joined with the criminal matter.

(6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

Sec. 4. RCW 16.52.095 and 1994 c 261 s 7 are each amended to read as follows:

~~((It shall not be lawful for))~~ (1) Except as provided in subsection (2) of this section, it is a misdemeanor:

~~(a) For any person to cut off more than one-half of the ear or ears of any domestic animal such as an ox, cow, bull, calf, sheep, goat, or hog((, or dog, and any person cutting off more than one-half of the ear or ears of any such animals, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum less than twenty dollars. This section does not apply if cutting off more than one-half of the ear of the animal is a customary husbandry practice)); or~~

~~(b) For any person to:~~

~~(i) Devocalize a dog;~~

~~(ii) Crop or cut off any part of the ear of a dog; or~~

~~(iii) Crop or cut off any part of the tail of a dog that is seven days old or older, or has opened its eyes, whichever occurs sooner.~~

(2) This section does not apply if the person performing the procedure is a licensed veterinarian utilizing accepted veterinary surgical protocols that may include local anesthesia, general anesthesia, or perioperative pain management.

Sec. 5. RCW 16.52.200 and 2016 c 181 s 2 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

(4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, possessing, or residing with any ~~((similar))~~ animals for a period of time as follows:

(a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

(c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own ~~((or possess a similar animal))~~, care for, possess, or reside with animals five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

(a) The person's prior animal cruelty in the second degree convictions;

(b) The type of harm or violence inflicted upon the animals;

(c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

(d) Whether the person complied with the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals; and

(e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

(6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(8) If a person violates the prohibition on owning, caring for, possessing, or residing with ~~((similar))~~ animals under subsection (4) of this section, that person:

(a) Shall pay a civil penalty of one thousand dollars for the first violation;

(b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and

(c) Is guilty of a gross misdemeanor for the third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

Sec. 6. RCW 16.52.205 and 2015 c 235 s 6 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering or while manifesting

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

an extreme indifference to life, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2)(a) A person is guilty of animal cruelty in the first degree when, except as authorized by law or as provided in (c) of this subsection, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal, or exposes an animal to excessive heat or cold and as a result causes: ~~((a))~~ (i) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or ~~((b))~~ (ii) death.

(b) In determining whether an animal has experienced the condition described in (a)(i) of this subsection due to exposure to excessive heat or cold, the trier of fact shall consider any evidence as to: (i) Whether the animal's particular species and breed is physiologically adaptable to the conditions to which the animal was exposed; and (ii) the animal's age, health, medical conditions, and any other physical characteristics of the animal or factor that may affect its susceptibility to excessive heat or cold.

(c) A person is not guilty of animal cruelty in the first degree by means of exposing an animal to excessive heat or cold if the exposure is due to an unforeseen or unpreventable accident or event caused exclusively by an extraordinary force of nature.

(3) A person is guilty of animal cruelty in the first degree when he or she:

(a) Knowingly engages in any sexual conduct or sexual contact with an animal;

(b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;

(c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;

(d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or

(e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.

(4) Animal cruelty in the first degree is a class C felony.

(5) In addition to the penalty imposed in subsection (4) of this section, the court ~~((may))~~ must order that the convicted person ~~((do any of the following:~~

~~(a) Not harbor or own animals or reside in any household where animals are present;~~

~~(b))~~ not own, care for, possess, or reside in any household where an animal is present, in accordance with RCW 16.52.200.

(6) In addition to the penalties imposed in subsections (4) and (5) of this section, the court may order that the convicted person:

(a) Participate in appropriate counseling at the defendant's expense;

~~((e))~~ (b) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in ((subsection (3) of)) this section.

~~((6))~~ (7) Nothing in this section ((may be considered to)) prohibits accepted animal husbandry practices or ((accepted veterinary medical practices by)) prohibits a licensed veterinarian or certified veterinary technician from performing procedures on an animal that are accepted veterinary medical practices.

~~((7))~~ (8) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.

~~((8))~~ (9) For purposes of this section:

(a) "Animal" means every creature, either alive or dead, other than a human being.

(b) "Sexual conduct" means any touching ~~((or))~~ by a person of, fondling by a person of, transfer of saliva by a person to, or use of a foreign object by a person on, ((either directly or through clothing, of)) the sex organs or anus of an animal, either directly or through clothing, or any transfer or transmission of semen by the person upon any part of the animal ~~((for the purpose of sexual gratification or arousal of the person)).~~

(c) "Sexual contact" means ~~((any))~~ (i) Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or between the sex organ or anus of a person and the mouth of an animal; or (ii) any intrusion, however slight, of any part of the body of the person or foreign object into the sex organ or anus of an animal ~~((or any intrusion of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or arousal of the person)).~~

(d) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image.

Sec. 7. RCW 16.52.207 and 2019 c 174 s 2 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty:

(a) The person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal; or

(b) The person takes control, custody, or possession of an animal that was involved in animal fighting as described in RCW 16.52.117 and knowingly, recklessly, or with criminal negligence abandons the animal ~~((and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

~~(b) ((Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons))~~ Abandons the animal ~~((or~~

~~(e) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm)).~~

(3) Animal cruelty in the second degree is a gross misdemeanor.

~~((4) In any prosecution of animal cruelty in the second degree under subsection (1)(a) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.))~~

Sec. 8. RCW 16.54.020 and 2011 c 336 s 425 are each amended to read as follows:

Any person having in his or her care, custody, or control any abandoned animal as defined in RCW 16.54.010, may deliver such animal to any ~~((humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within~~

~~the county~~) animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such animals. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, the person with whom the animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

Sec. 9. RCW 16.54.030 and 1955 c 190 s 3 are each amended to read as follows:

It shall be the duty of the sheriff of such county upon being so notified, to dispose of such animal as provided by law in reference to estrays if such law is applicable to the animal abandoned, or if not so applicable then deliver such an animal to any animal care and control agency as defined in RCW 16.52.011 or to an animal rescue group as defined in RCW 82.04.040 having the facilities and resources necessary for the care of such an animal. If such an animal care and control agency or animal rescue group cannot reasonably be identified to receive the animal, then such an animal shall be sold by the sheriff at public auction. Notice of any such sale shall be given by posting a notice in three public places in the county at least ten days prior to such public sale. Proceeds of such sale shall be paid to the county treasurer for deposit in the county general fund.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1)RCW 16.08.030 (Marauding dog—Duty of owner to kill) and 1929 c 198 s 7;

(2)RCW 16.52.110 (Old or diseased animals at large) and 2011 c 336 s 424 & 1901 c 146 s 13; and

(3)RCW 16.52.165 (Punishment—Conviction of misdemeanor) and 1982 c 114 s 7 & 1901 c 146 s 16."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6300.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6300.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6300 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6300, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Schoesler, Wagoner and Warnick

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 6300, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6592 with the following amendment(s): 6592-S.E AMH FIN H5333.1

On page 2, line 29, after "area." insert "To impose the additional charge, signatures of the persons who operate lodging businesses who would pay sixty percent or more of the proposed charges must be provided together with the proposed uses and projects to which the proposed revenue from the additional charge shall be put, the total estimate costs, and the estimated rate for the charge with a proposed breakdown by class of lodging business if such classification is to be used."

On page 3, line 13, after "charge." insert "The legislative authority may determine the timing of when to remove the charge so that the effective date of the expiration of the charge will not adversely impact existing contractual obligations not to exceed twelve months. The legislative authority may not be held liable for any financial obligations, contractual obligations, or damages for removing the charge."

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Holy moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6592.

Senator Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holy that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6592.

The motion by Senator Holy carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6592 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6592, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford,

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Carlyle, Honeyford, King, Padden, Rivers and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6660 with the following amendment(s): 6660-S AMH APP H5349.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.88.030 and 2006 c 334 s 43 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5)(a) Beginning in the 2021-2023 fiscal biennium, the governor's operating budget document or documents submitted to the legislature must leave, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2021-2023 fiscal biennium, the projected maintenance level of the governor's operating budget document or documents submitted to the legislature must not exceed the available fiscal resources for the next ensuing fiscal biennium.

(c) For purposes of this subsection:

(i) "Available fiscal resources" means the beginning general fund and related funds balances and any fiscal resources estimated for the general fund and related funds, adjusted for proposed revenue legislation, and with forecasted revenues adjusted to the greater of (A) the official general fund and related funds revenue forecast for the ensuing biennium, or (B) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium.

(ii) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in the governor's budget document or documents submitted to the legislature or mandated by other state or federal law, adjusted by the estimated cost of proposed executive branch legislation, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution. Proposed executive branch legislation does not include proposals by institutions of higher education, other separately elected officials, or other boards, commissions, and offices not under the authority of the governor that are not funded or assumed in the governor's budget document or documents submitted to the legislature.

(iii) "Related funds" has the meaning defined in RCW 43.88.055.

(d) (b) of this subsection (5) does not apply:

(i) To any governor-proposed legislation submitted to the legislature that makes net reductions in general fund and related funds appropriations to prevent the governor from making across-the-board reductions in allotments for these particular funds as provided in RCW 43.88.110(7); or

(ii) In a fiscal biennium for which the governor proposes appropriations from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

(6) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection ~~((5))~~ (6), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

~~((6))~~ (7) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 2. RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution ~~(; but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short-term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations));~~

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution.

Sec. 3. RCW 43.135.025 and 2015 3rd sp.s. c 29 s 3 are each amended to read as follows:

(1) ~~((Beginning July 1, 2021, the state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.~~

(2) ~~Except pursuant to an appropriation under RCW 43.135.045(2), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.~~

(3) ~~The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.~~

(4) ~~For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2021, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund for the fiscal year beginning July 1, 2020, plus the fiscal growth factor.~~

(5) ~~A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the~~

~~attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on ways and means. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.~~

~~((6))) Each November, the ((state expenditure limit committee)) economic and revenue forecast council shall ((adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in)) calculate the fiscal growth factor ~~((and then project an expenditure limit))~~ for ((the next two)) each fiscal ((years)) year of the current biennium and the ensuing biennium. ~~((If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.~~~~

~~((7)))~~ (2) The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(a) "Fiscal growth factor" means the average growth in state personal income for the prior ten fiscal years.

~~((8)))~~ (b) "General fund" means the state general fund.

Sec. 4. RCW 43.135.034 and 2015 3rd sp.s. c 44 s 421 are each amended to read as follows:

(1)(a) Any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote in both the house of representatives and the senate. Pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution, tax increases may be referred to the voters for their approval or rejection at an election.

(b) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

~~((2))((a)) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature may not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee must adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment may not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit must be adjusted downward upon expiration or repeal of the legislative action.~~

(b) The ballot title for any vote of the people required under this section must be substantially as follows:

~~"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"~~

~~((3))((a)) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty four months by a law approved by a two thirds vote of each house of the legislature and signed by the governor. The law must set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.~~

~~((b)) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes expire upon expiration of the~~

~~declaration of emergency. The legislature may not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.~~

(e)) The state or any political subdivision of the state may not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

~~((4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), must lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(1)(c), in support of education or education expenditures; (b) a transfer of moneys to, or an expenditure from, the budget stabilization account; or (c) a transfer of money to, or an expenditure from, the connecting Washington account established in RCW 46.68.395.~~

~~(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), must increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.)~~

Sec. 5. RCW 82.33.060 and 2012 1st sp.s. c 8 s 4 are each amended to read as follows:

(1) To facilitate compliance with, and subject to the terms of, RCW 43.88.055 and 43.88.030, the state budget outlook work group shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010, an official state budget outlook for state revenues and expenditures for the general fund and related funds. ~~((In odd numbered years, the period covered by the November state budget outlook shall be the current fiscal biennium and the next ensuing fiscal biennium. In even numbered years, the period covered by the November state budget outlook shall be the next two ensuing fiscal biennia.))~~ The revenue and caseload projections used in the outlook must reflect the most recent official forecasts adopted by the economic and revenue forecast council and the caseload forecast council for the years for which those forecasts are available.

(2) The outlook must:

(a) Estimate revenues to and expenditures from the state general fund and related funds. The estimate of ensuing biennium expenditures must include maintenance items including, but not limited to, continuation of current programs, forecasted growth of current entitlement programs, and actions required by law, including legislation with a future implementation date. Estimates of ensuing biennium expenditures must exclude policy items including, but not limited to, legislation not yet enacted by the legislature, collective bargaining agreements not yet approved by the legislature, and changes to levels of funding for employee salaries and benefits unless those changes are required by statute. Estimated maintenance level expenditures must also exclude costs of court rulings issued during or within fewer than ninety days before the beginning of the current legislative session;

(b) Address major budget and revenue drivers, including trends and variability in these drivers;

(c) Clearly state the assumptions used in the estimates of baseline and projected expenditures and any adjustments made to those estimates;

(d) Clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates; and

(e) Include the impact of previously enacted legislation with a future implementation date.

(3) The outlook must also separately include projections based on the revenues and expenditures proposed in the governor's budget documents submitted to the legislature under RCW 43.88.030.

(4) The economic and revenue forecast council shall submit state budget outlooks prepared under this section to the governor and the members of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, as required by this section.

(5) Each January, the state budget outlook work group shall also prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the governor's proposed budget document submitted to the legislature under chapter 43.88 RCW. Within thirty days following enactment of an operating budget by the legislature, the work group shall prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the enacted budget.

(6) All agencies of state government shall provide to the supervisor immediate access to all information relating to state budget outlooks.

(7) The state budget outlook work group must publish its proposed methodology on the economic and revenue forecast council web site. The state budget outlook work group, in consultation with the economic and revenue forecast work group and outside experts if necessary, must analyze the extent to which the proposed methodology for projecting expenditures for the ensuing fiscal biennia may be reliably used to determine the future impact of appropriations and make recommendations to change the outlook process to increase reliability and accuracy. The recommendations are due by December 1, 2013, and every five years thereafter.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 43.135.010 (Findings—Intent) and 2015 3rd sp.s. c 29 s 2, 2005 c 72 s 3, 1994 c 2 s 1 (Initiative Measure No. 601, approved November 2, 1993), & 1980 c 1 s 1 (Initiative Measure No. 62, approved November 6, 1979);

(2) RCW 43.135.0341 (Child and family reinvestment account transfers) and 2012 c 204 s 3;

(3) RCW 43.135.0342 (Dedication of premium taxes under RCW 48.14.0201 or 48.14.020) and 2013 2nd sp.s. c 6 s 4;

(4) RCW 43.135.0343 (Liquefied natural gas sales tax revenue transfers) and 2014 c 216 s 407;

(5) RCW 43.135.0351 (Reinvesting in youth account transfers) and 2006 c 304 s 5;

(6) RCW 43.135.080 (Reenactment and reaffirmation of Initiative Measure No. 601—Continued limitations—Exceptions) and 1998 c 321 s 14 (Referendum Bill No. 49, approved November 3, 1998); and

(7) RCW 43.135.904 (Effective dates—1994 c 2) and 1994 c 2 s 14 (Initiative Measure No. 601, approved November 2, 1993).

NEW SECTION. Sec. 7. This act takes effect July 1, 2020." Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

MOTION

Senator Lias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6660.

Senators Rolfes and Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lias that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6660.

The motion by Senator Lias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6660 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6660, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6660, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 6660, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128 with the following amendment(s): 6128-S2.E AMH APP H5348.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In Washington and across the country, maternal mortality rates continue to be unacceptably high. Approximately seven hundred people die each year in the United States due to pregnancy-related conditions. The majority of these deaths are preventable.

(2) Maternal mortality data reveal significant racial and ethnic disparities. In this state, American Indian and Alaska native women are six to seven times as likely to die from a pregnancy-related cause than white women.

(3) The centers for disease control and prevention define the postpartum period as extending one year after the end of pregnancy, and data show that health needs continue during that entire year. In Washington, nearly one-third of all pregnancy-related deaths and the majority of suicides and accidental overdoses occurred between forty-three and three hundred sixty-five days postpartum.

(4) The maternal mortality review panel has identified access to health care services and gaps in continuity of care, especially during the postpartum period, as factors that contribute to preventable pregnancy-related deaths. In their October 2019 report to the legislature, the panel recommended ensuring funding and access to postpartum care and support through the first year after pregnancy.

(5) Postpartum medicaid coverage currently ends sixty days after pregnancy, creating an unsafe gap in coverage. Continuity of care is critical during this vulnerable time, and uninterrupted health insurance provides birthing parents with access to stable and consistent care. Extending health care coverage through the first year postpartum is one of the best tools for increasing access to care and improving maternal and infant health.

(6) The legislature therefore intends to extend health care coverage from sixty days to twelve months postpartum. Nothing in this act is intended to limit eligibility or reduce benefits that are available to pregnant or postpartum persons as of the effective date of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

The authority shall provide health care coverage to all postpartum persons who reside in Washington state, have countable income equal to or below one hundred ninety-three percent of the federal poverty level, and are not otherwise eligible for full scope coverage under Title XIX or Title XXI of the federal social security act. Health care coverage under this section must be extended by an additional ten months, for those enrolled postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage. To ensure continuity of care and maximize the efficiency of the program, the amount, scope, and duration of health care services provided to individuals under this section must be the same as that provided to pregnant and postpartum persons under medical assistance, as defined in RCW 74.09.520.

NEW SECTION. Sec. 3. To allow the state to receive federal matching funds for the coverage of postpartum persons identified in section 2 of this act, the authority shall: (1) Seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future; and (2) no later than January 1, 2021, submit a waiver request to the federal centers for medicare and medicaid services. The authority shall report to the legislature on the status of the waiver request by January 1, 2021, and inform the legislature of any statutory changes necessary to allow the state to receive federal match for the coverage of postpartum persons identified in section 2 of this act.

NEW SECTION. Sec. 4. Section 2 of this act takes effect when the state becomes eligible to receive federal financial participation for health care coverage for persons with countable income at or below one hundred ninety-three percent of the federal poverty level through twelve months postpartum.

NEW SECTION. Sec. 5. The health care authority must provide written notice of the effective date of section 2 of this act to the affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others deemed appropriate by the health care authority."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6128.

Senators Randall and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6128.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6128 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6128, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6128, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6565 with the following amendment(s): 6565 AMH TR H5339.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.575 and 1977 ex.s. c 151 s 41 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as

close as practicable to the left edge of the left-hand shoulder. This subsection does not apply to the parking of motorcycles, unless a local jurisdiction prohibits angle parking as permitted under subsection (3)(a)(i) of this section and does not otherwise specify the manner in which a motorcycle must park.

(3)(a)(i) Every motorcycle stopped or parked on a one-way or two-way highway shall be so stopped or parked parallel or at an angle to the curb or edge of the highway with at least one wheel or fender within twelve inches of the curb nearest to which the motorcycle is parked or as close as practicable to the edge of the shoulder nearest to which the motorcycle is parked. A motorcycle may not be parked in such a manner that it extends into the roadway.

(ii) A county, city, or town may by ordinance prohibit the angle stopping or parking of a motorcycle as specified in (a)(i) of this subsection, but must post visible signage in a location to provide notice of the prohibition on angle stopping or parking for the prohibition to apply to that location.

(b)(i) More than one motorcycle may occupy a parking space, provided that the parked motorcycles occupying the parking space do not exceed the boundaries of that parking space.

(ii) All motor vehicle parking laws and penalties for the unlawful parking of a motor vehicle apply to each motorcycle parked in a parking space when multiple motorcycles are parked in that space to the same extent that motor vehicle parking laws apply to a single motor vehicle when it is the sole motor vehicle parked in a parking space. When proof of payment is required to be displayed by each motor vehicle parking at a location, all motorcycles must display such proof of payment, even if more than one motorcycle is parked in the same parking space. However, parking spaces that are metered by the space may not require payment multiple times for the use of a single parking space by multiple motorcycles during the same period of time.

(4) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. The angle parking of motorcycles, which is governed under subsection (3) of this section, is not subject to this determination by the secretary of transportation.

((4)) (5) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Senate Bill No. 6565.

Senator Randall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Senate Bill No. 6565.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6565 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SENATE BILL NO. 6565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Fey, Barkis, Wylie and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 2322 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2322 and the House amendment(s) there to: Senators Hobbs, King and Saldaña.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 5792 with the following amendment(s): 5792 AMH RYUC JONC 205; 5792 AMH BERG H5357.1

On page 6, line 23, after "entity;" strike "and" and insert "((and))"

On page 6, line 28, after "organizations;" insert "and

(f) Procedures to be used by the designated entity in considering the award of funding to community preservation and development authorities formed under chapter 43.167 RCW, if any exist within the county. The procedures must ensure the eligibility of and consider support for the projects and programs identified in the strategic preservation and development plans, adopted pursuant to RCW 43.167.030, of each community preservation and development authority within the county;"

On page 5, line 34, after "county." insert "A public school cultural access program must provide every school in the county a list of appropriate off-site cultural experiences and a list of appropriate on-site cultural experiences for each grade level, every year. Information notifying schools of available transportation funding must be included in the list of off-site cultural experiences."

On page 6, line 2, after "funding" insert ". A public school cultural access program must provide transportation to off-site cultural experiences for all students at all schools in the county that are located within a school district in which at least forty percent of the district's students are eligible for the federal free and reduced-price school meals program. The county may limit its spending on the transportation benefit to no more than five percent of funds collected each year under RCW 36.160.080"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Salomon moved that the Senate concur in the House amendment(s) to Senate Bill No. 5792.

Senators Salomon and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Salomon that the Senate concur in the House amendment(s) to Senate Bill No. 5792.

The motion by Senator Salomon carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5792 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5792, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5792, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Honeyford

Excused: Senator Ericksen

SENATE BILL NO. 5792, as amended by the House, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6027 with the following amendment(s): 6027-S2 AMH LEKA HATF 052

On page 2, line 32, after "residence" insert ". All replacements and remodels which add one hundred twenty square feet or more to the living space must require on-board gray-water containment or a waste-water connection that disposes of the gray water to a waste-water disposal system"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6027.

Senators Pedersen and Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6027.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6027 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6027, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6027, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 6027, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5149 with the following amendment(s): 5149-S2 AMH GOOD HARO 467

On page 5, beginning on line 38, after "individual" strike all material through "away" on line 39 and insert "enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wilson, L. moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5149.

Senator Wilson, L. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, L. that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5149.

The motion by Senator Wilson, L., carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5149 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5149, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5149, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5149, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6090 with the following amendment(s): 6090 AMH CRJ H5207.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) Any fire protection service agency, as defined in RCW 52.12.160, as well as the firefighters therein, whether volunteer or paid, that delivers to, or installs at, residential premises a device or batteries for such a device is not liable for civil damages resulting from any act or omission in the delivery or installation of a device or batteries for such a device, provided:

(a) Such installation was done in conformance with the manufacturer's instructions;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Such installation or delivery was in the fire protection service agency's official capacity; and

(c) The act or omission did not constitute gross negligence or willful or wanton misconduct.

(2) Any device delivered or installed pursuant to subsection (1) of this section must be new and meet all applicable current safety and manufacturing standards.

(3) Smoke alarm installation program records considered a public record by chapter 40.14 RCW shall be retained in accordance with the schedule provided within that law.

(4) Nothing in this section shall be construed to limit or otherwise affect the obligations and duties of the owner or occupier of the residential premises receiving such delivery or installation services.

(5) For purposes of this section, "device" includes any battery-operated or plug-in smoke detector, carbon monoxide detector, or combination smoke and carbon monoxide detector."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Warnick moved that the Senate concur in the House amendment(s) to Senate Bill No. 6090.

Senator Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Warnick that the Senate concur in the House amendment(s) to Senate Bill No. 6090.

The motion by Senator Warnick carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6090 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6090, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SENATE BILL NO. 6090, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6305 with the following amendment(s): 6305 AMH LG H5203.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 27.12.222 and 1984 c 186 s 8 are each amended to read as follows:

A rural county library district, intercounty rural library district, or island library district may contract indebtedness and issue general obligation bonds not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-tenth of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. The maximum term of nonvoter approved general obligation bonds shall not exceed ~~((six))~~ twenty years. A rural county library district, island library district, or intercounty rural library district may additionally contract indebtedness and issue general obligation bonds for capital purposes only, together with any outstanding general indebtedness, not to exceed an amount equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015 whenever a proposition authorizing the issuance of such bonds has been approved by the voters of the district pursuant to RCW 39.36.050, by three-fifths of the persons voting on the proposition at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize at an election held pursuant to RCW 39.36.050, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050 or 27.12.150 or any other statute pertaining to such library districts.

Sec. 2. RCW 27.15.020 and 2015 c 53 s 4 are each amended to read as follows:

(1) Upon receipt of a completed written request to both establish a library capital facility area and submit a ballot proposition under RCW 27.15.050 to finance library capital facilities, that is signed by a majority of the members of the board of trustees of a library district or board of trustees of a city or town library, the county legislative authority or county legislative authorities for the county or counties in which a proposed library capital facility area is to be established ~~((shall))~~ must submit ~~((separate))~~ a ballot proposition~~((s))~~ to voters to ~~((authorize establishing))~~ establish the proposed library capital facility area and ~~((authorizing))~~ authorize the library capital facility area~~((, if established,))~~ to finance library capital facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. The ballot proposition~~((s-shall))~~ must be submitted to voters at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed library capital facility area is already holding a special election under RCW 29A.04.330. ~~((Approval of the ballot proposition to create a library capital facility area shall be))~~ The ballot proposition must be approved by a ((simple majority)) supermajority vote.

(2) A completed request submitted under this section ~~((shall))~~ must include: ~~((1))~~ (a) A description of the boundaries of the library capital facility area; and ~~((2))~~ (b) a copy of the resolution of the legislative authority of each city or town, and board of trustees of each library district, with territory included within the proposed library capital facility area indicating both: ~~((a))~~ (i) Its approval of the creation of the proposed library capital facility area; and ~~((b))~~ (ii) agreement on how election costs will be paid

for submitting the ballot proposition(s) to voters ((that authorize the library capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness)).

(3) For the purposes of this section, a supermajority vote means the affirmative vote of a three-fifths majority of those voting on the proposition, and the total number of persons voting on the proposition must be at least 40 percent of the voters in the proposed library capital facility area who voted in the last preceding statewide general election."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Senate Bill No. 6305.

Senators Liias and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Senate Bill No. 6305.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6305 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa, Padden and Schoesler

Excused: Senator Ericksen

SENATE BILL NO. 6305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SECOND ENGROSSED SENATE BILL NO. 5887 with the following amendment(s): 5887.E2 AMH HCW H5018.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to facilitate patient access to appropriate therapies for newly diagnosed health conditions while recognizing the necessity for health carriers to employ reasonable utilization management techniques.

Sec. 2. RCW 48.43.016 and 2019 c 308 s 22 are each amended to read as follows:

(1) A health carrier or its contracted entity that imposes different prior authorization standards and criteria for a covered service among tiers of contracting providers of the same licensed profession in the same health plan shall inform an enrollee which tier an individual provider or group of providers is in by posting the information on its web site in a manner accessible to both enrollees and providers.

(2)(a) A health carrier or its contracted entity may not require utilization management or review of any kind including, but not limited to, prior, concurrent, or postservice authorization for an initial evaluation and management visit and up to six ~~((consecutive))~~ treatment visits with a contracting provider in a new episode of care ~~((of chiropractic))~~ for each of the following: Chiropractic, physical therapy, occupational therapy, acupuncture and Eastern medicine, massage therapy, or speech and hearing therapies ((that meet the standards of medical necessity and)). Visits for which utilization management or review is prohibited under this section are subject to quantitative treatment limits of the health plan. Notwithstanding RCW 48.43.515(5) this section may not be interpreted to limit the ability of a health plan to require a referral or prescription for the therapies listed in this section.

(b) For visits for which utilization management or review is prohibited under this section, a health carrier or its contracted entity may not:

(i) Deny or limit coverage on the basis of medical necessity or appropriateness; or

(ii) Retroactively deny care or refuse payment for the visits.

(3) A health carrier shall post on its web site and provide upon the request of a covered person or contracting provider any prior authorization standards, criteria, or information the carrier uses for medical necessity decisions.

(4) A health care provider with whom a health carrier consults regarding a decision to deny, limit, or terminate a person's covered health care services must hold a license, certification, or registration, in good standing and must be in the same or related health field as the health care provider being reviewed or of a specialty whose practice entails the same or similar covered health care service.

(5) A health carrier may not require a provider to provide a discount from usual and customary rates for health care services not covered under a health plan, policy, or other agreement, to which the provider is a party.

(6) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(7) For purposes of this section:

(a) "New episode of care" means treatment for a new ~~((or recurrent))~~ condition or diagnosis for which the enrollee has not been treated by ~~((the))~~ a provider of the same licensed profession within the previous ninety days and is not currently undergoing any active treatment.

(b) "Contracting provider" does not include providers employed within an integrated delivery system operated by a carrier licensed under chapter 48.44 or 48.46 RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Second Engrossed Senate Bill No. 5887.

Senator Short spoke in favor of the motion.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Second Engrossed Senate Bill No. 5887.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Second Engrossed Senate Bill No. 5887 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5887, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5887, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SECOND ENGROSSED SENATE BILL NO. 5887, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 5811 with the following amendment(s): 5811 AMH ENVI H3323.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.120A.010 and 2010 c 76 s 1 are each amended to read as follows:

(1) Pursuant to the federal clean air act, the legislature adopts the California motor vehicle emission standards in Title 13 of the California Code of Regulations(~~(effective January 1, 2005, except as provided in this chapter)~~). The department of ecology shall adopt rules to implement the motor vehicle emission standards of the state of California (~~(for passenger cars, light duty trucks, and medium duty passenger vehicles)~~), including the zero emission vehicle program, and shall amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Sec. 7507 (section 177 of the federal clean air act). (~~Notwithstanding other provisions of this chapter, the department of ecology shall not adopt the zero emission vehicle program regulations contained in Title 13 section 1962 of the California Code of Regulations effective January 1, 2005. During rule development, the department of ecology shall convene an advisory group composed of industry and consumer group representatives. Any proposed rules or changes to rules shall be subject to review and comment by the advisory group, prior to rule adoption. The order of adoption for the rules required in this section shall include the signature of the governor. The rules shall be effective only for those model years for which the state of Oregon has adopted the California motor~~

~~vehicle emission standards. This section does not limit the department of ecology's authority to regulate motor vehicle emissions for any other class of vehicle.~~

(2) ~~Motor vehicles with a model year equal to or later than the first model year for which new vehicles sold to Washington state residents are required to comply with California motor vehicle emission standards are exempt from emission inspections under chapter 70.120 RCW.~~

(3)) (2) The provisions of this chapter do not apply with respect to the use by a resident of this state of a motor vehicle acquired and used while the resident is a member of the armed services and is stationed outside this state pursuant to military orders.

Sec. 2. RCW 70.120A.050 and 2014 c 76 s 8 are each amended to read as follows:

(1) No model year 2010 or subsequent model year new passenger car, light duty truck, or medium duty (~~(passenger)~~) vehicle may be sold in Washington unless there is securely and conspicuously affixed in a clearly visible location a label on which the manufacturer clearly discloses comparative greenhouse gas emissions for that new vehicle.

(2) The label required by this section should include a greenhouse gas index or rating system that contains quantitative and graphical information presented in a continuous, easy-to-read scale that compares the greenhouse gas emissions from the vehicle with the average projected greenhouse gas emissions from all passenger cars, light duty trucks, and medium duty (~~(passenger)~~) vehicles of the same model year. For reference purposes, the index or rating system should also identify the greenhouse gas emissions from the vehicle model of that same model year that has the lowest greenhouse gas emissions.

(3) The index or rating system included in the label under subsection (2) of this section shall be updated as necessary to ensure that the differences in greenhouse gas emissions among vehicles are readily apparent to the consumer.

(4) An automobile manufacturer may apply to the department of ecology for approval of an alternative to the disclosure labeling requirement that is at least as effective in providing notification and disclosure of the vehicle's greenhouse gas emissions as is the labeling required by this section.

(5) A label that complies with the requirements of the California greenhouse gas vehicle labeling program shall be deemed to meet the requirements of this section and any rules adopted under this section.

(6) The department of ecology may adopt such rules as are necessary to implement this section.

NEW SECTION. Sec. 3. RCW 70.120A.020 (Early credits and banking—Alternative means of compliance) and 2005 c 295 s 3 are each repealed."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5811.

Senator Nguyen spoke in favor of the motion.

Senators Fortunato and Padden spoke against the motion.

Senator Sheldon made spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Senate Bill No. 5811.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5811 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5811, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5811, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Ericksen

SENATE BILL NO. 5811, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6561 with the following amendment(s): 6561-S2 AMH ENGR H5146.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that students seeking to attend an institution of higher education or to receive training at a technical college have a variety of ways to fund their education. Students who meet Washington state residency requirements have access to state-funded financial aid programs such as the Washington college grant, college bound, and running start. While state residents have access to these state-sponsored financial aid options, not all state residents are eligible to receive federal financial aid such as the Pell grant or subsidized and unsubsidized student loans. Students who rely solely on state financial aid or scholarships might have difficulty in affording the remaining cost of attendance that student loans could fund.

(2) Therefore, the legislature intends to increase access to those students who are ineligible for federal financial aid by creating a state-funded and state-administered student loan program. The legislature intends for the undocumented student support loan program to provide students loans that are competitive with federal student loans and offer multiple options for repayment including adjusted monthly payments based on income.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a student who:

(a) Is a resident student;

(b) Demonstrates financial need as defined in RCW 28B.92.030;

(c) Has indicated they will attend an institution of higher education or is making satisfactory progress in a program, as defined in rule by the office, at an institution of higher education;

(d) Fills out the Washington application for state financial aid; and

(e) Does not qualify for federally funded student financial aid because of their citizenship status.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(4) "Participant" means an eligible student who has received an undocumented student support loan.

(5) Resident student means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person:

(i) Who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma;

(ii) Who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;

(iii) Who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education; and

(iv) Who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

NEW SECTION. Sec. 3. (1) The undocumented student support loan program is established.

(2) The program shall be designed by the office, in consultation with financial aid professionals at institutions of higher education, state and nonprofit programs that work with eligible students, and relevant student associations and stakeholders in the development of the program.

(3) The program shall be administered by the office. In administering the program, the office has the following powers and duties:

(a) Screen and select, in coordination with representatives of institutions of higher education, eligible students to receive an undocumented student support loan;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(b) Consider an eligible student's financial inability to meet the total cost of the participant's educational program in the selection process;

(c) Issue low-interest student loans that are competitive with federal student loan programs;

(d) Establish annual and lifetime loan limits equal to the cost of attendance minus any other financial aid received as provided in subsection (6) of this section;

(e) Define the terms of repayment, including applicable interest rates, fees, and deferments;

(f) Collect and manage repayments from students who do not meet their obligations under this chapter;

(g) Consider income-based repayment options;

(h) Solicit and accept grants and donations from public and private sources for the program; and

(i) Adopt rules necessary to implement the program.

(4) The undocumented student support loan does not accrue interest while a participant is enrolled in an institution of higher education.

(5) The office may impose a loan origination fee up to, but not to exceed, the current rate imposed by the federal government on subsidized student loans.

(6) The maximum annual loan amount granted per student for the undocumented student support loan program is:

(a)(i) The cost of tuition and required fees at the public institution of higher education the student is attending; or

(ii) If the student is attending a private institution of higher education, the tuition and required fees at an equivalent public institution; and

(b) Less the value of any state-funded grant, scholarship, or waiver assistance the student receives, plus five hundred dollars for books and materials.

(7) Student loans issued under the program shall follow the requirements under 11 U.S.C. Sec. 523 regarding dischargeability in bankruptcy.

(8) Data collected by the program is private and confidential and must only be used for statistical analysis, research, and evaluation purposes. Data sharing by the office may be extended to include the office of financial management and other state governmental entities with oversight responsibility for the program, as long as personally identifiable student information is removed.

(9) The office shall provide information to the appropriate fiscal and relevant policy committees of the legislature by December 1, 2023, and every two years thereafter that includes the following:

(a) Dollar amount and number of private donations received;

(b) Number of applications received;

(c) Number of student loans provided to eligible students per year;

(d) Average student loan amount provided per participant;

(e) Level of degree program participants are pursuing;

(f) Number of student loans in active repayment, deferment, and default status; and

(g) Any other information the office deems relevant.

NEW SECTION. Sec. 4. (1) The undocumented student support loan match account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the program created in section 3 of this act. The purpose of the account is to provide state matching funds for the undocumented student support loan program.

(2) Revenues to the account consist of appropriations by the legislature into the account.

(3)(a) The legislature must appropriate a state match, up to a maximum of two million dollars per fiscal biennium, beginning

January 1, 2022, and each January 1st following the end of the fiscal year based on donations and pledges received by the office for the program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this subsection expands or modifies the responsibilities of the caseload forecast council.

(b) In any year that the fund balance of the account is ten million dollars or more on the last day of the fiscal year, no state match shall be required the following year.

(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the office of private contributions to the program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(5) Only the executive director of the office or the executive director's designee may authorize expenditures from the account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section.

NEW SECTION. Sec. 5. This act takes effect July 1, 2021.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6561.

Senator Liias spoke in favor of the motion.

Senator Holy spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6561.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6561 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6561, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Holy, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson, L.

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 6561, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6570 with the following amendment(s): 6570-S AMH HCW H5132.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that law enforcement officers respond to and witness some of the most tragic events that happen in our communities. On-the-job stress can have a significant impact on their physical and mental well-being and can accumulate over the course of a career.

(2) Research indicates that law enforcement officers experience key risk factors for suicides, including exposure to trauma, alcohol use, availability of firearms, and the strains of shift work. Compared to the general population, law enforcement officers report much higher rates of depression, posttraumatic stress disorder, and other anxiety-related mental health conditions. These health conditions have a significant impact on the officers and their families.

(3) A 2019 report from the United States department of justice found that, nationally, law enforcement suicides are 28.2 per one hundred thousand for men and 12.2 per one hundred thousand for women. A 2018 report by the Ruderman family foundation found that law enforcement officers are one and one-half times more likely to die by suicide than the general population.

(4) Despite these significant risk factors, there is no central repository of comprehensive data regarding law enforcement officer suicides. As a result, there are no comprehensive tools available to law enforcement agencies to develop effective suicide prevention strategies, or to know whether those strategies are making a difference.

(5) Although Washington state has conducted significant work towards suicide prevention more broadly, there is not a current statewide program that provides comprehensive, evidence-based mental health and suicide prevention resources for law enforcement and their families.

(6) The legislature finds that there is an urgent need to develop resources and interventions specifically targeted at helping law enforcement and their family members manage their behavioral health needs.

NEW SECTION. Sec. 2. (1)(a) The department of health shall convene a task force on law enforcement officer mental health and wellness in Washington state with members as provided in this subsection:

- (i) The secretary of health, or the secretary's designee;
- (ii) The chief of the Washington state patrol, or the chief's designee;
- (iii) The director of the health care authority, or the director's designee;
- (iv) The secretary of the department of corrections, or the secretary's designee;
- (v) A representative from the University of Washington's forefront suicide prevention program;
- (vi) The executive director of the criminal justice training commission, or the director's designee;
- (vii) A psychiatrist;
- (viii) A representative of local public health;
- (ix) One representative each from:
 - (A) The Washington council of police and sheriffs;
 - (B) The Washington state fraternal order of police;
 - (C) The council of metropolitan police and sheriffs;
 - (D) The Washington state patrol troopers association;

(E) The Washington state patrol lieutenants and captains association;

(F) Tribal law enforcement;

(G) The Washington association of sheriffs and police chiefs;

(H) An association representing community behavioral health agencies;

(I) An association representing mental health providers; and

(J) An association representing substance use disorder treatment providers.

(b) The representative from the department of health shall serve as the chair of the task force.

(c) At a minimum, the task force shall meet quarterly.

(2) The task force shall review the following issues and information:

(a) Data related to the behavioral health status of law enforcement officers, including suicide rates, substance abuse rates, posttraumatic stress disorder, depression, availability of behavioral health services, and utilization of behavioral health services;

(b) Factors unique to the law enforcement community that affect the behavioral health of persons working in law enforcement, including factors affecting suicide rates;

(c) Components that should be addressed in the behavioral health and suicide prevention pilot program established in section 3 of this act, including consideration of components that relate to similar programs funded or partially funded by the bureau of justice assistance and the national institute of justice;

(d) The recommendations of the Washington state department of health's suicide prevention plan and the applicability of the plan's recommendations to law enforcement mental health issues;

(e) The recommendations of the United States department of justice 2019 report to congress on law enforcement mental health and wellness; and

(f) Options to improve the behavioral health status of and reduce prevalent mental health issues and the suicide risk among law enforcement officers and their families.

(3) Staff support for the task force shall be provided by the department of health.

(4) The task force shall report its findings and recommendations to the governor and relevant committees of the legislature by December 1, 2021, including a summary of:

(a) The data to be reviewed described in subsection (2) of this section;

(b) The results of the pilot projects funded by this act and recommendations regarding the continuation of those programs;

(c) The best practices and policies for providing mental health services and preventing law enforcement suicides; and

(d) Recommendations on resources and technical assistance to support law enforcement agencies in preventing law enforcement suicides.

(5) This section expires July 1, 2022.

NEW SECTION. Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose not to exceed three hundred thousand dollars per fiscal year, the Washington association of sheriffs and police chiefs shall establish three pilot projects to support behavioral health improvement and suicide prevention efforts for law enforcement officers.

(2) The Washington association of sheriffs and police chiefs shall establish a competitive grant program to award funding for the three pilot projects by September 1, 2020.

(3) Law enforcement associations and agencies are eligible to compete for grant funding.

(4) The following programs and activities are eligible for grant funding:

(a) Public information and wellness promotion campaigns;

(b) Embedded mental health professionals;

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

(c) Peer support programs;
 (d) Resiliency training programs; and
 (e) Critical incident stress management programs.
 (5) Grantees must provide a report to the association on the results of their program by October 1, 2021. The association must provide the information to the officer mental health and wellness task force established in section 2 of this act, for incorporation in the December 1, 2021, report to the governor and relevant committees of the legislature."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6570.
 Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6570.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6570 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6570, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6570, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 6570, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6429 with the following amendment(s): 6429-S AMH KILD THOC 093

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the health and safety of the traveling public, law enforcement, and emergency medical service providers are enhanced by the

voluntary sharing of information about medical conditions, including deafness and developmental disabilities. Licensed drivers and applicants who wish to voluntarily include a medical alert designation on their driver's license may provide law enforcement and emergency medical service providers with the opportunity to know at the point of contact or shortly thereafter that there is a medical condition which could affect communication or account for a driver health emergency. By taking action in accordance with existing driver privacy protections, the legislature seeks to enhance health and public safety by the voluntary provision and careful use of this information.

Sec. 2. RCW 46.20.117 and 2018 c 157 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (((5))) (7) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services;

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (((5))) (7) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(((2))) (4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) Alternative issuance/renewal/extension. The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

Sec. 3. RCW 46.20.161 and 2018 c 69 s 1 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

(a) A distinguishing number assigned to the licensee((,));

(b) The name of record((,));

(c) Date of birth((,));

(d) Washington residence address((,));

(e) Photograph((,));

(f) A brief description of the licensee((,));

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license((, and,));

(h) If applicable, the person's status as a veteran as provided in subsection (((2))) (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been ((so)) signed by the licensee.

(((2))) (4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

(((a))) (i) A United States department of veterans affairs identification card or proof of service letter;

(((b))) (ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7,

2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(((c))) (iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(((d))) (iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

NEW SECTION. Sec. 4. This act takes effect January 1, 2022."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6429.

Senator Brown spoke in favor of the motion.

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6429.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6429 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6429, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6429, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 6429, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentlemen, I have an important announcement. I ask that senators come onto the floor. Those in the wings, please come on to the floor for, today is a day, another important day. It seems like these happen all the time. Senator Sheldon, would you please stand. Young man. It is, well I think we all wish we could give Senator Sheldon a skylight for his birthday, but failing that, let's wish him a Happy Birthday. Thank you Senator Sheldon. You don't have any wise remarks for us, do you?"

The Senate rose in recognition of the anniversary of the birth of Senator Sheldon and performed a rendition of "Happy Birthday."

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5385 with the following amendment(s): 5385-S.E AMH APP H5347.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.735 and 2017 c 219 s 1 are each amended to read as follows:

(1)(a) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, for health plans issued or renewed on or after January 1, 2021, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

- (7) This section does not require a health carrier to reimburse:
- (a) An originating site for professional fees;
 - (b) A provider for a health care service that is not a covered benefit under the plan; or
 - (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 2. RCW 41.05.700 and 2018 c 260 s 30 are each amended to read as follows:

(1)(a) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The plan provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, a health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2021, shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only,

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

"telemedicine" does not include the use of audio-only telephone, facsimile, or email.

Sec. 3. RCW 74.09.325 and 2017 c 219 s 3 are each amended to read as follows:

(1)(a) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

((a)) (i) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;

((b)) (ii) The health care service is medically necessary;

((c)) (iii) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

((d)) (iv) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(b)(i) Except as provided in (b)(ii) of this subsection, upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine at the same rate as if the health care service was provided in person by the provider.

(ii) Hospitals, hospital systems, telemedicine companies, and provider groups consisting of eleven or more providers may elect to negotiate a reimbursement rate for telemedicine services that differs from the reimbursement rate for in-person services.

(iii) For purposes of this subsection (1)(b), the number of providers in a provider group refers to all providers within the group, regardless of a provider's location.

~~(2)((a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.~~

((b)) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility;
- (g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement for a facility fee must be subject to a negotiated agreement between the originating site and the managed health care system.

A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(f) "Provider" has the same meaning as in RCW 48.43.005;

(g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(h) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.

Sec. 4. RCW 28B.20.830 and 2018 c 256 s 1 are each amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in

Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The collaborative shall study store and forward technology, with a focus on:

(a) Utilization;

(b) Whether store and forward technology should be paid for at parity with in-person services;

(c) The potential for store and forward technology to improve rural health outcomes in Washington state; and

(d) Ocular services.

(5) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

((5)) (6) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, 2021.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5385 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Erickson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5640 with the following amendment(s): 5640-S AMH CRJ H5143.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.72.005 and 2017 c 9 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Transit infraction" means an infraction issued by a transit authority as defined in RCW 9.91.025(2)(c), including those infractions authorized under RCW 35.58.580, 36.57A.230, and 81.112.220.

(4) "Youth court" means an alternative method of hearing and disposing of traffic infractions, transit infractions, or civil infractions for juveniles age sixteen or seventeen.

Sec. 2. RCW 3.72.010 and 2017 c 9 s 2 are each amended to read as follows:

(1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over civil, traffic, and transit infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her civil, traffic, or transit infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court pursuant to this chapter, a juvenile:

(a) ~~((May not have had a prior traffic or transit infraction referred to a youth court;~~

~~(b))) May not be under the jurisdiction of any court for a civil infraction or for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025;~~

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

((~~ee~~)) (b) May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and

((~~dd~~)) (c) Must acknowledge that there is a high likelihood that he or she would be found to have committed the civil, traffic, or transit infraction.

(3)(a) Nothing in this chapter shall interfere with the ability of juvenile courts to refer matters to youth courts that have been established to provide a diversion for matters involving juvenile offenders who are eligible for diversion pursuant to RCW 13.40.070 (6) and (8) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600.

(b) Nothing in this chapter shall interfere with the ability of student courts to work with students who violate school rules and policies pursuant to RCW 28A.300.420.

(4) A youth court under this chapter may accept referrals of traffic infractions, transit infractions, and civil infractions committed by juveniles age twelve through fifteen from a juvenile court diversion unit under RCW 13.40.250(5), provided that the youth court follows all conditions of RCW 13.40.250(5). In this circumstance, the youth court shall maintain concurrent jurisdiction with the juvenile court only for the purpose of supervision of the diversion agreement.

Sec. 3. RCW 3.72.020 and 2017 c 9 s 3 are each amended to read as follows:

(1) A youth court agreement shall be a contract between a juvenile accused of a traffic (~~((ee))~~) infraction, transit infraction, or civil infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that (~~((a traffic or transit))~~) the infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic (~~((ee))~~) infraction, transit infraction, or civil infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(7), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in RCW 3.72.010, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic (~~((ee))~~) infraction, transit infraction, or civil infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged (~~((traffic or transit))~~) infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic (~~((and))~~) infractions, transit infractions, and civil infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

Sec. 4. RCW 3.72.040 and 2017 c 9 s 5 are each amended to read as follows:

The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic (~~((ee))~~) infractions, transit infractions, or civil infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target youth (~~((ages sixteen and seventeen))~~) who are alleged to have committed a traffic ~~((or))~~ infraction, transit infraction, or civil infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;
 (b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

Sec. 5. RCW 13.40.250 and 2002 c 237 s 19 and 2002 c 175 s 28 are each reenacted and amended to read as follows:

A traffic infraction, transit infraction, or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic infraction, transit infraction, or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic infraction, transit infraction, or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community restitution, or educational or informational sessions.

(4) Traffic infractions, transit infractions, or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by RCW 13.40.630.

(5) ~~((If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).))~~ A diversion agreement entered into by a juvenile referred pursuant to this section may include a requirement that the juvenile participate in a district or municipal youth court program under chapter 3.72 RCW, provided the youth court program accepts the referral and only subject to the following conditions:

(a) Upon entering the diversion agreement, the juvenile shall be referred to the youth court program, the completion of which shall be the only condition of the diversion agreement;

(b) The juvenile shall not serve more than thirty hours of participation in the youth court program;

(c) Other than filing a petition for termination of the diversion agreement in juvenile court, nothing concerning the juvenile's participation in the youth court program shall be filed in any public court file concerning the juvenile's participation or presence in the youth court program. The only written record of participation shall be the diversion agreement entered into with the juvenile court, subject to confidentiality under chapter 13.50 RCW. No court cause number shall be assigned to the case against the juvenile while he or she participates in the youth court program. The proceedings in the youth court program shall be on open record and may be recorded if necessary;

(d) Nothing concerning the alleged offense or the diversion shall be reported to the department of licensing;

(e) The youth court program may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance at any time prior to completion; and

(f) The juvenile court diversion unit shall maintain primary jurisdiction over supervision of the juvenile during his or her participation in the youth court program. The youth court shall notify the diversion unit upon completion of the youth court program and the diversion agreement shall be complete."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Holy moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5640.

Senator Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holy that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5640.

The motion by Senator Holy carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5640 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5640, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5640, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5640, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006,
 ENGROSSED SENATE BILL NO. 5450,
 ENGROSSED SENATE BILL NO. 5457,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5481,
 SENATE BILL NO. 5519,
 SUBSTITUTE SENATE BILL NO. 5900,
 SUBSTITUTE SENATE BILL NO. 6072,
 SENATE BILL NO. 6078,
 SENATE BILL NO. 6102,
 SENATE BILL NO. 6103,
 SENATE BILL NO. 6119,
 SENATE BILL NO. 6120,

FIFTY SEVENTH DAY, MARCH 9, 2020

2020 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6142,
SENATE BILL NO. 6143,
SECOND SUBSTITUTE SENATE BILL NO. 6181,
SENATE BILL NO. 6187,
SUBSTITUTE SENATE BILL NO. 6206,
SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6306,
SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6392,
SENATE BILL NO. 6423,
SUBSTITUTE SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6521,
SECOND SUBSTITUTE SENATE BILL NO. 6528,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6540,
ENGROSSED SENATE JOINT RESOLUTION NO. 8212,
SENATE BILL NO. 5197,
SECOND SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5976,
ENGROSSED SENATE BILL NO. 6032,
SENATE BILL NO. 6045,
SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6066,
SUBSTITUTE SENATE BILL NO. 6074,
SUBSTITUTE SENATE BILL NO. 6084,
SUBSTITUTE SENATE BILL NO. 6086,
SUBSTITUTE SENATE BILL NO. 6091,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
SENATE BILL NO. 6123,
SUBSTITUTE SENATE BILL NO. 6135,
SENATE BILL NO. 6212,
SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6319,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6415,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6430,
SUBSTITUTE SENATE BILL NO. 6499,
SENATE BILL NO. 6567,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017.
MOTION

At 3:08 p.m., on motion of Senator Liias, the Senate adjourned
until 9:00 o'clock a.m. Tuesday, March 10, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia
Tuesday, March 10, 2020

The Senate was called to order at 9:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Samuel Mulliken and Miss Monee Dubose, presented the Colors. Page Miss Isabella Martinez led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Sue Watkins of First Presbyterian Church, Puyallup, guest of Senator Zeiger.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2020

SB 5628 Prime Sponsor, Senator Cleveland: Concerning the classification of heavy equipment rental property as inventory. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Dhingra.

Referred to Committee on Rules for second reading.

March 9, 2020

SHB 1808 Prime Sponsor, Committee on Finance: Making the nonprofit and library fund-raising exemption permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 9, 2020

SHB 2032 Prime Sponsor, Committee on Finance: Providing a tax deferral for the expansion of certain existing public facilities district convention centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Billig; Carlyle; Conway; Dhingra; Hunt; Keiser; Liias; Pedersen; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Becker; Darneille; Muzzall; Wagoner and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Hasegawa and Van De Wege.

Referred to Committee on Rules for second reading.

March 9, 2020

ESHB 2248 Prime Sponsor, Committee on Environment & Energy: Expanding equitable access to the benefits of renewable energy through community solar projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker; Hasegawa; Muzzall; Schoesler; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

March 9, 2020

HB 2505 Prime Sponsor, Representative Robinson: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

March 9, 2020

SHB 2634 Prime Sponsor, Committee on Finance: Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Hasegawa; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L..

Referred to Committee on Rules for second reading.

March 9, 2020

EHB 2797 Prime Sponsor, Representative Robinson: Concerning the sales and use tax for affordable and supportive housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Wagoner and Wilson, L..

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Warnick.

Referred to Committee on Rules for second reading.

March 9, 2020

HB 2848 Prime Sponsor, Representative Chapman: Changing the expiration date for the sales and use tax exemption

of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead and Hasegawa.

Referred to Committee on Rules for second reading.

March 9, 2020

HB 2903 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Carlyle and Pedersen.

Referred to Committee on Rules for second reading.

March 9, 2020

ESHB 2919 Prime Sponsor, Committee on Finance: Adjusting the amount and use of county fees on the real estate excise tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 9, 2020

HB 2943 Prime Sponsor, Representative Robinson: Providing a business and occupation tax preference for behavioral health administrative services organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Muzzall; Schoesler; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Pedersen.

Referred to Committee on Rules for second reading.

March 9, 2020

SHB 2950 Prime Sponsor, Committee on Finance: Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Muzzall; Schoesler; Warnick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 9, 2020

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1293,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
ENGROSSED HOUSE BILL NO. 1694,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,
HOUSE BILL NO. 2315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
SUBSTITUTE HOUSE BILL NO. 2343,
SUBSTITUTE HOUSE BILL NO. 2384,
HOUSE BILL NO. 2402,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2405,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2497,
HOUSE BILL NO. 2524,
SUBSTITUTE HOUSE BILL NO. 2527,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638,
HOUSE BILL NO. 2701,
SUBSTITUTE HOUSE BILL NO. 2787,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 9, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
SECOND SUBSTITUTE HOUSE BILL NO. 1191,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1521,
ENGROSSED HOUSE BILL NO. 1552,
HOUSE BILL NO. 1590,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1783,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
SECOND SUBSTITUTE HOUSE BILL NO. 1888,
HOUSE BILL NO. 2051,
HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2302,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342,
SUBSTITUTE HOUSE BILL NO. 2374,
SUBSTITUTE HOUSE BILL NO. 2393,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2409,
HOUSE BILL NO. 2412,
SUBSTITUTE HOUSE BILL NO. 2426,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2464,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2528,
SUBSTITUTE HOUSE BILL NO. 2543,
HOUSE BILL NO. 2545,
ENGROSSED HOUSE BILL NO. 2584,
HOUSE BILL NO. 2587,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2622,
HOUSE BILL NO. 2640,
HOUSE BILL NO. 2641,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2691,

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713,
 SUBSTITUTE HOUSE BILL NO. 2794,
 SUBSTITUTE HOUSE BILL NO. 2889,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 9, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2936,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 9, 2020

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1645,

SUBSTITUTE HOUSE BILL NO. 1847,

ENGROSSED HOUSE BILL NO. 2188,

HOUSE BILL NO. 2229,

SUBSTITUTE HOUSE BILL NO. 2246,

SUBSTITUTE HOUSE BILL NO. 2250,

HOUSE BILL NO. 2271,

SUBSTITUTE HOUSE BILL NO. 2338,

HOUSE BILL NO. 2380,

HOUSE BILL NO. 2491,

SUBSTITUTE HOUSE BILL NO. 2544,

SUBSTITUTE HOUSE BILL NO. 2555,

SUBSTITUTE HOUSE BILL NO. 2556,

HOUSE BILL NO. 2579,

HOUSE BILL NO. 2624,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731,

SUBSTITUTE HOUSE BILL NO. 2758,

HOUSE BILL NO. 2763,

ENGROSSED HOUSE BILL NO. 2819,

HOUSE BILL NO. 2826,

HOUSE BILL NO. 2833,

HOUSE BILL NO. 2858,

HOUSE BILL NO. 2860,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 2936 by House Committee on Capital Budget
 (originally sponsored by Steele)

AN ACT Relating to predesign requirements and thresholds;
 amending RCW 43.88.110, 43.82.035, and 43.88.0301; and
 creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 10:50 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Braun moved that Allyson Page, Senate Gubernatorial Appointment No. 9255, be confirmed as a member of the Columbia Basin College Board of Trustees.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF ALLYSON PAGE

The President declared the question before the Senate to be the confirmation of Allyson Page, Senate Gubernatorial Appointment No. 9255, as a member of the Columbia Basin College Board of Trustees.

The Secretary called the roll on the confirmation of Allyson Page, Senate Gubernatorial Appointment No. 9255, as a member of the Columbia Basin College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Allyson Page, Senate Gubernatorial Appointment No. 9255, having received the constitutional majority was declared confirmed as a member of the Columbia Basin College Board of Trustees.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1182 and asks the Senate to recede therefrom.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate insist on its position in the Senate amendment(s) to Second Substitute House Bill No. 1182 and ask the House to concur thereon.

Senators Wellman and Hawkins spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate insist on its position in the Senate amendment(s) to Second Substitute House Bill No. 1182 and ask the House to concur thereon.

The motion by Senator Wellman carried and the Senate insisted on its position in the Senate amendment(s) to Second Substitute House Bill No. 1182 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2456 and asks the Senate to recede therefrom.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate recede from its position on Substitute House Bill No. 2456 and pass the bill without the Senate amendment(s).

Senator Wellman spoke in favor of the motion.

Senators Hawkins and Braun spoke against passage of the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate recede from its position on Substitute House Bill No. 2456 and pass the bill without Senate amendment(s).

The motion by Senator Wellman carried and the Senate receded from its position on Substitute House Bill No. 2456 and passed the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2456 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2456, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2456, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2632 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 2632.

Senator Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 2632.

The motion by Senator Pedersen carried and the Senate receded from its amendments to Substitute House Bill No. 2632.

MOTION

On motion of Senator Pedersen, the rules were suspended and Substitute House Bill No. 2632 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2632, by House Committee on Public Safety (originally sponsored by Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri)

Concerning false reporting of a crime or emergency.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 1360 by Senators Pedersen and Padden be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that false reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, the legislature finds that a gross misdemeanor is insufficient as a legal response and hereby create felony false reporting punishments when the false reporting leads to injury or death.

Sec. 2. RCW 9A.84.040 and 2011 c 336 s 411 are each amended to read as follows:

(1) A person (~~(is guilty of)~~) commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence (~~((of a fire, explosion, crime, catastrophe, or emergency))~~) knowing that such false report is likely to cause (~~((evacuation))~~) Evacuation of a building, place of assembly, or transportation facility(~~((or to cause))~~); public inconvenience or alarm; or an emergency response.

(2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony.

(b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony.

(c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

(3) Any criminal offense committed under this section may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

(4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state; or

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

(6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1)(a) An individual who is a victim of an offense under RCW 9A.84.040 may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of RCW 9A.84.040, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(b) A person who is found liable under RCW 9A.84.040 shall be jointly and severally liable with each other person, if any, who is found liable under RCW 9A.84.040 for damages arising from the same violation of RCW 9A.84.040.

(2) Any person convicted of violating RCW 9A.84.040 and that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response by, and at the discretion of, the public agency that incurred the costs.

Sec. 4. RCW 9.94A.515 and 2019 c 271 s 7, 2019 c 243 s 5, 2019 c 64 s 3, and 2019 c 46 s 5009 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS
LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))

- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- False Reporting 1 (RCW 9A.84.040(2)(a))
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9A.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9A.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9A.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9A.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- False Reporting 2 (RCW 9A.84.040(2)(b))
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Manufacture of Untraceable Firearm with Intent to Sell (RCW 9A.41.190)
- Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9A.41.325)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9A.40.120)
- Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9A.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)

- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW
77.15.580(3)(b))Unlawful Use of Prohibited Aquatic Animal Species
(RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW
77.15.550(3)(b))"

On page 1, line 1 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 9A.84.040; reenacting and amending RCW 9.94A.515; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1360 by Senators Pedersen and Padden to Substitute House Bill No. 2632.

The motion by Senator Pedersen carried and striking floor amendment no. 1360 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2632 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2632 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2632 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2632 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you, Mr. President. So, Mr. President, I passed out a document to the body having to do with Boeing. I thought as we arrive on the 58th day of session we all know that we have a large challenge for our state's largest employer. I thought it was worth reminding everyone: a) that they are the state's largest employer. And when you look at that compared to the other states of our country, 45 states, [where] the largest employer is Walmart, [or it's] the largest university or the largest

healthcare system. And the five other states, and you can read this from what I passed out, are a variety of private enterprises. Well, except for Colorado, that's the airport which is a non-pri-- but you can see very quickly that we are enormously fortunate to have Boeing as our largest state employer. The next page will show you, Mr. President, that the average pay in aerospace is \$108,000 per year, well above the state's median or average wage. And that is true across the state, even high-wage areas like King County and certainly in low-wage areas that I represent. And then finally, Mr. President, we sometimes get caught up because a company the size of Boeing has to move their workforce around for a whole variety of reasons, that we aren't getting our share of their employment. If you go back to 2003, when the special rate was enacted, you can see that we were at 34% of their employees, were in the state of Washington. Today we are at 46. And, while it did peak at 49, we continue to have, by far, by far, Mr. President, most, the highest percentage of the number of Boeing employees around the country and around the world. We are enormously fortunate to have them here. I hope that we will take seriously. Our, the need to help them work through these WTO issues they have in front of them and, frankly, in front of us because it effects our economy. Much broader than just in aerospace. So, Mr. President, I just thought it would be a good opportunity to remind the body that this is important work we have to finish up in the next few days and that we should understand the importance to our state. Thank you very much, Mr. President."

RULING BY THE PRESIDENT

President Habib: "Thank you. Senator Braun, I permitted you to finish your remarks, but I will just remind members that under your rules, point of personal privilege really pertains to your ability to do your job in the Senate. And we take kind of a broad, I apply it very liberally in the sense of we recognize special birthdays and other things, but it really is not meant to introduce policy discussions and so on. In this case, I permitted it, but I would ask that as we conclude this session members adhere to the rules with respect to these, these points of personal privilege. It could be alluring to us sometimes. Thank you."

MESSAGE FROM THE HOUSE

March 7, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Das moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2722.

Senator Das spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Das that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2722.

The motion by Senator Das carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2722.

MOTION

On motion of Senator Das, the rules were suspended and Engrossed Substitute House Bill No. 2722 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722, by House Committee on Environment & Energy (originally sponsored by Mead, Fitzgibbon, Peterson, Doglio, Goodman, Gregerson, Slatter, Tarleton, Davis, Duerr, Ramel, Walen, Cody, Senn and Pollet)

Concerning minimum recycled content requirements.

MOTION

Senator Das moved that the following striking floor amendment no. 1355 by Senators Das and Lovelett be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Sustainable and resilient markets for recycled materials are essential to any successful recycling system. For many years, Washington has depended on foreign markets to accept the recyclable materials that are collected for recycling in the state. Developing domestic markets for recycled materials benefits the environment and the state's economy and is critical due to the loss of foreign markets.

(2) China's 2018 national sword policy bans the importation of recycled mixed paper and certain types of recycled plastic and imposes a stringent one-half of one percent contamination limit on all other recycled material imports. Washington's recycling facilities are struggling to find markets for recycled materials, resulting in the stockpiling of these materials. Washington must reduce its reliance on unpredictable foreign markets for its recycled materials.

(3) Plastic bottles can be recycled and can contain recycled content in order to close the loop in the recycling stream. Many companies have already taken the initiative at closing the loop by using plastic bottles that contain one hundred percent recycled content. Since November 2010, one national juice company has been using bottles made with one hundred percent postconsumer recycled content for all of its juices and juice smoothies. In January 2018, an international beverage producer announced that it will make all its bottles from one hundred percent recycled plastic by 2025.

(4) The requirements imposed by this act are reasonable and are achievable at minimal cost relative to the burden imposed by the continued excessive use of virgin materials in beverage containers in Washington.

(5) The legislature encourages beverage manufacturers to use plastic beverage containers that exceed the standards set forth in this act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Beverage manufacturer" means a manufacturer of one or more beverages described in section 3(1) of this act, that are sold, offered for sale, or distributed in Washington.

(2) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(3) "Department" means the department of ecology.

NEW SECTION. Sec. 3. (1) Beginning January 1, 2022, beverage manufacturers that offer for sale, sell, or distribute in

Washington beverages, intended for human or animal consumption and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon, must meet minimum postconsumer recycled content as required under section 4 of this act, on average for the total number of plastic beverage containers for the following beverages:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Mineral waters, soda water, and similar carbonated soft drinks; and

(e) Any beverage other than those specified in this subsection, except infant formula.

(2) The following containers are exempt from sections 3 through 6 of this act:

(a) Refillable plastic beverage containers;

(b) Rigid plastic containers or rigid plastic bottles that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products; and

(c) Bladders or pouches that contain wine.

(3) The department may adopt rules to exempt beverages.

NEW SECTION. Sec. 4. (1) Every year, a beverage manufacturer must meet the following minimum postconsumer recycled plastic content on average for the total number of plastic beverage containers for beverages as established in section 3 of this act that are sold, offered for sale, or distributed in Washington effective:

(a) January 1, 2022, through December 31, 2024: No less than ten percent postconsumer recycled plastic;

(b) January 1, 2025, through December 31, 2029: No less than twenty-five percent postconsumer recycled plastic;

(c) On and after January 1, 2030: No less than fifty percent postconsumer recycled plastic.

(2)(a) Beginning in 2021, and every other year thereafter, or at the petition of the beverage manufacturing industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be waived or reduced. The department must consider a petition from the beverage manufacturing industry within sixty days of receipt.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled plastic content percentages, as established under subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements, including the availability of high quality recycled plastic, and food grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by beverage manufacturers in meeting the requirements of this section; and

(vi) The carbon footprint of the transportation of the recycled resin.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(3) The beverage manufacturing industry or a beverage manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsection (1) of this section to the pollution control hearings board within thirty days of the department's determination.

(4) The department may grant extensions of time for beverage manufacturers to meet the minimum postconsumer recycled plastic content requirements established under subsection (1) of this section if the department determines that a beverage manufacturer has made a substantial effort but has failed to meet the minimum recycled plastic content requirements due to extenuating circumstances beyond the beverage manufacturer's control.

(5) A beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements established in subsection (1) of this section is subject to a fee established in section 6 of this act.

NEW SECTION. Sec. 5. (1)(a) On or before March 1, 2022, and annually thereafter, a beverage manufacturer, under penalty of perjury, must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic beverage containers containing a beverage as established under section 3 of this act sold, offered for sale, or distributed in Washington in the previous calendar year.

(b) The department must post the information reported under this subsection on its web site.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and (b) adopt rules to implement, administer, and enforce the requirements of this act.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

NEW SECTION. Sec. 6. (1) Beginning January 1, 2022, a beverage manufacturer that does not meet the minimum postconsumer recycled plastic content requirements as established under section 4 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) The following violation levels are based on a beverage manufacturer's overall compliance rate of the minimum postconsumer recycled plastic content requirements.

(a) Level one violation: At least seventy-five percent but less than one hundred percent of the minimum recycled plastic content requirements;

(b) Level two violation: At least fifty percent but less than seventy-five percent of the minimum recycled plastic content requirements;

(c) Level three violation: At least twenty-five percent but less than fifty percent of the minimum recycled plastic content requirements;

(d) Level four violation: At least fifteen percent but less than twenty-five percent of the minimum recycled plastic content requirements; and

(e) Level five violation: Less than fifteen percent of the minimum recycled plastic content requirements.

(3) Beginning March 1, 2023, the department may assess fees for violations as follows:

(a) Level one violation, the fee range is five cents to fifteen cents per pound;

(b) Level two violation, the fee range is ten cents to twenty cents per pound;

(c) Level three violation, the fee range is fifteen cents to twenty-five cents per pound;

(d) Level four violation, the fee range is twenty cents to thirty cents per pound;

(e) Level five violation, the fee range is twenty-five cents to thirty cents per pound.

(4) In lieu of or in addition to assessing a fee under subsection (3) of this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 4 of this act.

(5) The department shall consider equitable factors in determining whether to assess a fee under subsection (3) of this section and the amount of the fee including, but not limited to: The nature and circumstances of the violation; actions taken by the beverage manufacturer to correct the violation; the beverage manufacturer's history of compliance; the size and economic condition of the beverage manufacturer; and whether the violation or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the beverage manufacturer or were otherwise unavoidable under the circumstances including, but not limited to, unforeseen changes in market conditions.

(6) A beverage manufacturer must:

(a) Pay to the department assessed fees in quarterly installments; or

(b) Arrange an alternative payment schedule subject to the approval of the department.

(7) A beverage manufacturer may appeal fees assessed under this section to the pollution control hearings board within thirty days of assessment.

(8)(a) The department shall consider waiving or reducing the fees or extending the time frame for assessing fees established under subsection (3) of this section for a beverage manufacturer that has demonstrated progress toward meeting the minimum postconsumer recycled content requirements, as established under section 4 of this act, if the beverage manufacturer:

(i) Has failed to meet the minimum postconsumer recycled content requirements; or

(ii) Anticipates it will not be able to meet the minimum postconsumer recycled content requirements.

(b) In determining whether to grant a waiver of, or reduce a fee, or extend the time frame for assessing a fee, the department shall consider, at a minimum, all of the following:

(i) Anomalous market conditions;

(ii) Disruption in, or lack of supply of, recycled plastics; and

(iii) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(9) A beverage manufacturer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 5(1) of this act in the form and manner prescribed by the department.

NEW SECTION. Sec. 7. The recycling enhancement fee account is created in the state treasury. All fees collected by the department pursuant to section 6 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for providing funding to the recycling development center created in RCW 70.370.030 for the purpose of furthering the development of recycling infrastructure in this state.

NEW SECTION. Sec. 8. A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70.--- RCW (the new chapter created in section 13 of this

act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

Sec. 9. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or

to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(o) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 10. RCW 43.21B.110 and 2019 c 344 s 16, 2019 c 292 s 10, and 2019 c 290 s 12 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 70.365.070, 70.375.060, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.365.070, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department that are appealable under sections 4 and 6 of this act, to set recycled minimum postconsumer content for plastic beverage containers and to assess fees.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 11. Section 9 of this act expires June 30, 2021.

NEW SECTION. Sec. 12. Section 10 of this act takes effect June 30, 2021.

NEW SECTION. Sec. 13. Sections 2 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "reenacting and amending RCW 43.21B.110 and 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

Senator Short moved that the following floor amendment no. 1361 by Senator Short be adopted:

On page 2, line 2, after "through" strike "7" and insert "8"

On page 6, after line 39, insert the following:

"NEW SECTION. Sec. 8. (1) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic beverage containers that must meet minimum postconsumer recycled content as required under sections 3 and 4 of this act.

(2) Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this act, may not be enacted and are preempted."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, line 17, after "through" strike "7" and insert "8"

Senators Short and Das spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1361 by Senator Short on page 2, line 2 to striking floor amendment no. 1355.

The motion by Senator Short carried and floor amendment no. 1361 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1355 by Senators Das and Lovelett as amended to Engrossed Substitute House Bill No. 2722.

The motion by Senator Das carried and striking floor amendment no. 1355 as amended was adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute House Bill No. 2722 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2722 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2722 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2739 and asks the Senate to recede therefrom. and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate recede from its position on the Senate amendments to House Bill No. 2739.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate recede from its position on the Senate amendments to House Bill No. 2739.

The motion by Senator Hunt carried and the Senate receded from its amendments to House Bill No. 2739.

MOTION

On motion of Senator Hunt, the rules were suspended and House Bill No. 2739 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 2739, by Representatives Kloba, Stonier, Appleton, Davis and Duerr

Adjusting certain requirements of the shared leave program.

MOTION

Senator Hunt moved that the following striking floor amendment no. 1359 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care(~~(- for a period of up to sixteen weeks after the birth or placement)~~).

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature,

institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 2. RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a) (v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection(~~(- However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve))~~);

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

~~(f) ((The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection))~~ (i) Until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, an agency head may permit an employee to receive shared leave under this section if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). An agency head may permit use of shared leave under this subsection (1)(f) without considering the requirements of (a) through (e) of this subsection.

(ii) The office of the governor must provide notice of the expiration of proclamation 20-05, or any amendment thereto, whichever is later, to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor.

(2)(a) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, the agency head may not prevent an employee from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her

personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section, "shortly deplete" means that the employee will have forty hours or less of the applicable leave types under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave types in reserve.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

(1) Parental leave received under RCW 41.04.665 must be used within the sixteen weeks immediately after birth or placement, except as provided in subsection (2) of this section.

(2) If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth.

NEW SECTION. Sec. 4. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.04.655 and 41.04.665; adding a new section to chapter 41.04 RCW; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1359 by Senator Hunt to House Bill No. 2739.

The motion by Senator Hunt carried and striking floor amendment no. 1359 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2739 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2739 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2739 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

HOUSE BILL NO. 2739 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 with the following amendment(s): 6641-S.E AMH ENGR H5139.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory committee" means the sex offender treatment providers advisory committee established under section 5 of this act.

(2) "Certified sex offender treatment provider" means ((a licensed, certified, or registered health professional))an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, mental health professional, as defined in RCW 71.05.020, or psychiatrist, as defined in RCW 71.05.020, who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

((2))(3) "Certified affiliate sex offender treatment provider" means ((a licensed, certified, or registered health professional))an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, mental health professional, as defined in RCW 71.05.020, or psychiatrist, as defined in RCW 71.05.020, who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((certified sex offender treatment provider))qualified supervisor.

((3))(4) "Department" means the department of health.

((4))(5)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider;

(ii) A person who meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(6) "Secretary" means the secretary of health.

((5))(7) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 2. RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ((certified sex offender treatment provider))qualified supervisor, may perform or provide the following services:

(a) ((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;

(b))) Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

((c))(b) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ((certified sex offender treatment provider))qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)((c))(b) of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facilities or state-run treatment programs are not required to be a certified sex offender treatment provider or a certified affiliate sex offender treatment provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

Sec. 3. RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

The department shall issue an affiliate certificate to any applicant who meets the following requirements:

(1) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

(2) Successful completion of an examination administered or approved by the secretary;

(3) Proof of supervision by a ((certified sex offender treatment provider))qualified supervisor;

(4) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

(5) Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

(6) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

Sec. 4. RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment program in Washington or in another state or territory of the United States where the applicant demonstrates having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(2) Examination procedures;

(3)(a) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary, with advice from the advisory committee, deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;

(7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.

(8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is

requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

(9) Employees of a state-run facility or state-run treatment program may obtain the necessary experience to qualify for this certification through their work and do not need to be certified as an affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

NEW SECTION. Sec. 5. A new section is added to chapter 18.155 RCW to read as follows:

(1) The sex offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:

- (a) One superior court judge;
- (b) Three sex offender treatment providers;
- (c) One mental health practitioner who specializes in treating victims of sexual assault;
- (d) One defense attorney with experience in representing persons charged with sexual offenses;
- (e) One representative from a statewide association representing prosecuting attorneys;
- (f) The secretary of the department of social and health services or the secretary's designee;
- (g) The secretary of the department of corrections or the secretary's designee; and
- (h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services, children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

- (a) Certification procedures under this chapter and their implementation;
- (b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;
- (c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington. In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are identified as eligible to be an underlying credential for certification; and
- (d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

NEW SECTION. Sec. 6. A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

Sec. 7. RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 ((and)), 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. Sec. 8. The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Rivers, Senator Schoesler was excused.

MOTION

Senator O'Ban moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641 and ask the House to recede therefrom.

Senators O'Ban and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641 and ask the House to recede therefrom.

The motion by Senator O'Ban carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6478 with the following amendment(s): 6478-S2 AMH SENN H5406.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime

victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when:

(A) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(B) The recipient is in need of mental health or substance use disorder treatment; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

NEW SECTION. Sec. 2. A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

NEW SECTION. Sec. 3. Section 1 of this act takes effect July 1, 2021."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Darneille moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6478 and ask the House to recede therefrom.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6478 and ask the House to recede therefrom.

The motion by Senator Darneille carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 6478 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6065 with the following amendment(s): 6065-S AMH ENGR H5178.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington blockchain work group is established. The purpose of the work group is to examine various potential applications for blockchain technology including, but not limited to, applications in computing, banking and other financial services, the real estate transaction process, health care, supply chain management, higher education, and public recordkeeping.

(2) The work group is composed of the following members:

(a) One senator from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One representative from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The lieutenant governor, or the lieutenant governor's designee;

(d) The director of the department of commerce, or the director's designee;

(e) The director of the department of financial institutions, or the director's designee;

(f) The director of Washington technology solutions, the consolidated technology services agency, or the director's designee;

(g) The director of the department of agriculture, or the director's designee;

(h) An individual representing a Washington-based technology trade association for the full cross section of the technology sector;

(i) An individual representing a trade association for financial services companies that do business in Washington;

(j) An individual representing a trade association for title insurance companies that do business in Washington;

(k) An individual representing a trade association for health care companies that do business in Washington;

(l) An individual representing an association for county government officials in Washington;

(m) An individual representing a trade association for Washington-based agriculture;

(n) An individual representing a trade association for property and casualty insurance companies that do business in Washington; and

(o) An individual representing an association for public utility districts in Washington.

(3) The individuals appointed under subsection (2)(h) through (o) of this section must be appointed by the governor.

(4) In addition to the members appointed to the work group under subsection (2) of this section, individuals representing other sectors may be invited by the chair, in consultation with the other

appointed members of the work group, to participate in an advisory capacity in meetings of the work group. Individuals participating in an advisory capacity under this subsection are not members of the work group, may not vote, and are not subject to the appointment process established in this section. There is no limit to the number of individuals who may participate in work group meetings in an advisory capacity under this subsection.

(5) A majority of the work group members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(6) The work group shall hold its inaugural meeting by August 1, 2020. The work group shall elect a chair from among its members at the inaugural meeting. The election of the chair must be by a majority vote of the work group members who are present at the inaugural meeting. The chair of the work group is responsible for arranging subsequent meetings and developing meeting agendas.

(7) Staff support for the work group, including arranging the inaugural meeting of the work group and assisting the chair of the work group in arranging subsequent meetings, must be provided by the office of the lieutenant governor.

(8) Legislative members of the work group may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) The work group is a class one group under chapter 43.03 RCW.

(10) A public comment period must be provided at every meeting of the work group.

(11) The work group shall submit a report on recommended policies that will facilitate the development of blockchain applications in Washington to the governor and the appropriate committees of the legislature by December 1, 2021.

(12) This section expires January 1, 2022. The work group is dissolved upon the expiration of this section."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6065.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6065.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6065 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6065, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Voting year: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liiias, Lovelett, McCoy, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Nguyen

Excused: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 6065, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6180 with the following amendment(s): 6180.E AMH HSEL H5165.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.162 and 2011 c 338 s 3 are each amended to read as follows:

(1) A juvenile offender is eligible for the special sex offender disposition alternative when:

(a) The offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and the offender has no history of a prior sex offense; ((and)) or

(b) The offender is found to have committed assault in the fourth degree with sexual motivation, and the offender has no history of a prior sex offense.

(2) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The respondent's version of the facts and the official version of the facts;

(ii) The respondent's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The respondent's social, educational, and employment situation;

(v) Other evaluation measures used.

The report shall set forth the sources of the evaluator's information.

(b) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) The frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(3) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

(4) As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(a) Devote time to a specific education, employment, or occupation;

(b) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(c) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(d) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(e) Report as directed to the court and a probation counselor;

(f) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(g) Make restitution to the victim for the cost of any counseling reasonably related to the offense; or

(h) Comply with the conditions of any court-ordered probation bond.

(5) If the court orders twenty-four hour, continuous monitoring of the offender while on probation, the court shall include the basis for this condition in its findings.

(6)(a) The court must order the offender not to attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings.

(b) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(c) The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the

juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

~~(7)((a))~~ For offenders required to register under RCW 9A.44.130, at the end of the supervision ordered under this disposition alternative, there is a presumption that the offender is sufficiently rehabilitated to warrant removal from the central registry of sex offenders. The court shall relieve the offender's duty to register unless the court finds that the offender is not sufficiently rehabilitated to warrant removal and may consider the following factors: (a) The nature of the offense committed, including the number of victims and the length of the offense history;

(b) Any subsequent criminal history of the juvenile;
(c) The juvenile's compliance with supervision requirements;
(d) The length of time since the charged incident occurred;
(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) The juvenile's participation in sex offender treatment;
(g) The juvenile's participation in other treatment and rehabilitative programs;

(h) The juvenile's stability in employment and housing;
(i) The juvenile's community and personal support system;
(j) Any risk assessments or evaluations prepared by a qualified professional related to the juvenile;

(k) Any updated polygraph examination completed by the juvenile;

(l) Any input of the victim; and
(m) Any other factors the court may consider relevant.

~~(8)(a)~~ The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(b) At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

(c) Except as provided in this subsection, examinations and treatment ordered pursuant to this subsection shall ~~((only))~~ be conducted by qualified professionals as described under (d) of this subsection, certified sex offender treatment providers, or certified affiliate sex offender treatment providers under chapter 18.155 RCW.

(d) A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the therapist is a professional licensed under chapter 18.225 or 18.83 RCW and the treatment employed is evidence-based for sex offender treatment, or if the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (iii) the evaluation and treatment plan comply with this subsection and the rules adopted by the department of health.

~~((8))~~ (9)(a) If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days confinement for violating conditions of the disposition.

(b) The court may order both execution of the disposition and up to thirty days confinement for the violation of the conditions of the disposition.

(c) The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

~~((9))~~ (10) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

~~((10))~~ (11) A disposition entered under this section is not appealable under RCW 13.40.230.

Sec. 2. RCW 9A.44.140 and 2015 c 261 s 6 are each amended to read as follows:

The duty to register under RCW 9A.44.130 shall continue for the duration provided in this section.

(1) For a person convicted in this state of a class A felony, or a person convicted of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.

(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall end fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(3) For a person convicted in this state of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(4) Except as provided in RCW 9A.44.142, for a person required to register for a federal, tribal, or out-of-state conviction, the duty to register shall continue indefinitely.

(5) For a person who is or has been determined to be a sexually violent predator pursuant to chapter 71.09 RCW, the duty to register shall continue for the person's lifetime.

(6) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 ~~((and))~~, 9A.44.143, and 13.40.162.

(7) Nothing in RCW 9.94A.637 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

(8) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.

(9) The provisions of this section and RCW 9A.44.141 through 9A.44.143 apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Senator Darneille moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6180.

Senators Darneille and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6180.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6180 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6180, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Schoesler

ENGROSSED SENATE BILL NO. 6180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6158 with the following amendment(s): 6158-S AMH ENGR H5140.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The sexual assault coordinated community response task force is established within the office of the attorney general with members as provided in this subsection. The purpose of the task force is to develop model protocols ensuring that adult or minor sexual assault victims receive a coordinated community response when presenting for care at any hospital or clinic following a sexual assault.

(b)(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The attorney general, in consultation with the legislative members of the task force, shall appoint:

(A) One member representing each of the following:

(I) The Washington state association of sheriffs and police chiefs;

(II) The Washington association of prosecuting attorneys;

(III) The Washington defender association or the Washington association of criminal defense lawyers;

- (IV) The Washington association of cities;
- (V) The Washington association of county officials;
- (VI) The Washington superior court judges association;
- (VII) The Washington coalition of sexual assault programs;
- (VIII) The office of crime victims advocacy;
- (IX) The Washington state hospital association;
- (X) The Washington state nurses association;
- (XI) The office of the attorney general;
- (XII) The Washington state medical association; and
- (XIII) The children's advocacy centers of Washington;

(B) Two providers from a community sexual assault program, one representative from a program serving an urban community, and one representative from a program serving a rural community;

(C) Two members representing survivors of sexual assault;

(D) Two members representing sexual assault nurse examiners, one representative of a sexual assault nurse examiner serving an urban community, and one representative of a sexual assault nurse examiner serving a rural community;

(E) Two members representing children's advocacy centers, one representative from a center serving an urban community, and one representative from a center serving a rural community.

(2) The duties of the task force include, but are not limited to:

(a) Researching, reviewing, and making recommendations for best practice models in this state and from other states for collaborative and coordinated responses to sexual assault victims beginning with their arrival at a hospital or clinic;

(b) Researching and identifying any existing gaps in trauma-informed, victim-centered care and support and sexual assault victim resources in Washington;

(c) Researching, identifying, and making recommendations for securing nonstate funding for implementing a standardized and coordinated community response to provide appropriate support for sexual assault victims;

(d) Researching, identifying, and making recommendations for any legislative policy options for providing a coordinated community response for victims of sexual assault; and

(e) Collaborating with the legislature, state agencies, medical facilities, and local governments to implement coordinated community responses for sexual assault victims consistent with best practices and standardized protocols including but not limited to issues of access to sexual assault specific services, potential for assistance from the crime victims' compensation program, legal advocacy from system-based and community-based advocates, privacy of medical records, and access to necessary information among responding professionals and service providers.

(3) The office of the attorney general shall administer and provide staff support to the task force.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The task force must meet no less than twice annually.

(6) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by December 1st of each year.

(7) This section expires December 31, 2022."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6158.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6158.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6158 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6158, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 6158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6205 with the following amendment(s): 6205-S2.E AMH CHAM TANG 061

On page 6, line 23, after "(1)" insert "(a)"

On page 6, after line 38, insert the following:

"(b) If a workplace safety committee does not have the requisite number of employee-elected members or service recipient representatives because employees or service recipient representatives do not wish to participate in the workplace safety committee, the covered employer will be considered in compliance with the requirement to have a workplace safety committee if the covered employer has documented evidence showing it was unable to get employees or a service recipient representative to participate in the workplace safety committee."

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6205.

Senators Cleveland and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6205.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6205 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6205, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6205, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Fortunato, Hawkins, Honeyford, King, Schoesler, Short and Warnick

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6205, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed THIRD SUBSTITUTE SENATE BILL NO. 5164 with the following amendment(s): 5164-S3 AMH APP H5346.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2018 c 40 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons

FIFTY EIGHTH DAY, MARCH 10, 2020

for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, used and useful having an equity value not to exceed ten thousand dollars;

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed six thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(f) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the

2020 REGULAR SESSION

applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(17) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

(18)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under twenty-one years of age, a victim's parents and unmarried siblings under the age of eighteen.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

Sec. 2. RCW 74.08A.120 and 1999 c 120 s 4 are each amended to read as follows:

(1) The department may establish a food assistance program for legal immigrants and victims of human trafficking as defined in RCW 74.04.005 who are ineligible for the federal food stamp program.

(2) The rules for the state food assistance program shall follow exactly the rules of the federal food stamp program except for the provisions pertaining to immigrant status.

(3) The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget.

(4) The department may enter into a contract with the United States department of agriculture to use the existing federal food stamp program coupon system for the purposes of administering the state food assistance program.

(5) In the event the department is unable to enter into a contract with the United States department of agriculture, the department may issue vouchers to eligible households for the purchase of eligible foods at participating retailers.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

Victims of human trafficking, as defined in RCW 74.04.005, are eligible for state family assistance programs as provided in rule on the effective date of this section, who otherwise meet program eligibility requirements.

Sec. 4. RCW 74.09.035 and 2013 2nd sp.s. c 10 s 7 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to:

(a) Victims of human trafficking, as defined in RCW 74.04.005, who are not eligible for medicaid under RCW 74.09.510, section 1902(a)(10)(A)(i)(VIII) of the social security act, or apple health for kids under RCW 74.09.470, who otherwise qualify for state family assistance programs under section 3 of this act;

(b) Persons eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 and who are not eligible for medicaid under RCW 74.09.510; and

~~((b))~~ (c) Persons eligible for essential needs and housing support under RCW 74.04.805 and who are not eligible for medicaid under RCW 74.09.510.

(2) Enrollment in medical care services may not result in expenditures that exceed the amount that has been appropriated in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new enrollment and establish a waiting list of persons who may receive benefits only when sufficient funds are available.

(3) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the authority, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(4) The authority shall enter into performance-based contracts with one or more managed health care systems for the provision of medical care services under this section. The contract must provide for integrated delivery of medical and mental health services.

(5) The authority shall establish standards of assistance and resource and income exemptions, which may include deductibles and coinsurance provisions. In addition, the authority may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(6) Eligibility for medical care services shall commence with the date of eligibility for the aged, blind, or disabled assistance program provided under RCW 74.62.030 or the date of eligibility for the essential needs and housing support program under RCW 74.04.805.

(7) To the extent possible, the authority must coordinate with the department of social and health services, food assistance programs for legal immigrants, state family assistance programs, and refugee cash assistance programs.

NEW SECTION. Sec. 5. This act takes effect February 1, 2022."

Correct the title.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Third Substitute Senate Bill No. 5164.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Third Substitute Senate Bill No. 5164.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Third Substitute Senate Bill No. 5164 by voice vote.

The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5164, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5164, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

THIRD SUBSTITUTE SENATE BILL NO. 5164, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5282 with the following amendment(s): 5282.E AMH HCW H5055.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.130 RCW to read as follows:

(1) A health care provider licensed under this title may not knowingly perform or authorize a student practicing under their authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

(a) The patient or a person authorized to make health care decisions for the patient gave specific informed consent to the examination;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(b) The examination is necessary for diagnostic or treatment purposes; or

(c) Sexual assault is suspected, evidence may be collected if the patient is not capable of informed consent due to longer term medical condition, or if evidence will be lost.

(2) A licensed health care provider who violates subsection (1) of this section is subject to discipline pursuant to this chapter, the uniform disciplinary act.

Sec. 2. RCW 18.130.180 and 2019 c 427 s 17 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW or a pattern of violations of RCW 48.49.020 or 48.49.030;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Violation of RCW 18.130.420;

(27) Performing conversion therapy on a patient under age eighteen;

(28) Violation of section 1 of this act."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5282.

Senators Liias and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5282.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5282 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5282, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5282, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SENATE BILL NO. 5282, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291 with the following amendment(s): 5291-S2.E AMH ENGR H5074.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060(5)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- (e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or
- (f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) ~~("Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.~~

~~((33)))~~ "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Sexual exploitation;
- (p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under

RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((34)))~~ (33) "Nonviolent offense" means an offense which is not a violent offense.

~~((35)))~~ (34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((36)))~~ (35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

~~((37)))~~ (36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((38))~~ (37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((38))~~ (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((39))~~ (38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in

authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~((40))~~ (39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((41))~~ (40) "Public school" has the same meaning as in RCW 28A.150.010.

~~((42))~~ (41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

~~((43))~~ (42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

~~((44))~~ (43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((45))~~ (44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((46))~~ (45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((47))~~ (46) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((48))~~ (47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((49))~~ (48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((50))~~ (49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((51))~~ (50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((52))~~ (51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((53))~~ (52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((54))~~ (53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((55))~~ (54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((56))~~ (55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((57))~~ (56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((58))~~ (57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((59))~~ (58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.655 and 2018 c 58 s 45 are each amended to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for ~~((a))~~: A felony ~~((that is a))~~ sex offense ~~((or))~~; a serious violent offense; or a felony offense where the offender was armed with a firearm or deadly weapon in the commission of the offense;

(c) The offender has ~~((not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~ no current conviction for a violent offense;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender ~~((has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense))~~ is:

(i) A parent with physical custody of a minor child;

(ii) An expectant parent;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(iii) A legal guardian of a minor child; or

(iv) A biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.

(2) Prior juvenile adjudications are not considered offenses when considering eligibility under this section, except for any sex offense, serious violent offense, or felony offense where the offender was armed with a firearm or deadly weapon in the commission of the offense.

(3) To assist the court in making its determination, the court may order the department to complete ~~((either))~~ a risk assessment report, including a family impact statement, or a chemical dependency screening report as provided in RCW 9.94A.500(~~(, or both reports)~~) prior to sentencing.

~~((3))~~ (4) If the court is considering this alternative, the court shall request that the department contact the department of children, youth, and families to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case or child abuse or neglect investigation, the department will provide the release of information waiver and request that the department of children, youth, and families or the tribal child welfare agency provide a report to the court. The department of children, youth, and families shall ~~((provide a report))~~, within seven business days of the request: Provide a copy of the most recent court order entered in proceedings under chapter 13.34 or 13.36 RCW pertaining to the offender, and provide a report regarding whether the offender has been cooperative with services ordered by the court in those proceedings; or, if there is no court order or there has not been court involvement, provide a report that includes, at the minimum, the following:

(i) Legal status of the child welfare case or child protective services response;

(ii) Length of time the department of children, youth, and families has ~~((been involved with))~~ had an open child welfare case or child protective services response involving the offender; and

(iii) ~~((Legal status of the case and permanent plan;~~

~~((iv))) Any special needs of the child((;~~

~~((v)) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and~~

~~((vi)) If the offender)).~~

(b) The department shall report to the court if the offender has been convicted of a crime against a child.

~~((b))~~ (c) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the department of children, youth, and families in a timely manner.

~~((c))~~ (d) If the offender does not have an open child welfare case with the department of children, youth, and families or with a tribal child welfare agency but has prior involvement, the department will obtain information from the department of children, youth, and families on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the department of children, youth, and families has never had any substantiated referrals or an open case with the offender, the department will inform the court.

~~((d))~~ (e) The existence of a prior substantiated referral of child abuse or neglect or of an open child welfare case does not, alone, disqualify the parent from applying or participating in this alternative. The court shall consider whether the child-parent

relationship can be readily maintained during parental incarceration, and whether, due to the existence of an open child welfare case, parental incarceration exacerbates the likelihood of termination of the child-parent relationship.

(5) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate. The court shall also give great weight to the minor child's best interest.

~~((5))~~ (6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

(i) Parenting classes;

(ii) Chemical dependency treatment;

(iii) Mental health treatment;

(iv) Vocational training;

(v) ~~((Offender change))~~ Change programs;

(vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

~~((6))~~ (7) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the department of children, youth, and families.

~~((7))~~ (8)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) At the commencement of such a hearing, the court shall advise the offender sentenced under this section of the offender's right to assistance of counsel and appoint counsel if the offender is indigent.

(c) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under ~~((c))~~ (d) of this subsection, including extending the length of participation in the alternative program by no more than six months.

~~((c))~~ (d) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

~~((d))~~ (e) An offender ordered to serve a term of total confinement under ~~((e))~~ (d) of this subsection shall receive credit for any time previously served in confinement under this section.

(f) An offender sentenced under this section is subject to all rules relating to earned release time with respect to any period served in total confinement.

(9) The state and its agencies, officers, agents, or employees are not liable for the acts of offenders participating in the sentencing alternative under this section unless the state or its

agencies, officers, agents, or employees act with willful disregard of a known risk of immediate harm.

(10) For the purposes of this section:

(a) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen.

Sec. 3. RCW 9.94A.6551 and 2018 c 58 s 47 are each amended to read as follows:

For an offender(s) not sentenced under RCW 9.94A.655, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony that is classified as a sex offense or a serious violent offense;

(c) The offender has ~~((not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence))~~ no current conviction for a violent offense, or where the offender has a current conviction for a violent offense, he or she has not been determined to be a high risk to reoffend;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender is:

(i) ~~((Has physical or legal custody of a minor child;~~

~~((ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or~~

~~((iii) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense))~~ A parent with guardianship or legal custody of a minor child;

(ii) An expectant parent; or

(iii) A biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense; and

(f) The department determines that ~~((such a placement))~~ the offender's participation in the parenting program is in the best interests of the child. Nothing in this section provides the department with authority to determine placement of a minor child.

(2) Except for sex offenses and serious violent offenses, prior juvenile adjudications are not considered offenses when considering eligibility for the parenting program developed by the department.

(3) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the department of children, youth, and families whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender.

(4) If the department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the department of children, youth, and families or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender ~~((and services required of the department and the~~

~~court governing)), services agreed to by the offender working voluntarily with the department, or services ordered by the court within the ((individual's)) offender's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.~~

~~((3))~~ (5) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

~~((4))~~ (6) While in the community on home detention as part of the parenting program, the department shall:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department determines is needed after consideration of the offender's stated needs;

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and

(d) If the offender has an open child welfare case with the department of children, youth, and families, collaborate and communicate with the identified social worker in the provision of services.

~~((5))~~ (7) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

(8) For the purposes of this section:

(a) "Expectant parent" means a pregnant or other parent awaiting the birth of his or her child, or an adoptive parent or person in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5291.

Senators Darneille and Walsh spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5291.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5291 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5291, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5291, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhinra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon,

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 o'clock p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:46 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Rhonda Salvesen, Senate Gubernatorial Appointment No. 9256, be confirmed as a member of the Clemency and Pardons Board.

Senator Padden spoke in favor of the motion.

MOTIONS

On motion of Senator Mullet, Senator Saldaña was excused.

On motion of Senator Rivers, Senators Ericksen, Fortunato, Honeyford, O'Ban and Warnick were excused.

APPOINTMENT OF RHONDA SALVESEN

The President declared the question before the Senate to be the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9256, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9256, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Hobbs and Nguyen

Excused: Senator Ericksen

Rhonda Salvesen, Gubernatorial Appointment No. 9256, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5402 with the following amendment(s): 5402.E AMH ENGR H5334.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2017 3rd sp.s. c 37 s 501 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 502 and 503, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to maintain and expand business in the semiconductor cluster. It is the legislature's intent to extend by ten years the preferential tax rates for manufacturers and processors for hire of semiconductor materials in order to maintain and grow jobs in the semiconductor cluster.

(4) If a review finds that: (a) Since October 19, 2017, at least one project in the semiconductor cluster has located in Clark county, and that this project generates at least two thousand five hundred high-wage jobs, all of which pay twenty dollars per hour or more and at least eighty percent of which pay thirty-five dollars per hour or more; and (b) the number of jobs in the semiconductor cluster in Washington has increased since October 19, 2017, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((date)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

Sec. 2. 2017 3rd sp.s. c 37 s 504 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 505 through 508, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers,

improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to encourage significant construction projects; retain, expand, and attract semiconductor business; and encourage and expand family-wage jobs. It is the legislature's intent to extend by ten years the ~~((preferential tax rates)) exemptions~~ for sales and use of gases and chemicals used in the production of semiconductor materials, in order to encourage the growth and retention of the semiconductor business in Washington, thereby strengthening Washington's competitiveness with other states for manufacturing investment.

(4) If a review finds that the number of construction projects in the industry has increased, and that ~~((the)) the~~ number of people employed by the solar silicon, silicon manufacturing, and semiconductor fabrication industry in Washington is the same or more than in 2015, and that at least sixty percent of employees earn sixty thousand dollars a year, then the legislature intends to extend the expiration date of the tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ~~((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.~~

Sec. 3. RCW 19.02.085 and 2013 c 144 s 22 are each amended to read as follows:

(1) To encourage timely renewal by applicants, a business license delinquency fee is imposed on licensees who fail to renew by the business license expiration date. The business license delinquency fee must be the lesser of one hundred fifty dollars or fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The business license delinquency fee must be added to the renewal fee and paid by the licensee before a business license is renewed. The delinquency fee must be deposited in the business license account.

(2) The department must waive or cancel the business license delinquency fee imposed in subsection (1) of this section only if the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department. For purposes of this subsection, an error or failure is undisputable if the department is satisfied, beyond any doubt, that the error or failure occurred.

Sec. 4. RCW 82.04.192 and 2017 c 323 s 514 are each amended to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3)(a) "Digital automated service," except as provided in (b) of this subsection (3), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (3)(b)(ii), "financial instruments" include cash, accounts receivable and payable, loans and notes receivable and

payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(v) Parimutuel wagering and handicapping contests as authorized by chapter 67.16 RCW;

(vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(vii) The internet and internet access as those terms are defined in RCW 82.04.297;

(viii) The service described in RCW 82.04.050(6)(c);

(ix) Online educational programs provided by a:

(A) Public or private elementary or secondary school; or

(B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (3)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;

(x) Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;

(xi) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;

(xii)(A) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using either: (I) The service provider's web site; or (II) the service recipient's web site, but only when the service provider's technology is used in creating or hosting the service recipient's web site or is used in processing orders from customers using the service recipient's web site.

(B) The service described in this subsection (3)(b)(xii) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service;

(xiii) Advertising services. For purposes of this subsection (3)(b)(xiii), "advertising services" means all services directly related to the creation, preparation, production, or the dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of web site traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration;

(xiv) The mere storage of digital products, digital codes, computer software, or master copies of software. This exclusion from the definition of digital automated services includes providing space on a server for web hosting or the backing up of data or other information;

(xv) Data processing services. For purposes of this subsection (3)(b)(xv), "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information. Data processing services include check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities. Data

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

processing does not include the service described in RCW 82.04.050(6)(c); and

(xvi) Digital goods.

(4) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(5) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including email or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) The internet and internet access as those terms are defined in RCW 82.04.297;

(iv)(A) Except as provided in (b)(iv)(B) of this subsection (6), the representation of a personal or professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, where the service primarily involves the application of human effort by the service provider, and the human effort originated after the customer requested the service.

(B) The exclusion in (b)(iv)(A) of this subsection (6) does not apply to photographers in respect to amounts received for the taking of photographs that are transferred electronically to the customer, but only if the customer is an end user, as defined in RCW 82.04.190(11), of the photographs. Such amounts are considered to be for the sale of digital goods; and

(v) Services and activities excluded from the definition of digital automated services in subsection (3)(b)(i) through (xv) of this section and not otherwise described in (b)(i) through (iv) of this subsection (6).

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audiovisual works, digital audio works, and digital books.

(10) "Subscription radio services" means the sale of audio programming by a radio broadcaster as defined in RCW ((82.08.0208+)) 82.08.0208, except as otherwise provided in this subsection. "Subscription radio services" does not include audio programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(11) "Subscription television services" means the sale of video programming by a television broadcaster as defined in RCW ((82.08.0208+)) 82.08.0208, except as otherwise provided in this subsection. "Subscription television services" does not include video programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service, but only if the seller is not subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

Sec. 5. RCW 82.04.4266 and 2015 3rd sp.s. c 6 s 202 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) For purposes of this section, "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products.

(3) A person claiming the exemption provided in this section must file a complete annual ((survey)) tax performance report with the department under RCW ((82.32.585)) 82.32.534.

(4) This section expires July 1, 2025.

Sec. 6. RCW 82.04.4268 and 2015 3rd sp.s. c 6 s 203 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax, the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling dairy products manufactured by the seller to purchasers who either transport in the ordinary course of business the goods out of this state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(2) "Dairy products" has the same meaning as provided in RCW 82.04.260.

(3) A person claiming the exemption provided in this section must file a complete annual ((survey)) tax performance report with the department under RCW ((82.32.585)) 82.32.534.

(4) This section expires July 1, 2025.

Sec. 7. RCW 82.04.4269 and 2015 3rd sp.s. c 6 s 204 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070

establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(3) This section expires July 1, 2025.

Sec. 8. RCW 82.04.4327 and 1985 c 471 s 6 are each amended to read as follows:

In computing tax ~~((there may be deducted))~~ under this chapter, an artistic or cultural organization may deduct from the measure of tax ((those)):

(1) All amounts received by the artistic or cultural ((organizations which represent income derived from business activities conducted by the organization)) organization; and

(2) The value of articles manufactured by the artistic or cultural organization solely for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

Sec. 9. RCW 82.04.4328 and 1985 c 471 s 7 are each amended to read as follows:

(1) For the purposes of RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization ~~((which))~~ that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the corporation ~~((shall))~~ must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue ~~((shall))~~ must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 10. RCW 82.08.0201 and 1992 c 194 s 10 are each amended to read as follows:

Before January 1, 1994, and January 1st of each odd-numbered year thereafter:

The department of licensing, with the assistance of the department of revenue, ~~((shall))~~ must provide the office of financial management and the fiscal committees of the legislature with an updated estimate of the amount of revenue attributable to the taxes imposed in RCW 82.08.020(2) ~~((, and the amount of revenue not collected as a result of RCW 82.44.023)).~~

Sec. 11. RCW 82.08.0208 and 2009 c 535 s 501 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital products if the sale of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

(2)(a) The tax imposed by RCW 82.08.020 does not apply to a business or other organization for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c), available free of charge for the use or enjoyment of the general public. The exemption provided in this subsection (2) does not apply unless the purchaser has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(b) For purposes of this subsection (2), "general public" means all persons and not limited or restricted to a particular class of persons, except that the general public includes:

(i) A class of persons that is defined as all persons residing or owning property within the boundaries of a state, political subdivision of a state, or a municipal corporation; and

(ii) With respect to libraries, authorized library patrons.

(3)(a) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of digital goods, and services rendered in respect to digital goods, if the digital goods and services rendered in respect to digital goods are purchased solely for business purposes. The exemption provided by this subsection (3) also applies to the sale to a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes.

(b) For purposes of this subsection (3), the following definitions apply:

(i) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this subsection (3). Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(ii) "Services rendered in respect to digital goods" means those services defined as a retail sale in RCW 82.04.050(2)(g).

(4)(a) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(b) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)(c) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) purchased for personal use.

(c) A buyer claiming an exemption under this subsection (4) must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.0208 and 82.14.457.

(d) For purposes of this subsection (4), "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(5)(a) Except as provided in (b) of this subsection (5), the tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (5), the exemption provided in this subsection (5) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (5) applies to the sale of programming described in (b)(i) of this subsection (5) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (5), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

(6) Sellers making tax-exempt sales under subsection (2) or (3) of this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

Sec. 12. RCW 82.08.025651 and 2011 c 23 s 4 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a public research institution of machinery and equipment used primarily in a research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) A public research institution claiming the exemption provided in this section must file a complete annual ((survey)) tax performance report with the department under RCW ((82.32.585)) 82.32.534.

(3) For purposes of this section, the following definitions apply:

(a) "Machinery and equipment" means those fixtures, pieces of equipment, digital goods, and support facilities that are an integral and necessary part of a research and development operation, and tangible personal property that becomes an ingredient or component of such fixtures, equipment, and support facilities, including repair parts and replacement parts. "Machinery and equipment" may include, but is not limited to: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, or invention; vats, tanks, and fermenters; operating structures; and all equipment used to control, monitor, or operate the machinery and equipment.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings; and

(iv) Those building fixtures that are not an integral and necessary part of a research and development operation and that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) "Primarily" means greater than fifty percent as measured by time. If machinery and equipment is used simultaneously in a research and development operation and also for other purposes, the use for other purposes must be disregarded during the period of simultaneous use for purposes of determining whether the machinery and equipment is used primarily in a research and development operation.

(d) "Public research institution" means any college or university included within the definitions of state universities, regional universities, or state college in RCW 28B.10.016.

(e) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010.

Sec. 13. RCW 82.08.02807 and 2014 c 97 s 306 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ((shall)) does not apply to the sales of medical supplies, chemicals, or materials to an organ procurement organization exempt under RCW 82.04.326. This exemption does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(b) "Materials" means any item of tangible personal property including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants, used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(c) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by an organ procurement organization exempt under RCW 82.04.326 for the purpose of performing research on, procuring, testing, processing, storing,

packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
- (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; or
- (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

Sec. 14. RCW 82.08.155 and 2012 c 39 s 1 are each amended to read as follows:

(1)(a) If the department determines that a taxpayer is more than thirty days delinquent in reporting or remitting spirits taxes on a tax return or assessed by the department, including any applicable penalties and interest on such taxes, the department may request that the liquor ~~((control))~~ and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing spirits license held by the taxpayer or issue any new spirits license to the taxpayer. The department must provide written notice to the affected taxpayer of the department's request to the liquor ~~((control))~~ and cannabis board.

(b) Before the department may make a request to the liquor ~~((control))~~ and cannabis board as authorized in (a) of this subsection (1), the department must have provided the taxpayer with at least seven calendar days prior written notice. This notice must inform the taxpayer that the department intends to request that the liquor ~~((control))~~ and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing license of the taxpayer or issue any new spirits license to the taxpayer unless, within seven calendar days of the date of the notice, the taxpayer submits any unfiled tax returns for reporting spirits taxes and remits full payment of its outstanding spirits tax liability to the department or negotiates payment arrangements for the unpaid spirits taxes. The notice required by this subsection (1)(b) must include information listing any unfiled tax returns; the amount of unpaid spirits taxes, including any applicable penalties and interest; who to contact to inquire about payment arrangements; and that the taxpayer may seek administrative review by the department of the notice, and the deadline for seeking such review. Nothing in this subsection (1)(b) requires the department to enter into any payment arrangement proposed by a taxpayer if the department determines that the taxpayer's proposal is not satisfactory.

(c) The department may not make a request to the liquor ~~((control))~~ and cannabis board under (a) of this subsection ~~((1)(a))~~ relating to any spirits taxes that are the subject of pending administrative review by the department.

(2) A taxpayer's right to administrative review of the notice required in subsection (1)(b) of this section:

(a) May be conducted under any rule adopted pursuant to RCW 82.01.060(4) or as a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494; and

(b) Does not include the right to challenge the amount of any spirits taxes assessed by the department if the taxpayer previously sought or could have sought administrative review of the assessment as provided in RCW 82.32.160.

(3) The notices required by this section may be provided electronically in accordance with RCW 82.32.135.

(4) For purposes of this section:

(a) "Spirits license" has the same meaning as in RCW 66.24.010(3)(c); and

(b) "Spirits taxes" means the taxes imposed in RCW 82.08.150.

Sec. 15. RCW 82.08.195 and 2010 c 111 s 601 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, a bundled transaction is subject to the tax imposed by RCW

82.08.020 if the retail sale of any of its component products would be subject to the tax imposed by RCW 82.08.020.

(2) The transactions described in RCW 82.08.190(4) (a) and (b) are subject to the tax imposed by RCW 82.08.020 if the service that is the true object of the transaction is subject to the tax imposed by RCW 82.08.020. If the service that is the true object of the transaction is not subject to the tax imposed by RCW 82.08.020, the transaction is not subject to the tax imposed by RCW 82.08.020.

(3) The transaction described in RCW 82.08.190(4)(c) is not subject to the tax imposed by RCW 82.08.020.

(4) The transaction described in RCW 82.08.190(4)(d) is not subject to the tax imposed by RCW 82.08.020.

(5) In the case of a bundled transaction that includes any of the following: Telecommunications service, ancillary service, internet access, or audio or video programming service:

(a) If the price is attributable to products that are taxable and products that are not taxable, the portion of the price attributable to the nontaxable products are subject to the tax imposed by RCW 82.08.020 unless the seller can identify by reasonable and verifiable standards the portion from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes;

(b) If the price is attributable to products that are subject to tax at different tax rates, the total price is attributable to the products subject to the tax at the highest tax rate unless the seller can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to the tax imposed by RCW 82.08.020 at the lower rate from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes.

(6) The tax imposed by RCW 82.08.020 does not apply in respect to a bundled transaction consisting entirely of the sale of services or of services and prepared food, if the sale is to a resident, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. A single bundled transaction involving both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

(7) In the case of the sale of a code that provides a purchaser with the right to obtain more than one digital product or one or more digital products and other products or services, and all of the products and services, digital or otherwise, to be obtained through the use of the code do not have the same sales and use tax treatment, for purposes of the tax imposed by RCW 82.08.020:

(a) The transaction is deemed to be the sale of the products and services to be obtained through the use of the code; and

(b)(i) The tax imposed by RCW 82.08.020 applies to the entire selling price of the code, except as provided in (b)(ii) of this subsection (7).

(ii) If the seller can identify by reasonable and verifiable standards the portion of the selling price attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, the tax imposed by RCW 82.08.020 does not apply to that portion of the selling price of the code attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 nor to that portion of the selling price of the code attributable to any digital goods, the sale of which is exempt under RCW ~~((82.08.02087))~~ 82.08.0208(3).

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Sec. 16. RCW 82.08.806 and 2011 c 174 s 204 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260~~((+3))~~ (14) or 82.04.280(1)(a).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 17. RCW 82.08.9651 and 2017 3rd sp.s. c 37 s 506 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for

fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 18. RCW 82.12.0208 and 2009 c 535 s 601 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital products, if the use of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

(2) The provisions of this chapter do not apply to the use by a business or other organization of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(c) for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c) available free of charge for the use or enjoyment of the general public. For purposes of this subsection (2), "general public" has the same meaning as in RCW 82.08.0208. The exemption provided in this subsection (2) does not apply unless the user has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(3) The provisions of this chapter do not apply to the use by students of digital goods furnished by a public or private elementary or secondary school, or an institution of higher education as defined in section 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

(4)(a) The provisions of this chapter do not apply in respect to the use of digital goods that are:

(i) Of a noncommercial nature, such as personal email communications;

(ii) Created solely for an internal audience; or

(iii) Created solely for the business needs of the person who created the digital good, including business email communications, but not including the type of digital good that is offered for sale.

(b) This subsection (4) does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

(5) The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

(6) The provisions of this chapter do not apply to the use by a business of digital goods, and services rendered in respect to digital goods, where the digital goods and services rendered in respect to digital goods are used solely for business purposes. The exemption provided by this subsection (6) also applies to the use by a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes. For purposes of this subsection (6), the definitions in RCW 82.08.0208 apply.

(7)(a) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software,

or services defined as a retail sale in RCW 82.04.050(6)(c) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c).

(b) No apportionment under this subsection (7) is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(c) For purposes of this subsection (7), the following definitions apply:

(i) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously at one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state; and

(ii) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) in the performance of his or her duties as an employee or other agent of the taxpayer.

(8)(a) Except as provided in (b) of this subsection (8), the provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (8), the exemption provided in this subsection (8) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (8) applies to the sale of programming described in (b)(i) of this subsection (8) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (8), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

Sec. 19. RCW 82.12.02749 and 2002 c 113 s 3 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to the use of medical supplies, chemicals, or materials by an organ procurement organization exempt under RCW 82.04.326. The definitions of medical supplies, chemicals, and materials in RCW ~~((82.04.324))~~ 82.08.02807 apply to this section. This exemption does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

Sec. 20. RCW 82.12.930 and 2003 c 5 s 17 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use by municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services as defined in RCW 82.04.050(2)(a)

rendered in respect to contracts for watershed protection and/or flood prevention. This exemption is limited to that portion of the selling price that is reimbursed by the United States government according to the provisions of the watershed protection and flood prevention act (68 Stat. 666; 16 U.S.C. Sec. ~~((404))~~ 1001 et seq.).

Sec. 21. RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Biofuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Hog fuel" has the same meaning as provided in RCW 82.08.956; and

~~(b) "Biofuel" has the same meaning as provided in RCW 43.325.010).~~

(3) This section expires June 30, 2024.

Sec. 22. RCW 82.12.9651 and 2017 3rd sp.s. c 37 s 508 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 23. RCW 82.14.049 and 2011 c 174 s 107 are each amended to read as follows:

(1) The legislative authority of any county may impose a sales and use tax, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax is one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Proceeds of the tax may not be used to subsidize any professional sports team and must be used solely for the following purposes:

(a) Acquiring, constructing, maintaining, or operating public sports stadium facilities;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(b) Engineering, planning, financial, legal, or professional services incidental to public sports stadium facilities;

(c) Youth or amateur sport activities or facilities; or

(d) Debt or refinancing debt issued for the purposes of subsection (1) of this section.

(2) In a county of one million or more, at least seventy-five percent of the tax imposed under this section must be used to retire the debt on the stadium under RCW 67.28.180(2)(b)(~~(i)(A)~~) (i)(B), until that debt is fully retired.

Sec. 24. RCW 82.14.400 and 2000 c 240 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district, a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand, the county (~~(shall)~~) must submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and (~~(shall)~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax (~~(shall)~~) must equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section (~~(shall)~~) must be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department (~~(of revenue shall)~~) must perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 (~~(shall)~~) must be transferred annually to the department of (~~(community, trade, and economic development)~~) commerce, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of (~~(community, trade, and economic development)~~) commerce, or its successor agency, (~~(shall)~~) must use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for (~~(persons who are mentally ill)~~) individuals with mental illness.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section (~~(shall)~~) must be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds (~~(shall)~~) must be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county (~~(shall)~~) must establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, (~~(shall)~~) must be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection (~~(shall)~~) must come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection (~~(shall)~~) may not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question.

Sec. 25. RCW 82.14.457 and 2017 c 323 s 527 are each amended to read as follows:

(1) A business or other organization that is entitled under RCW (~~(82.12.02088)~~) 82.12.0208(7) to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under RCW (~~(82.12.02088)~~) 82.12.0208(7).

(3) This section does not affect the sourcing of local use taxes.

Sec. 26. RCW 82.16.0497 and 2006 c 213 s 1 are each amended to read as follows:

(1) (~~(Unless the context clearly requires otherwise,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the

proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of ~~((community, trade, and economic development))~~ commerce or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of ~~((community, trade, and economic development))~~ commerce to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit ~~((shall be))~~ is allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed in the first fiscal year that billing discounts are given. Thereafter, credit ~~((shall be))~~ is allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year ~~((shall))~~ may not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 ~~((shall))~~ may not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must ~~((by))~~ be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses ~~((shall))~~ must be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds ~~((shall))~~ may not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in fiscal year 2002.

Sec. 27. RCW 82.16.055 and 1980 c 149 s 3 are each amended to read as follows:

(1) In computing tax under this chapter there ~~((shall))~~ must be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35.020, as existing on June 30, 2006; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before January 1, 1990.

(3) Deductions under subsection (1)(a) of this section ~~((shall))~~ must be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section ~~((shall))~~ must at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, ~~((shall))~~ must determine the eligibility of individual projects and measures for deductions under this section.

Sec. 28. RCW 82.23A.010 and 2012 1st sp.s. c 3 s 4 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Rack" means a mechanism for delivering petroleum products from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer. For the purposes of this definition:

(a) "Terminal" has the same ~~((definition as in RCW 82.36.010 and))~~ meaning as provided in RCW 82.38.020; and

(b) "Nonbulk transfer" means a transfer that does not meet the definition of "bulk transfer" as defined in RCW ~~((82.36.010 and))~~ 82.38.020.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale

selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

Sec. 29. RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter ~~((:))~~ unless the context clearly requires otherwise.

(1) "Board" means the liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 30. RCW 82.24.551 and 1997 c 420 s 10 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

Sec. 31. RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the liquor ~~((control))~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Indian country" means the same as defined in chapter 82.24 RCW.

(10) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

(11) "Manufacturer" means a person who manufactures and sells tobacco products.

(12) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

(13) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

(14) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(15) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

(16) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(17) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(18)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(19)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection (18)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection (14) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

(20) "Taxpayer" means a person liable for the tax imposed by this chapter.

(21) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, but does not include cigarettes as defined in RCW 82.24.010.

(22) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(23) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

Sec. 32. RCW 82.26.121 and 1997 c 420 s 11 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

Sec. 33. RCW 82.26.130 and 2002 c 325 s 5 are each amended to read as follows:

(1) The department ~~((shall))~~ must by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010~~((3))~~ (8)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest ~~((shall))~~ must be assessed in accordance with chapter 82.32 RCW.

Sec. 34. RCW 82.26.190 and 2009 c 154 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state after September 30, 2005, without a valid license issued under this chapter. Any person who sells tobacco products to persons other than ultimate consumers or who meets the definition of distributor under RCW 82.26.010~~((3))~~ (8)(d) must obtain a distributor's license under this chapter. Any person who sells tobacco products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter 9A.20 RCW.

(2)(a) No person engaged in or conducting business as a distributor or retailer in this state may:

(i) Refuse to allow the department or the board, on demand, to make a full inspection of any place of business where any of the tobacco products taxed under this chapter are sold, stored, or handled, or otherwise hinder or prevent such inspection;

(ii) Make, use, or present or exhibit to the department or the board any invoice for any of the tobacco products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(iii) Fail to produce on demand of the department or the board all invoices of all the tobacco products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(b) No person, other than a licensed distributor or retailer, may transport tobacco products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under RCW 82.26.140;

(ii) The person transporting the tobacco products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of tobacco products being transported; and

(iii) The tobacco products are consigned to or purchased by a person in this state who is licensed under this chapter.

(c) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, ~~((shall))~~ may

not operate in any other capacity unless the additional appropriate license is first secured. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 35. RCW 82.26.200 and 2005 c 180 s 17 are each amended to read as follows:

(1) A retailer that obtains tobacco products from an unlicensed distributor or any other person that is not licensed under this chapter must be licensed both as a retailer and a distributor under this chapter and is liable for the tax imposed under RCW 82.26.020 with respect to the tobacco products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in RCW 82.26.010~~((40))~~ (14) and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under this chapter ~~((shall))~~ must sell tobacco products to retailers located in Washington only if the retailer has a current retailer's license under this chapter.

Sec. 36. RCW 82.29A.060 and 1994 c 95 s 1 are each amended to read as follows:

(1) All administrative provisions in chapters 82.02 and 82.32 RCW ~~((shall be))~~ are applicable to taxes imposed pursuant to this chapter.

(2)(a) A lessee, or a sublessee in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the county board of equalization for a change in appraised value when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((b))~~ (g) based on an appraisal done by the county assessor at the request of the department. The petition must be on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed ~~((shall))~~ may not be considered by the board. The petition must be filed with the board within the time period set forth in RCW 84.40.038. A decision of the board of equalization may be appealed by the taxpayer to the board of tax appeals as provided in RCW 84.08.130.

(b) A sublessee, in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the department for a change in taxable rent when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((b))~~ (g).

(c) Any change in tax resulting from an appeal under this subsection ~~((shall))~~ must be allocated to the lessee or sublessee responsible for paying the tax.

(3) This section ~~((shall))~~ does not authorize the issuance of any levy upon any property owned by the public lessor.

(4) In selecting leasehold excise tax returns for audit the department of revenue ~~((shall))~~ must give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter ~~((shall))~~ must be open to public inspection at all reasonable times.

Sec. 37. RCW 82.29A.120 and 2017 3rd sp.s. c 37 s 1302 are each amended to read as follows:

(1)(a) After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040, the following credits are allowed in determining the tax payable:

(i) For lessees and sublessees who would qualify for a property tax exemption under RCW 84.36.381 if the property were privately owned, the tax otherwise due after this credit must be reduced by a percentage equal to the percentage reduction in property tax that would result from the property tax exemption under RCW 84.36.381; and

(ii) A credit of thirty-three percent of the tax otherwise due is allowed with respect to a product lease.

(b)(i) For a leasehold interest in real property owned by a state university, a credit is allowed equal to the amount that the tax under this chapter exceeds the property tax that would apply if the real property were privately owned by the taxpayer.

(ii) The credit under this subsection (1)(b) is available only if the tax parcel that is subject to the leasehold interest has a market value in excess of ten million dollars. If the leasehold interest attaches to two or more parcels, the credit is available if at least one of the tax parcels has a market value in excess of ten million dollars. In either case, the market value must be determined as of January 1st of the year prior to the year for which the credit is claimed.

(iii) For purposes of calculating the credit under this subsection (1)(b):

(A) If a tax parcel does not have current assessed value in accordance with RCW 84.40.020, a market value appraisal performed by a Washington state-certified general real estate appraiser, as defined in RCW 18.140.010, is sufficient to establish the market value. If the underlying real property that is the subject of the leasehold interest consists of a part of one or more tax parcels, this appraisal must include the market value of the part of the parcel or parcels to which the leasehold interest applies; and

(B) The property tax that would otherwise apply to the real property that is the subject of the leasehold interest is calculated using the existing consolidated levy rate for the property's tax code area.

(iv) The definitions in this subsection apply throughout this subsection (1)(b) unless the context clearly requires otherwise.

(A) "Market value" means the true and fair value of the property as that term is used in RCW 84.40.030, based on the property's highest and best use and determined by any reasonable means approved by the department.

(B) "Real property" has the same meaning as in RCW 84.04.090 and also includes all improvements upon the land the fee of which is still vested in the public owner.

(C) "State university" has the same meaning as "state universities" as provided in RCW 28B.10.016.

(v) The credit provided under this subsection (1)(b) may not be claimed for tax reporting periods beginning on or after January 1, 2032.

(2) ~~((This section expires))~~ No credit under subsection (1)(b) of this section may be claimed or approved on or after January 1, 2032.

Sec. 38. RCW 82.32.062 and 2002 c 57 s 1 are each amended to read as follows:

(1) In addition to the procedure set forth in RCW 82.32.060 and as an exception to the four-year period explicitly set forth in RCW 82.32.060, an offset for a tax that has been paid in excess of that properly due may be taken under the following conditions:

~~((4))~~ (a) The tax paid in excess of that properly due was sales ((tax paid on the purchase of property acquired for leasing; (2))) or use tax paid on property purchased for the purpose of leasing;

(b) The taxpayer was at the time of purchase entitled to purchase the property at wholesale under RCW 82.04.060; and

~~((3))~~ (c) The taxpayer substantiates that ((sales tax was paid at the time of purchase)) the taxpayer paid sales or use tax on the purchase of the property and that there was no intervening use of the ((equipment)) property by the taxpayer.

(2) The offset under this section is applied to and reduced by the amount of retail sales tax otherwise due from the beginning of lease of the property until the offset is extinguished.

Sec. 39. RCW 82.32.300 and 2019 c 445 s 209 are each amended to read as follows:

(1) The ~~((administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department, which must))~~ department must administer this chapter and such other provisions of the Revised Code of Washington as specifically provided by law. To that end, the department may prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment, and collection of taxes and penalties imposed thereunder.

(2)(a) The department ~~((must))~~ may make and publish rules ~~((and regulations))~~, not inconsistent therewith, necessary to enforce provisions of this chapter ~~((and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor and cannabis board must))~~ and such other provisions of the Revised Code of Washington that the department is empowered by law to enforce. The liquor and cannabis board may make and publish rules necessary to enforce chapters 82.24, 82.26, and 82.25 RCW((, which has)).

(b) Rules adopted by the department or liquor and cannabis board under the authority of this subsection have the same force and effect as if specifically included ((therein)) in law, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees must be fixed by the department and charged to the proper appropriation for the department.

(4) The department must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 40. RCW 82.32.780 and 2010 c 112 s 2 are each amended to read as follows:

(1)(a) Taxpayers seeking to obtain a new reseller permit or to renew or reinstate a reseller permit, other than taxpayers subject to the provisions of RCW 82.32.783, must apply to the department in a form and manner prescribed by the department. The department must use its best efforts to rule on applications within sixty days of receiving a complete application. If the department fails to rule on an application within sixty days of receiving a complete application, the taxpayer may either request a review as provided in subsection (6) of this section or resubmit the application. Nothing in this subsection may be construed as preventing the department from ruling on an application more than sixty days after the department received the application.

(b) An application must be denied if:

(i) The department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit;

(ii) The application contains any material misstatement; or

(iii) The application is incomplete.

(c) The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title.

(d) The department's decision to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(e) The department must refuse to accept an application to renew a reseller permit that is received more than ninety days before the expiration of the reseller permit.

(2) Notwithstanding subsection (1) of this section, the department may issue or renew a reseller permit for a taxpayer that has not applied for the permit or renewal of the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3)(a) Except as otherwise provided in this section, reseller permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b)(i) A reseller permit is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (3) if the permit is issued to a taxpayer who:

(A) Is not registered with the department under RCW 82.32.030;

(B) Has been registered with the department under RCW 82.32.030 for a continuous period of less than one year as of the date that the department received the taxpayer's application for a reseller permit;

(C) Was on nonreporting status as authorized under RCW 82.32.045~~((4))~~ (5) at the time that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit;

(D) Has filed tax returns reporting no business activity for purposes of sales and business and occupation taxes for the twelve-month period immediately preceding the date that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit; or

(E) Has failed to file tax returns covering any part of the twelve-month period immediately preceding the department's receipt of the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit.

(ii) The provisions of this subsection (3)(b) do not apply to reseller permits issued to any business owned by a federally recognized Indian tribe or by an enrolled member of a federally recognized Indian tribe, if the business does not engage in any business activity that subjects the business to any tax imposed by the state under chapter 82.04 RCW. Permits issued to such businesses are valid for the period provided in (a) of this subsection (3).

(iii) Nothing in this subsection (3)(b) may be construed as affecting the department's right to deny a taxpayer's application for a reseller permit or to renew or reinstate a reseller permit as provided in subsection (1)(b) and (c) of this section.

(c) A reseller permit is no longer valid if the permit holder's certificate of registration is revoked, the permit holder's tax reporting account is closed by the department, or the permit holder otherwise ceases to engage in business.

(d) The department may provide by rule for a uniform expiration date for reseller permits issued, renewed, or reinstated under this section, if the department determines that a uniform expiration date for reseller permits will improve administrative efficiency for the department. If the department adopts a uniform expiration date by rule, the department may extend or shorten the twenty-four or forty-eight month period provided in (a) and (b) of this subsection for a period not to exceed six months as necessary to conform the reseller permit to the uniform expiration date.

(4)(a) The department may revoke a taxpayer's reseller permit for any of the following reasons:

(i) The taxpayer used or allowed or caused its reseller permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the reseller permit for the purchase;

(ii) The department issued the reseller permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the reseller permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a reseller permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose reseller permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a reseller permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide the public with access to reseller permit numbers on its web site, including the name of the permit holder, the status of the reseller permit, the expiration date of the permit, and any other information that is disclosable under RCW 82.32.330~~(3)((4))~~ (k).

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a reseller permit or the department's failure to rule on an application within the time prescribed in subsection (1)(a) of this section. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a reseller permit or other documentation authorized under RCW 82.04.470 and the consequences of misusing such permits or other documentation.

Sec. 41. RCW 82.60.025 and 2010 1st sp.s. c 16 s 4 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment,

credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 42. RCW 82.60.063 and 2010 1st sp.s. c 16 s 10 are each amended to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty-four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual ~~((survey))~~ tax performance report as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

Sec. 43. RCW 82.63.010 and 2015 3rd sp.s. c 5 s 303 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software,

including innovations in designing the full spectrum of hardware from handheld calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.63.020(2); and

(iii) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" ~~((shall apply))~~ applies separately to each phase.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(10) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(11) "Multiple qualified buildings" means qualified buildings leased to the same person when such structures: (a) Are located within a five-mile radius; and (b) the initiation of construction of each building begins within a sixty-month period.

(12) "Person" has the meaning given in RCW 82.04.030 and includes state universities as defined in RCW 28B.10.016.

(13) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building or buildings are used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral (~~((shall be))~~) is determined by apportionment of the costs of construction under rules adopted by the department. Such rules may include provisions for determining the amount of the deferral based on apportionment of costs of construction of an investment project consisting of a building or multiple buildings, where qualified research and development or pilot scale manufacturing activities are shifted within a building or from one building to another building.

(15)(a) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(b) "Qualified machinery and equipment" does not include any fixtures, equipment, or support facilities, if the sale to or use by the recipient is not eligible for an exemption under RCW 82.08.02565 or 82.12.02565 solely because the recipient is an ineligible person as defined in RCW 82.08.02565.

(16) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(17) "Recipient" means a person receiving a tax deferral under this chapter.

(18) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

Sec. 44. RCW 82.74.010 and 2006 c 354 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

(6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

(7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

(8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ~~((warehouse))~~ warehousing, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 45. RCW 82.75.010 and 2010 c 114 s 145 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Biotechnology" means a technology based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination of these, and includes, but is not limited to, recombinant DNA techniques,

genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms.

(3) "Biotechnology product" means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans.

(4) "Department" means the department of revenue.

(5)(a) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.75.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(7) "Manufacturing" has the meaning provided in RCW 82.04.120.

(8) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is designed or developed and:

(a) Recognized in the national formulary, or the United States pharmacopeia, or any supplement to them;

(b) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or other animals; or

(c) Intended to affect the structure or any function of the body of human beings or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(9) "Person" has the meaning provided in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

the purpose of increasing floor space or production capacity used for biotechnology product manufacturing or medical device manufacturing activities, including plant offices, commercial laboratories for process development, quality assurance and quality control, and warehouses or other facilities for the storage of raw material or finished goods if the facilities are an essential or an integral part of a factory, plant, or laboratory used for biotechnology product manufacturing or medical device manufacturing. If a building is used partly for biotechnology product manufacturing or medical device manufacturing and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a biotechnology product manufacturing or medical device manufacturing operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

Sec. 46. RCW 82.82.010 and 2008 c 15 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Corporate headquarters" means a facility or facilities where corporate staff employees are physically employed, and where the majority of the company's management services are handled either on a regional or a national basis. Company management services may include: Accounts receivable and payable, accounting, data processing, distribution management, employee benefit plan, financial and securities accounting, information technology, insurance, legal, merchandising, payroll, personnel, purchasing procurement, planning, reporting and compliance, research and development, tax, treasury, or other headquarters-related services. "Corporate headquarters" does not include a facility or facilities used for manufacturing, wholesaling, or warehousing.

(3) "Department" means the department of revenue.

(4) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020.

(5)(a) "Eligible investment project" means an investment project in a qualified building or buildings in an eligible area, as defined in subsection (4) of this section, which will have employment at the qualified building or buildings of at least three hundred employees in qualified employment positions, each of whom must earn for the year reported at least the average annual wage for the state for that year as determined by the employment security department.

(b) The lessor or owner of a qualified building or buildings is not eligible for a deferral unless:

(i) The underlying ownership of the building or buildings vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.82.020; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6) "Investment project" means a capital investment of at least thirty million dollars in a qualified building or buildings including tangible personal property and fixtures that will be incorporated as an ingredient or component of such buildings during the course of their construction, and including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacture" has the same meaning as provided in RCW 82.04.120.

(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority.

(9) "Person" has the same meaning as provided in RCW 82.04.030.

(10) "Qualified building or buildings" means construction of a new structure or structures or expansion of an existing structure or structures to be used for corporate headquarters. If a building is used partly for corporate headquarters and partly for other purposes, the applicable tax deferral is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation.

(14) "Wholesale sale" has the same meaning as provided in RCW 82.04.060.

Sec. 47. RCW 82.85.030 and 2015 3rd sp.s. c 6 s 403 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the building, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW ~~((82.32.585))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 48. RCW 82.85.080 and 2015 3rd sp.s. c 6 s 408 are each amended to read as follows:

(1) Each recipient of a deferral of taxes granted under this chapter must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.85.030, the lessee must file a complete annual ~~((survey))~~ tax performance report, and the applicant is not

required to file a complete annual ~~((survey))~~ tax performance report.

(2) If, on the basis of a ~~((survey))~~ tax performance report under RCW ~~((82.32.585))~~ 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter due to the fact the investment project is no longer used for qualified activities, the amount of deferred taxes outstanding for the investment project is immediately due and payable.

(3) If the economic benefits of a tax deferral under this chapter are passed to a lessee as provided in RCW 82.85.030, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

Sec. 49. RCW 84.36.840 and 2016 c 217 s 6 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, 84.36.049, and 84.36.030, are exempt from property taxes, and before the exemption is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. This report must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

(2) ~~((Educational institutions claiming exemption under RCW 84.36.050 must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.~~

(3) The reports required under ~~((subsections (1) and (2) of))~~ this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports must be submitted on or before March 31st of each year. The department must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

Sec. 50. RCW 84.37.040 and 2007 sp.s. c 2 s 4 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments or real property tax obligations, or both, under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than the first day of September of the year for which the deferral is sought~~((PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration

must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 51. RCW 84.38.040 and 2013 c 23 s 353 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later~~((PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county ~~((shall))~~ must include proof of the claimant's age acceptable to the assessor.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 52. RCW 84.38.050 and 1979 ex.s. c 214 s 8 are each amended to read as follows:

(1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor ~~((shall))~~ must send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments ~~((shall))~~ must be made by filing with the assessor no later than thirty days before the special assessment is due on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence ~~((shall))~~ must be deferred but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

Sec. 53. RCW 84.38.110 and 1984 c 220 s 24 are each amended to read as follows:

The county assessor ~~((shall))~~ must:

(1) Immediately transmit ~~((one))~~ a copy of each declaration to defer to the department of revenue. The department may audit any declaration and ~~((shall))~~ must notify the assessor as soon as possible of any claim where any factor appears to disqualify the claimant for the deferral sought.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(2) Transmit ~~((one))~~ a copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) Compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) As soon as possible notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

Sec. 54. RCW 84.39.020 and 2005 c 253 s 2 are each amended to read as follows:

(1) Each claimant applying for assistance under RCW 84.39.010 ~~((shall))~~ must file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department ~~((shall))~~ must supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim ~~((shall))~~ must designate the property to which the assistance applies and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The claim must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim ~~((shall))~~ must include proof of the claimant's age acceptable to the department.

(3) The following documentation ~~((shall))~~ must be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

(b) A copy of the applicant's certificate of marriage to the deceased;

(c) A copy of the deceased veteran's death certificate; and

(d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of RCW 84.39.010(2).

(4) The department of veterans affairs ~~((shall))~~ must assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

~~((4))~~ (5) The department ~~((shall))~~ must determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board ~~((shall))~~ must consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

Sec. 55. RCW 84.39.030 and 2005 c 253 s 3 are each amended to read as follows:

(1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department ~~((shall))~~ must send to each claimant who has been granted assistance for the previous year a renewal form ~~((s))~~ and notice to renew.

Sec. 56. RCW 84.56.150 and 1961 c 15 s 84.56.150 are each amended to read as follows:

If any person, firm, or corporation ~~((shall remove))~~ removes from one county to another in this state personal property ~~((which))~~ that has been assessed in the former county for a tax

~~((which))~~ that is unpaid at the time of such removal, the treasurer of the county from which the property is removed ~~((shall))~~ must certify to the treasurer of the county to which the property has been ~~((removed))~~ moved a statement of the tax together with all delinquencies and penalties.

Sec. 57. RCW 82.32.805 and 2013 2nd sp.s. c 13 s 1701 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, every new tax preference expires on the first day of the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference. With respect to any new property tax exemption, the exemption does not apply to taxes levied for collection beginning in the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference.

(b) A future amendment that expands a tax preference does not extend the tax preference beyond the period provided in this subsection unless an extension is expressly and unambiguously stated in the amendment.

(2) Subsection (1) of this section does not apply if legislation creating a new tax preference includes an expiration date for the new tax preference or an exemption from this section in its entirety or from the provisions of subsection (1) of this section, whether or not such exemption is codified.

(3) Subsection (1) of this section does not apply to any existing tax preference that is amended to clarify an ambiguity or correct a technical inconsistency. Future enacted legislation intended to make such clarifications or corrections must explicitly indicate this intent.

(4) For the purposes of this section, the following definitions apply:

(a) "New tax preference" means a tax preference that initially takes effect after August 1, 2013, or a tax preference in effect as of August 1, 2013, that is expanded or extended after August 1, 2013, even if the expanding or extending amendment includes any other change to the tax preference.

(b) "Tax preference" has the same meaning as in RCW 43.136.021 with respect to any state tax administered by the department, except does not include the Washington estate and transfer tax in chapter 83.100 RCW.

(5) The department must provide written notice to the office of the code reviser of a ten-year expiration date required under this section for a new tax preference.

Sec. 58. RCW 82.32.808 and 2017 c 135 s 8 are each amended to read as follows:

(1) As provided in this section, every bill enacting a new tax preference must include a tax preference performance statement, unless the legislation enacting the new tax preference contains an explicit exemption from the requirements of this section.

(2) A tax preference performance statement must state the legislative purpose for the new tax preference. The tax preference performance statement must indicate one or more of the following general categories, by reference to the applicable category specified in this subsection, as the legislative purpose of the new tax preference:

(a) Tax preferences intended to induce certain designated behavior by taxpayers;

(b) Tax preferences intended to improve industry competitiveness;

(c) Tax preferences intended to create or retain jobs;

(d) Tax preferences intended to reduce structural inefficiencies in the tax structure;

(e) Tax preferences intended to provide tax relief for certain businesses or individuals; or

(f) A general purpose not identified in (a) through (e) of this subsection.

(3) In addition to identifying the general legislative purpose of the tax preference under subsection (2) of this section, the tax preference performance statement must provide additional detailed information regarding the legislative purpose of the new tax preference.

(4) A new tax preference performance statement must specify clear, relevant, and ascertainable metrics and data requirements that allow the joint legislative audit and review committee and the legislature to measure the effectiveness of the new tax preference in achieving the purpose designated under subsection (2) of this section.

(5) If the tax preference performance statement for a new tax preference indicates a legislative purpose described in subsection (2)(b) or (c) of this section, any taxpayer claiming the new tax preference must file an annual tax performance report in accordance with RCW 82.32.534.

(6)(a) Taxpayers claiming a new tax preference must report the amount of the tax preference claimed by the taxpayer to the department as otherwise required by statute or determined by the department as part of the taxpayer's regular tax reporting responsibilities. For new tax preferences allowing certain types of gross income of the business to be excluded from business and occupation or public utility taxation, the tax return must explicitly report the amount of the exclusion, regardless of whether it is structured as an exemption or deduction, if the taxpayer is otherwise required to report taxes to the department on a monthly or quarterly basis. For a new sales and use tax exemption, the total purchase price or value of the exempt product or service subject to the exemption claimed by the buyer must be reported on an addendum to the buyer's tax return if the buyer is otherwise required to report taxes to the department on a monthly or quarterly basis and the buyer is required to submit an exemption certificate, or similar document, to the seller.

(b) This subsection does not apply to:

- (i) Property tax exemptions;
- (ii) Tax preferences required by constitutional law;
- (iii) Tax preferences for which the tax benefit to the taxpayer is less than one thousand dollars per calendar year; or
- (iv) Taxpayers who are annual filers.

(c) The department may waive the filing requirements of this subsection for taxpayers who are not required to file electronically any return or report under this chapter.

(7)(a) Except as otherwise provided in this subsection, the amount claimed by a taxpayer for any new tax preference is subject to public disclosure and is not considered confidential tax information under RCW 82.32.330, if the reporting periods subject to disclosure ended at least twenty-four months prior to the date of disclosure and the taxpayer is required to report the amount of the tax preference claimed by the taxpayer to the department under subsection (6) of this section.

(b)(i) The department may waive the public disclosure requirement under (a) of this subsection (7) for good cause. Good cause may be demonstrated by a reasonable showing of economic harm to a taxpayer if the information specified under this subsection is disclosed. The waiver under this subsection (7)(b)(i) only applies to the new tax preferences provided in chapter 13, Laws of 2013 2nd sp. sess.

(ii) The amount of the tax preference claimed by a taxpayer during a calendar year is confidential under RCW 82.32.330 and may not be disclosed under this subsection if the amount for the calendar year is less than ten thousand dollars.

(c) In lieu of the disclosure and waiver requirements under this subsection, the requirements under RCW 82.32.534 apply to any tax preference that requires a tax performance report.

(8) If a new tax preference does not include the information required under subsections (2) through (4) of this section, the joint legislative audit and review committee is not required to perform a tax preference review under chapter 43.136 RCW, and it is legislatively presumed that it is the intent of the legislature to allow the new tax preference to expire upon its scheduled expiration date.

(9) For the purposes of this section, "tax preference" and "new tax preference" have the same meaning as provided in RCW 82.32.805.

(10) The provisions of this section do not apply to the extent that legislation creating a new tax preference provides an exemption, in whole or in part, from this section, whether or not such exemption is codified.

Sec. 59. RCW 35.90.020 and 2017 c 209 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection ~~((1)(a)(iii))~~ (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ninety days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within sixty days of the date that the city appears on the department's

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate ((~~agriculture, water, trade and~~) financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) ((A)) (a) Except as provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least one million nine hundred fifty thousand dollars in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts

to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant.

Sec. 60. RCW 82.32.050 and 2008 c 181 s 501 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest on the tax only. The department shall notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the additional amount shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(a) For tax liabilities arising before January 1, 1992, interest shall be computed at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until the earlier of December 31, 1998, or the date of payment. After December 31, 1998, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For tax liabilities arising after December 31, 1991, the rate of interest shall be variable and computed as provided in subsection (2) of this section from the last day of the year in which the deficiency is incurred until the date of payment. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(c) ((Interest)) (i) Except as otherwise provided in (c)(ii) of this subsection (1), interest imposed after December 31, 1998, shall be computed from the last day of the month following each calendar year included in a notice, and the last day of the month following the final month included in a notice if not the end of a calendar year, until the due date of the notice.

(ii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April immediately following each such annual reporting period included in the notice, until the due date of the notice.

(iii) If payment in full is not made by the due date of the notice, additional interest shall be computed under this subsection (1)(c) until the date of payment. The rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year

immediately preceding the new year, and October of the previous preceding year.

(3) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may extend the due date of any assessment or correction of an assessment for additional taxes, penalties, or interest as the department deems proper.

(4) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the tax year, except (a) against a taxpayer who has not registered as required by this chapter, (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

(5) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue and that has a statutorily defined due date.

Sec. 61. RCW 82.32.060 and 2009 c 176 s 4 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period must be credited to the taxpayer's account or must be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsection (2) of this section, no refund or credit may be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2)(a) The execution of a written waiver under RCW 82.32.050 or 82.32.100 will extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(b) A refund or credit must be allowed for an excess payment resulting from the failure to claim a bad debt deduction, credit, or refund under RCW 82.04.4284, 82.08.037, 82.12.037, 82.14B.150, or 82.16.050(5) for debts that became bad debts under 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003, less than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(3) Any such refunds must be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 must have any refunds paid by electronic funds transfer if the department has the necessary account information to facilitate a refund by electronic funds transfer.

(4) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer must be paid in the same manner, as provided in subsection (3) of this section, upon the filing with the department of a certified copy of the order or judgment of the court.

(a) Interest at the rate of three percent per annum must be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest must be the rate as computed for assessments under RCW 82.32.050(2) less one percent. This rate of interest applies for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, must be computed at the rate as computed under RCW 82.32.050(2). The rate so computed must be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(5) Interest allowed on a credit notice or refund issued after December 31, 2003, must be computed as follows:

(a) If all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund were made on or before the due date of the final return for each calendar year or the final reporting period included in the notice or refund:

(i) Interest must be computed from January 31st following each calendar year included in a notice or refund; ~~((or))~~

(ii) Interest must be computed from the last day of the month following the final month included in a notice or refund; or

(iii) For interest associated with annual tax reporting periods having a due date as prescribed in RCW 82.32.045(3), interest must be computed from the last day of April following each such annual reporting period included in a notice or refund.

(b) If the taxpayer has not made all overpayments for each calendar year and all reporting periods ending with the final month included in a notice or refund on or before the dates specified by RCW 82.32.045 for the final return for each calendar year or the final month included in the notice or refund, interest must be computed from the last day of the month following the date on which payment in full of the liabilities was made for each calendar year included in a notice or refund, and the last day of the month following the date on which payment in full of the liabilities was made if the final month included in a notice or refund is not the end of a calendar year.

(c) Interest included in a credit notice must accrue up to the date the taxpayer could reasonably be expected to use the credit notice, as defined by the department's rules. If a credit notice is converted to a refund, interest must be recomputed to the date the refund is issued, but not to exceed the amount of interest that would have been allowed with the credit notice.

NEW SECTION. **Sec. 62.** Sections 60 and 61 of this act apply both prospectively and retroactively to January 1, 2020.

NEW SECTION. **Sec. 63.** Sections 60 through 62 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 64.** The following acts or parts of acts are each repealed:

(1)RCW 82.04.4322 (Deductions—Artistic or cultural organization—Compensation from United States, state, etc., for artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 1;

(2)RCW 82.04.4324 (Deductions—Artistic or cultural organization—Deduction for tax under RCW 82.04.240—Value of articles for use in displaying art objects or presenting artistic or

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

cultural exhibitions, performances, or programs) and 1981 c 140 s 2;

(3)RCW 82.04.4326 (Deductions—Artistic or cultural organizations—Tuition charges for attending artistic or cultural education programs) and 1981 c 140 s 3;

(4)RCW 82.08.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 502;

(5)RCW 82.08.02082 (Exemptions—Digital products or services—Ingredient or component—Made available for free) and 2017 c 323 s 517, 2010 c 111 s 401, & 2009 c 535 s 503;

(6)RCW 82.08.02087 (Exemptions—Digital goods and services—Purchased for business purposes) and 2010 c 111 s 402 & 2009 c 535 s 504;

(7)RCW 82.08.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state) and 2017 c 323 s 518 & 2009 c 535 s 701;

(8)RCW 82.12.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 602;

(9)RCW 82.12.02082 (Exemptions—Digital products or services—Made available for free to general public) and 2017 c 323 s 521, 2010 c 111 s 501, & 2009 c 535 s 603;

(10)RCW 82.12.02084 (Exemptions—Digital goods—Use by students) and 2009 c 535 s 604;

(11)RCW 82.12.02085 (Exemptions—Digital goods—Noncommercial—Internal audience—Not for sale) and 2009 c 535 s 605;

(12)RCW 82.12.02086 (Exemptions—Digital products or codes—Free of charge) and 2009 c 535 s 606;

(13)RCW 82.12.02087 (Exemptions—Digital goods, codes, and services—Used for business purposes) and 2010 c 111 s 502 & 2009 c 535 s 607;

(14)RCW 82.32.755 (Sourcing compliance—Taxpayer relief—Interest and penalties—Streamlined sales and use tax agreement) and 2007 c 6 s 1601;

(15)RCW 82.32.760 (Sourcing compliance—Taxpayer relief—Credits—Streamlined sales and use tax agreement) and 2007 c 6 s 1602;

(16)RCW 82.66.010 (Definitions) and 1995 c 352 s 1;

(17)RCW 82.66.020 (Application for deferral—Contents—Ruling) and 1995 c 352 s 2;

(18)RCW 82.66.040 (Repayment schedule—Interest, penalties) and 1998 c 339 s 1 & 1995 c 352 s 4;

(19)RCW 82.66.050 (Applications not confidential) and 1995 c 352 s 6;

(20)RCW 82.66.060 (Administration) and 1995 c 352 s 5; and

(21)RCW 82.66.901 (Effective date—1995 c 352) and 1995 c 352 s 9.

NEW SECTION. Sec. 65. The following sections are decodified:

(1) RCW 82.58.005 (Findings);

(2) RCW 82.58.901 (Effective date—2002 c 267 §§ 1-9); and

(3) RCW 82.58.902 (Contingent effective date—2002 c 267 §§ 10 and 11).

NEW SECTION. Sec. 66. Section 37 of this act takes effect January 1, 2022."

Correct the title.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5402.

Senators Schoesler and Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5402.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5402 by voice vote.

MOTION

On motion of Senator Mullet, Senators Hobbs and Nguyen were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Rolfes

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5473 with the following amendment(s): 5473-S.E AMH LAWS H5130.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) As a result of major demographic shifts, adults' obligations to provide unpaid care to elderly, frail, ill, or family members with a disability have sharply increased in the United States over the last two decades. In addition, the increasing unavailability of child care creates a problem for parents with young children. These situations appear to disproportionately affect women workers who are single parents. These trends often force employees to choose between providing care to a family member and keeping their job. Another factor for a parent leaving a job may be to relocate to be closer to a minor child. Additionally, workers are finding themselves in situations where the hours or responsibilities are being substantially increased without a commensurate increase in pay. Unemployment insurance was created to ease the burden of involuntary unemployment upon individual employees and the economy as a whole. Our current framework places unnecessary barriers to this insurance benefit in the way of workers, frequently

low-wage employees, who must rely on caregiving or provide it themselves, sometimes forcing them to leave the workforce and leaving employers with a smaller labor pool. It is the intent of the legislature to ensure that Washington's unemployment insurance system remains responsive to the needs of employees with caregiving and other responsibilities and taking into account changes at the workplace.

(2) Several senate bills in the 2020 legislative session would have amended the unemployment insurance laws to provide that an individual is not disqualified from unemployment insurance benefits when:

(a) The separation was necessary because care for a child or a vulnerable adult in the claimant's care is inaccessible, so long as the claimant made reasonable efforts to preserve the employment status by requesting a leave of absence or changes in working conditions or work schedule that would accommodate the caregiving inaccessibility, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment;

(b) The employer, without a commensurate change in pay:

(i) Substantially increases the individual's job duties; or

(ii) Significantly changes the individual's working conditions; and

(c) The individual left work to relocate outside the existing labor market because of the geographical location of or proximity to and the separation from a minor child.

(3) The legislature intends to have the employment security department study the impacts to Washington's unemployment insurance trust fund and the contribution rates of employers if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in subsection (2) of this section.

NEW SECTION. Sec. 2. (1) The employment security department must study the impacts to:

(a) Washington's unemployment insurance trust fund and the contribution rates of employers if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in section 1(2) of this act; and

(b) Washington's unemployment insurance trust fund if the law was amended to allow unemployment insurance benefits for individuals who leave work voluntarily for the reasons described in section 1(2) of this act, and the benefits were not charged to the employers' experience rating accounts.

(2) The employment security department may consider:

(a) The existing and prior Washington laws, rules, and case law governing the disqualification of individuals from receiving unemployment benefits for leaving work voluntarily without good cause;

(b) The laws and regulations of other states governing the disqualification of individuals from receiving unemployment benefits for leaving work voluntarily without good cause; and

(c) Any other information the employment security department deems relevant.

(3) By November 6, 2020, and in compliance with RCW 43.01.036, the employment security department must report to the governor and the appropriate committees of the legislature providing:

(a) The impacts described in subsection (1) of this section, broken down by each of the reasons described in section 1(2) of this act;

(b) Any recommendations for how the statutes and rules may be amended to address the circumstances described in section 1(2) of this act, as fully as practicable, while limiting adverse impacts to the unemployment trust fund and the contribution rates of employers.

(4) While the employment security department is conducting the study, the department must meet at least three times with a representative of the largest business association and a representative from an organization which provides low-cost representation or free advice and counsel to people regarding their unemployment benefits to discuss the information gathered by the department.

(5) This section expires December 31, 2020."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5488 with the following amendment(s): 5488-S2 AMH GOOD LEON 406

On page 8, beginning on line 23, strike all of section 2

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Senator Darneille moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5488.

Senators Darneille and Walsh spoke in favor of the motion.
Senator Padden spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5488.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5488 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5488, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5488, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5488, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6168. The Speaker has appointed the following members as Conferees: Representatives Ormsby, Robinson, Stokesbary and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 10, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147,
SENATE BILL NO. 6312,

SUBSTITUTE SENATE BILL NO. 6613,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 10, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2486,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6288 with the following amendment(s): 6288-S.E AMH ENGR H5210.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that firearm violence is a significant public health and safety concern in Washington. From 2014 to 2018, over one thousand people in Washington were murdered and well over half of those victims were murdered with a gun. Thousands more were hospitalized or treated in emergency departments after surviving gunshot injuries. The legislature recognizes that firearm violence in Washington disproportionately impacts low-income communities and communities of color, with young men of color being particularly vulnerable. This violence imposes a high physical, emotional, and financial toll on families and communities across the state. In Washington, the overall estimate of the annual economic cost of gun violence is three billion eight hundred million dollars.

The legislature recognizes that rates of suicide have been growing in the United States as well as in the state of Washington. Seventy-nine percent of all firearm deaths in Washington state are suicides. More people die of suicide by firearm than by all other means combined.

The legislature intends to establish the Washington office of firearm safety and violence prevention to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts to reduce preventable injuries and deaths from firearm violence. The office will work with government entities, law enforcement agencies, community-based organizations, and individuals through the state to develop evidence-based policies, strategies, and interventions to reduce the impacts of firearm violence in Washington's communities. The office will also administer the Washington firearm violence intervention and prevention grant program which will provide for intentional, coordinated, and sustained investments in evidence-based violence reduction strategies to reduce the human and financial costs of firearm violence and enhance firearm safety.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Office" means the Washington office of firearm safety and violence prevention.

NEW SECTION. Sec. 3. (1) The Washington office of firearm safety and violence prevention is created within the department for the purposes of coordinating and promoting effective state and local efforts to reduce firearm violence.

(2) The duties of the office include, but are not limited to:

(a) Working with law enforcement agencies, county prosecutors, researchers, and public health agencies throughout the state to identify and improve upon available data sources, data collection methods, and data-sharing mechanisms. The office will also identify gaps in available data needed for ongoing analysis, policy development, and the implementation of evidence-based firearm violence intervention and prevention strategies;

(b) Researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;

(c) Researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;

(d) Working with the office of crime victim advocacy to identify opportunities to better support victims of firearm violence, a population that is currently underrepresented among recipients of victim services;

(e) Contract for a statewide helpline, counseling, and referral services for victims, friends, and family members impacted by gun violence and community professionals and providers who engage with them;

(f) Contract with the University of Washington to develop a best practice guide for therapy for gun violence victims;

(g) Administering the Washington firearm violence intervention and prevention grant program as outlined in section 6 of this act.

(3) The office shall report to the appropriate legislative policy committees by December 1st every odd-numbered year on its progress and findings in analyzing data, developing strategies to prevent firearm violence, and recommendations for additional legislative policy options. The first report must be submitted by December 1, 2021.

NEW SECTION. Sec. 4. Subject to the availability of amounts appropriated for this specific purpose, the office shall contract with a level one trauma center in the state of Washington to provide a statewide helpline, counseling, and referral service for victims, friends, and family members impacted by gun violence and community professionals, legal practitioners, health providers, and others who engage with them. The service must be developed in consultation with the office of crime victims advocacy established in RCW 43.280.080, and include the opportunity for brief clinical encounters, problem solving, and referral to the best statewide resources available to meet their needs. The service must become conversant with providers across the state that are trained in evidence-based trauma therapy and establish relationships to ensure specific knowledge of available resources. The office of crime victims advocacy established in RCW 43.280.080 must provide consultation within existing resources.

NEW SECTION. Sec. 5. The office shall contract with the University of Washington department of psychiatry and behavioral sciences to develop a best practice guide for therapy for gun violence victims in collaboration with the Harborview center for sexual assault and traumatic stress. The guide must summarize the state of the knowledge in this area and provide recommendations for areas of focus and action that are meaningful and practical for different constituencies. The guide must be made available to the public online and disseminated across the state to appropriate entities including but not limited to medical examiner's offices, prosecuting attorneys, level one and level two trauma centers, and victim support organizations.

NEW SECTION. Sec. 6. (1) The Washington firearm violence intervention and prevention grant program is created to be administered by the office. The purpose of the program is to improve public health and safety by supporting effective firearm violence reduction initiatives in communities that are disproportionately affected by firearm violence including suicides.

(2) Program grants shall be used to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies, that seek to interrupt the cycles of violence, victimization, and retaliation in order to reduce the incidence of firearm violence. These initiatives must be primarily focused on providing violence intervention services to the small segment of the population that

is identified as having the highest risk of perpetrating or being victimized by firearm violence.

(3) Program grants shall be made on a competitive basis to cities that are disproportionately impacted by violence, to law enforcement agencies in those cities, and to community-based organizations that serve the residents of those cities. Where appropriate, two or more cities may submit joint applications to better address regional problems.

(4) An applicant for a program grant shall submit a proposal, in a form prescribed by the office, which must include, but not be limited to, all of the following:

(a) Clearly defined and measurable objectives for the grant;

(b) A statement describing how the applicant proposes to use the grant to implement an evidence-based firearm violence reduction initiative in accordance with this section;

(c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and

(d) Evidence indicating that the proposed firearm violence reduction initiative would likely reduce the incidence of firearm violence.

(5) In awarding program grants, the office shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing firearm violence in the applicant's community, without contributing to mass incarceration.

(6) Each city that receives a program grant shall distribute no less than fifty percent of the grant funds to one or more of any of the following types of entities:

(a) Community-based organizations;

(b) Indian tribes and tribal organizations; and

(c) Public agencies or departments that are primarily dedicated to community safety or firearm violence prevention.

(7) The office shall form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based approaches.

(8) Each grantee shall report to the office, in a form and at intervals prescribed by the office, the grantee's progress in achieving the grant objectives.

(9) The office may contract with an independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6288.

Senators Dhingra and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6288.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6288 by voice vote.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6288, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoessler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6359 with the following amendment(s): 6359 AMH HCW H5073.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.111 and 2019 c 324 s 8 and 2019 c 31 s 1 are each reenacted and amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in

the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization; if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

- (i) Offers services only to contractual members;
- (ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;
- (iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;
- (iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;
- (v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;
- (vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and
- (vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

- (i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and
 - (ii) The application documents to the department that the continuing care retirement community qualifies for exemption.
- (c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in

the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

- (i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and
- (ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on ninety-day or one hundred eighty-day commitment orders, for the period of time from May 5, 2017, through June 30, 2021:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

Sec. 2. RCW 70.127.040 and 2012 c 10 s 54 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) A person who provides only meal services in an individual's permanent or temporary residence;

(3) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

(5) A person who provides services through a contract with a licensed agency;

(6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, assisted living facilities under chapter 18.20 RCW, developmental disability residential programs under chapter 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution;

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill individuals, individuals with disabilities, or vulnerable individuals through a contract with the department of social and health services;

(10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(11) In-home assessments of an ill individual, an individual with a disability, or a vulnerable individual that does not result in regular ongoing care at home;

(12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

(13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(14) A person providing case management services. For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

(15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050;

(17) A person who provides home care services without compensation; ~~((and))~~

(18) Nursing homes that provide telephone or web-based transitional care management services; and

(19) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Senate Bill No. 6359.

Senators Short and Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Senate Bill No. 6359.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6359 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 6359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6397 with the following amendment(s): 6397-S AMH APP H5313.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.522 and 2019 c 325 s 4004 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter or other applicable law and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter or other applicable law whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of medicaid under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of programs as allowed for in the approved state plan amendment or federal waiver for Washington state's medicaid program;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223;

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, colocated, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are

met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) Any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to mental health providers and substance use disorder treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in RCW 74.09.870.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter or other applicable law to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state if the managed health care system has made good faith efforts to contract with the nonparticipating provider.

(10) For services covered under this chapter or other applicable law to medical assistance or medical care services enrollees, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (9) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible,

coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(12) Payments under RCW 74.60.130 are exempt from this section.

~~((13) Subsections (9) through (11) of this section expire July 1, 2021.))~~

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6397.

Senators Frockt and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6397.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6397 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6397, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6397, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 6397, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Hudgins, Hansen, Dufault and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate granted the request of the House for a conference on Second Substitute Senate Bill No. 6281 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 6281 and the House amendment(s) there to: Senators Carlyle, Dhingra and Rivers.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6442 with the following amendment(s): 6442-S.E AMH PS H5071.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS.

(1) The legislature finds that all people confined in prisons in Washington deserve basic health care, nutrition, and safety. As held in *United States v. California*, 921 F.3d 865, 886 (9th Cir. 2019), states possess "the general authority to ensure the health and welfare of inmates and detainees in facilities within its borders."

(2) The legislature finds that profit motives lead private prisons to cut operational costs, including the provision of food, health care, and rehabilitative services, because their primary fiduciary duty is to maximize shareholder profits. The legislature finds that this is in stark contrast to the interests of the state to ensure the health, safety, and welfare of Washingtonians.

(3) The legislature finds that people confined in for-profit prisons have experienced abuses and have been confined in dangerous and unsanitary conditions. Safety risks and abuses in private prisons at the local, state, and federal level have been consistently and repeatedly documented. The United States department of justice office of the inspector general found in 2016 that privately operated prisons "incurred more safety and security incidents per capita than comparable BOP (federal bureau of prisons) institutions." The office of inspector general additionally found that privately operated prisons had "higher rates of inmate-on-inmate and inmate-on-staff assaults, as well as higher rates of staff uses of force."

(4) The legislature finds that private prison operators have cut costs by reducing essential security and health care staffing. The sentencing project, a national research and advocacy organization, found in 2012 that private prison staff earn an average of five thousand dollars less than staff at publicly run

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

facilities and receive almost sixty hours less training. The office of inspector general also found that people confined in private facilities often failed to receive necessary medical care and that one private prison went without a full-time physician for eight months.

(5) The legislature finds that private prisons are less accountable for what happens inside those facilities than state-run facilities, as they are not subject to the freedom of information act under 5 U.S.C. Sec. 552 or the Washington public records act under chapter 42.56 RCW.

(6) The legislature finds that at least twenty-two other states have stopped confining people in private for-profit facilities.

(7) Therefore, it is the intent of the legislature to prohibit the use of private prisons in Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 72.68 RCW to read as follows:

PROHIBITION ON PRIVATE INCARCERATION.

(1) Except as provided in subsection (2) of this section and RCW 72.68.010(2), the secretary is prohibited from utilizing a contract with a private correctional entity for the transfer or placement of offenders.

(2) This section does not apply to:

(a) State work release centers, juvenile residential facilities, nonprofit community-based alternative juvenile detention facilities, or nonprofit community-based alternative adult detention facilities that provide separate care or special treatment, operated in whole or in part by for-profit contractors;

(b) Contracts for ancillary services including, but not limited to, medical services, educational services, repair and maintenance contracts, behavioral health services, or other services not directly related to the ownership, management, or operation of security services in a correctional facility; or

(c) Tribal entities.

Sec. 3. RCW 72.68.040 and 2012 c 117 s 500 are each amended to read as follows:

(1) The secretary may contract with the authorities of the federal government, or the authorities of any state of the United States, ~~((private companies in other states,))~~ or any county or city in this state providing for the detention in an institution or jail operated by such entity, for prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in a state correctional institution for convicted felons under the jurisdiction of the department. ~~((After))~~ Except as provided in subsection (2) of this section, after the making of a contract under this section, prisoners sentenced to a term of imprisonment in a state correctional institution for convicted felons may be conveyed by the superintendent or his or her assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, paroled, or until they are returned to a state correctional institution for convicted felons for further confinement.

(2) A prisoner may not be conveyed to a private correctional entity except under the circumstances identified in RCW 72.68.010(2) or section 2(2) of this act.

Sec. 4. RCW 72.68.010 and 2000 c 62 s 2 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the prisoner is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties. The secretary has the authority to transfer offenders between in-state correctional facilities or to

out-of-state ((to private or)) governmental institutions if the secretary determines that transfer is in the best interest of the state or the offender. The determination of what is in the best interest of the state or offender may include but is not limited to considerations of overcrowding, emergency conditions, or hardship to the offender. In determining whether the transfer will impose a hardship on the offender, the secretary shall consider: (a) The location of the offender's family and whether the offender has maintained contact with members of his or her family; (b) whether, if the offender has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and (c) whether the offender is enrolled in a vocational or educational program that cannot reasonably be resumed if the offender is returned to the state.

(2)(a) The secretary has the authority to transfer offenders to an out-of-state private correctional entity only if:

(i) The governor finds that an emergency exists such that the population of a state correctional facility exceeds its reasonable, maximum capacity, resulting in safety and security concerns;

(ii) The governor has considered all other legal options to address capacity, including those pursuant to RCW 9.94A.870;

(iii) The secretary determines that transfer is in the best interest of the state or the offender; and

(iv) The contract with the out-of-state private correctional entity includes requirements for access to public records to the same extent as if the facility were operated by the department, inmate access to the office of the corrections ombuds, and inspections and visits without notice.

(b) Should any of these requirements in this subsection not be met, the contract with the private correctional entity shall be terminated.

(3) If directed by the governor, the secretary shall, in carrying out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW to effect the transfer of prisoners requesting transfer to foreign countries.

Sec. 5. RCW 72.09.050 and 1999 c 309 s 1902 and 1999 c 309 s 924 are each reenacted and amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with local law and justice councils shall be required in the local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, for by any of the other governmental entities, alone. ~~((Beginning February 1, 1999, the secretary may expend funds appropriated for the 1997-1999 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies. Between July 1, 1999, and June 30, 2001, the secretary may expend funds appropriated for the 1999-01 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies.))~~ The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his or her functions or duties to department employees, including the

authority to certify and maintain custody of records and documents on file with the department. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

Sec. 6. RCW 72.68.001 and 1981 c 136 s 114 are each amended to read as follows:

DEFINITIONS.

~~((As used in this chapter))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of corrections(~~(-and)~~).

(2) "Private correctional entity" means a for-profit contractor or for-profit vendor who provides services relating to the ownership, management, or administration of security services of a correctional facility for the incarceration of persons.

(3) "Secretary" means the secretary of corrections.

NEW SECTION. Sec. 7. REPEALER. RCW 72.68.012 (Transfer to private institutions—Intent—Authority) and 2000 c 62 s 1 are each repealed.

NEW SECTION. Sec. 8. LIBERAL CONSTRUCTION. This act shall be construed liberally for the accomplishment of the purposes thereof.

NEW SECTION. Sec. 9. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 10. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6442 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban,

Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6574 with the following amendment(s): 6574-S.E AMH ENVI H5176.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.250 and 2010 c 211 s 4 are each amended to read as follows:

(1) ~~((A))~~ (a) There is hereby created within the environmental and land use hearings office established by RCW 43.21B.005 a growth management hearings board for the state of Washington ((is created)). The board shall consist of ~~((seven))~~ five members qualified by experience or training in pertinent matters pertaining to land use law or land use planning and who have experience in the practical application of those matters. All ~~((seven))~~ five board members shall be appointed by the governor~~((-two each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions, plus one board member residing within the state of Washington))~~. At least three members of the board shall be admitted to practice law in this state, one each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions. At least ~~((three))~~ two members of the board shall have been a city or county elected official, one each residing respectively in ~~((the central Puget Sound,))~~ eastern Washington((s)) and western Washington ~~((regions))~~. ~~((After expiration of the terms of board members on the previously existing three growth management hearings boards, no))~~ No more than ~~((four))~~ three members of the ~~((seven-member))~~ five-member board may be members of the same major political party. No more than two members at the time of their appointment or during their term may reside in the same county. Board members shall operate on a full-time basis, shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040, shall receive reimbursement for travel expenses incurred in the discharge of their duties in accordance with RCW 43.03.050 and 43.03.060, and shall be considered employees of the state of Washington subject to chapter 42.52 RCW.

(2) Each member of the board shall be appointed for a term of six years, and until their successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. ~~((Members of the previously existing three growth management hearings boards appointed before July 1, 2010, shall complete their staggered, six-year terms as members of the growth management hearings board created under subsection (1) of this section. The reduction from nine board members on the previously existing three growth management hearings boards to seven total members on the growth management hearings board shall be made through attrition, voluntary resignation, or retirement.))~~

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Sec. 2. RCW 36.70A.252 and 2010 c 210 s 15 are each amended to read as follows:

((4)) On July 1, 2011, the growth management hearings board is administratively consolidated into the environmental and land use hearings office created in RCW 43.21B.005. The chair of the growth management hearings board shall continue to exercise duties and responsibilities pursuant to RCW 36.70A.270(11). The environmental and land use hearings office shall be responsible for all other administrative functions pertaining to the growth management hearings board.

((2) Not later than July 1, 2012, the growth management hearings board consists of seven members qualified by experience or training in matters pertaining to land use law or land use planning, except that the governor may reduce the board to six members if warranted by the board's caseload. All board members must be appointed by the governor, two each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions and shall continue to meet the qualifications set out in RCW 36.70A.260. The reduction from seven board members to six board members must be made through attrition, voluntary resignation, or retirement.))

Sec. 3. RCW 36.70A.260 and 2010 c 211 s 5 are each amended to read as follows:

(1) Each petition for review that is filed with the growth management hearings board shall be heard and decided by a regional panel of growth management hearings board members. Regional panels shall be constituted as follows:

(a) Central Puget Sound region. A three-member central Puget Sound panel shall be selected to hear matters pertaining to cities and counties located within the region comprised of King, Pierce, Snohomish, and Kitsap counties.

(b) Eastern Washington region. A three-member eastern Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains.

(c) Western Washington region. A three-member western Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW 36.70A.040, are located west of the crest of the Cascade mountains, and are not included in the central Puget Sound region. Skamania county, if it is required or chooses to plan under RCW 36.70A.040, may elect to be included within either the western Washington region or the eastern Washington region.

(2)(a) Each regional panel selected to hear and decide cases shall consist of three board members, at least a majority of whom shall reside within the region in which the case arose, unless such members cannot sit on a particular case because of recusal or disqualification, or unless the board ((administrative officer)) chair determines ((that there is an emergency including, but not limited to,)) otherwise due to caseload management determinations or the unavailability of a board member due to illness, absence, or vacancy((, or significant workload imbalance)). The presiding officer of each case shall reside within the region in which the case arose, unless the board ((administrative officer)) chair determines that there is an emergency.

(b) Except as provided otherwise in this subsection (2)(b), each regional panel must: (i) Include one member admitted to practice law in this state; (ii) include one member who has been a city or county elected official; and (iii) reflect the political composition of the board. The requirements of this subsection (2)(b) may be waived by the board ((administrative officer)) chair due to member unavailability, significant workload imbalances, or other reasons.

Sec. 4. RCW 36.70A.270 and 2019 c 452 s 2 are each amended to read as follows:

The growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

(2) ~~((Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. Each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040.))~~ The principal office of the board shall be located in ((Olympia)) Thurston county, but it may hold hearings at any other place in the state.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of the board shall constitute a quorum for adopting rules necessary for the conduct of its powers and duties or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may use one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The board shall specify in its rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners used by the board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) The board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the regional panel deciding the particular case and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the board prescribes. The board shall develop and adopt rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals and the assignment of cases to regional panels. The board shall publish such rules it renders and arrange for the reasonable distribution of the rules. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW,

and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the board.

(8) The board must ensure all rulings, decisions, and orders are available to the public through the environmental and land use hearings office's web sites as described in RCW 43.21B.005. To ensure uniformity and usability of searchable databases and web sites, the board shall coordinate with the environmental and land use hearings office, the department of commerce, and other interested stakeholders to develop and maintain a rational system of categorizing its decisions and orders.

(9) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The rules of practice of the board shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(10) All members of the board shall meet on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

(11) The board shall annually elect one of its attorney members to be the board ~~((administrative officer))~~ chair. The duties and responsibilities of the ~~((administrative officer))~~ chair include ~~((handling day to day administrative, budget, and personnel matters on behalf of the board, together with making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members. The administrative officer of the board may carry a reduced caseload to allow time for performing the administrative work functions))~~ developing board procedures, making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members, and managing board meetings.

Sec. 5. RCW 43.21B.005 and 2019 c 452 s 1 are each amended to read as follows:

(1) There is created an environmental and land use hearings office of the state of Washington. The environmental and land use hearings office consists of the pollution control hearings board created in RCW 43.21B.010, the shorelines hearings board created in RCW 90.58.170, and the growth management hearings board created in RCW 36.70A.250. The governor shall ~~((designate one of the members of the pollution control hearings board or growth management hearings board to be the))~~ appoint a director of the environmental and land use hearings office during the term of the governor. Membership, powers, functions, and duties of the pollution control hearings board, the shorelines hearings board, and the growth management hearings board shall be as provided by law.

(2) The director of the environmental and land use hearings office may appoint one or more administrative appeals judges in cases before the environmental boards and, ~~((with the consent of the chair of the growth management hearings board,))~~ one or more hearing examiners in cases before the land use board comprising the office. The administrative appeals judges shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. The hearing examiners possess the powers and duties provided for in RCW 36.70A.270.

(3) Administrative appeals judges are not subject to chapter 41.06 RCW. The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the director of the environmental and land use hearings office. Upon written request by the person so disciplined or terminated, the director of the environmental and

land use hearings office shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The director of the environmental and land use hearings office may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The director of the environmental and land use hearings office may also contract for required services.

(6) The director of the environmental and land use hearings office must ensure that timely and accurate ~~((growth management hearings))~~ board rulings, decisions, and orders are made available to the public through searchable databases accessible through the environmental and land use hearings office web sites. To ensure uniformity and usability of searchable databases and web sites, the director must coordinate with the ~~((growth management hearings board))~~ relevant boards, the department of commerce, and other interested stakeholders to develop and maintain a rational system of categorizing ~~((growth management hearings))~~ board rulings, decisions, and orders. The environmental and land use hearings office web sites must allow a user to search growth management hearings board decisions and orders by topic, party, and geographic location or by natural language. All rulings, decisions, and orders issued before January 1, 2019, must be published by June 30, 2021."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6574.

Senators Takko and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6574.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6574 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6574, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6574, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6617 with the following amendment(s): 6617-S.E AMH FITZ H5386.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters, across the income spectrum. Accessory dwelling units are frequently rented at below market rate, providing additional affordable housing options for renters.

(b) Accessory dwelling units are often occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require scarce subsidized housing space and resources.

(c) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(d) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(e) Siting accessory dwelling units near transit hubs and near public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and limiting sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(5) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least fifteen minutes during the peak hours of operation.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of section 4 of this act to take effect by July 1, 2021.

(2) Beginning July 1, 2021, the requirements of section 4 of this act:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under section 3 of this act, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop.

(2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.

(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to the effective date of this section is not subject to the requirements of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

Nothing in this act modifies or limits any rights or interests legally recorded in the governing documents of associations subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6617.

Senators Kuderer and Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6617.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6617 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6617, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6617, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Conway, Ericksen, Hasegawa, Honeyford, Rivers, Rolfes, Short and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6617, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:35 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 5:13 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Saldaña moved that Henrik Krombeen, Senate Gubernatorial Appointment No. 9261, be confirmed as a member of the Board of Pilotage Commissioners.

Senator Saldaña spoke in favor of the motion.

APPOINTMENT OF HENRIK KROMBEEN

The President declared the question before the Senate to be the confirmation of Henrik Krombeen, Senate Gubernatorial Appointment No. 9261, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Henrik Krombeen, Senate Gubernatorial Appointment No. 9261, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford,

Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Henrik Krombeen, Senate Gubernatorial Appointment No. 9261, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1390,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775,
HOUSE BILL NO. 1841,
ENGROSSED HOUSE BILL NO. 1948,
HOUSE BILL NO. 2458,
SECOND SUBSTITUTE HOUSE BILL NO. 2499,
SECOND SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,
SECOND SUBSTITUTE HOUSE BILL NO. 2793,
ENGROSSED HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2905,
HOUSE BILL NO. 2926,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 10, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825,
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 10, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006,
SENATE BILL NO. 5197,
ENGROSSED SENATE BILL NO. 5450,
ENGROSSED SENATE BILL NO. 5457,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5481,
SENATE BILL NO. 5519,
SECOND SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5900,
SUBSTITUTE SENATE BILL NO. 5976,
ENGROSSED SENATE BILL NO. 6032,
SENATE BILL NO. 6045,
SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6066,
SUBSTITUTE SENATE BILL NO. 6072,
SUBSTITUTE SENATE BILL NO. 6074,
SENATE BILL NO. 6078,
SUBSTITUTE SENATE BILL NO. 6084,
SUBSTITUTE SENATE BILL NO. 6086,
SUBSTITUTE SENATE BILL NO. 6091,

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
SENATE BILL NO. 6102,
SENATE BILL NO. 6103,
SENATE BILL NO. 6119,
SENATE BILL NO. 6120,
SENATE BILL NO. 6123,

SUBSTITUTE SENATE BILL NO. 6135,
SUBSTITUTE SENATE BILL NO. 6142,
SENATE BILL NO. 6143,

SECOND SUBSTITUTE SENATE BILL NO. 6181,
SENATE BILL NO. 6187,
SUBSTITUTE SENATE BILL NO. 6206,
SENATE BILL NO. 6212,
SENATE BILL NO. 6236,

SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6306,
SUBSTITUTE SENATE BILL NO. 6319,

SENATE BILL NO. 6357,
SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6392,
SUBSTITUTE SENATE BILL NO. 6415,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6423,
SENATE BILL NO. 6430,

SUBSTITUTE SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6499,
SUBSTITUTE SENATE BILL NO. 6521,

SECOND SUBSTITUTE SENATE BILL NO. 6528,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6567,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,

ENGROSSED SENATE JOINT RESOLUTION NO. 8212,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549 with the following amendment(s): 5549-S2.E AMH COG H4934.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.140 and 2017 c 260 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the

production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

(a) Sell, for off-premises consumption, spirits of ~~((the))~~ the distillery's own production ~~((for consumption off the premises))~~, spirits produced by another distillery or craft distillery licensed in this state, or vermouth or sparkling wine products produced by a licensee in this state. A distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and

(c) (Provide samples subject to the following conditions:

(i) For the purposes of this subsection, the maximum amount of alcohol per person per day is two ounces;

(ii) Provide free or for a charge one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. Spirits samples may be adulterated with nonalcoholic mixers, mixers with alcohol of the distiller's own production, water, and/or ice;

(iii) Sell adulterated samples of spirits of their own production, water, and/or ice to persons on the premises at the distillery; and

(iv) Every person who participates in any manner in the service of these samples must obtain a class 12 alcohol server permit)) Serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms in accordance with this chapter, subject to the following conditions:

(i) A distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be served or sold on the licensed premises under this section, or nonalcoholic mixers;

(ii) A distillery may sell, for on-premises consumption, servings of spirits of the distillery's own production or spirits produced by another distillery or craft distillery licensed in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (2)(c)(ii) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

(iii) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.

(3)(a) If a distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the distillery at its distillery premises and at any off-site tasting rooms licensed under section 3 of this act may be vermouth, sparkling wine, or spirits made by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits

produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated as authorized in this section.

(c)(i) No person under twenty-one years of age may be on the premises of a distillery tasting room, including an off-site tasting room licensed under section 3 of this act, unless they are accompanied by their parent or legal guardian.

(ii) Every distillery tasting room, including the off-site tasting rooms licensed under section 3 of this act, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(iii) Except for (c)(iv) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under section 3 of this act, past 9:00 p.m.

(iv) Notwithstanding the limitations of (c)(iii) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a distillery or an off-site tasting room licensed under section 3 of this act, may be in any area of a distillery, tasting room, or an off-site tasting room licensed under section 3 of this act, provided they must be under the direct supervision of their parent or legal guardian while on the premises.

(d) Any person serving or selling spirits or other alcohol authorized to be served or sold by a distillery must obtain a class 12 alcohol server permit.

(e) A distillery may sell nonalcoholic products at retail.

Sec. 2. RCW 66.24.145 and 2015 c 194 s 2 are each amended to read as follows:

(1)(a) Any craft distillery may sell, for off-premises consumption, spirits of its own production ((for consumption off the premises)), spirits produced by another craft distillery or distillery licensed in this state, and vermouth and sparkling wine products produced by a licensee in this state.

(b) A craft distillery selling spirits or other alcohol authorized under this subsection must comply with the applicable laws and rules relating to retailers for those products.

(2) Any craft distillery may contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may ((provide, free or for a charge, one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice.

(4)(a) A distillery or craft distillery licensee may apply to the board for an endorsement to sell spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy five dollars.

(b) For each month during which a distillery or craft distillery will sell spirits at a qualifying farmers market, the distillery or craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered

for sale. This list must be received by the board before the spirits may be offered for sale at a qualifying farmers market.

(c) Each approved location in a qualifying farmers market is deemed to be part of the distillery or craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include tasting or sampling privileges. The distillery or craft distillery may not store spirits at a farmers market beyond the hours that the bottled spirits are offered for sale. The distillery or craft distillery may not act as a distributor from a farmers market location.

(d) Before a distillery or craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any distillery or craft distillery with an endorsement approved under this subsection to sell bottled spirits at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved distillery or craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved distillery or craft distillery to sell bottled spirits at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (4)(d) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(e) For the purposes of this subsection (4), "qualifying farmers market" has the same meaning as defined in RCW 66.24.170.) serve samples of spirits for free or for a charge, and sell servings of spirits, vermouth, and sparkling wine products to customers for on-premises consumption, at the premises of the distillery indoors, outdoors, or in any combination thereof, and at the distillery's off-site tasting rooms, in accordance with this chapter, subject to the following conditions:

(a) A craft distillery may provide to customers, for free or for a charge, for on-premises consumption, spirits samples that are one-half ounce or less per sample of spirits, and that may be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers;

(b) A craft distillery may sell, for on-premises consumption, servings of spirits of the craft distillery's own production and spirits produced by another distillery, craft distillery, or licensee in this state, which must be adulterated with water, ice, other alcohol entitled to be sold or served on the licensed premises, or nonalcoholic mixers if the revenue derived from the sale of spirits for on-premises consumption under this subsection (3)(b) does not comprise more than thirty percent of the overall gross revenue earned in the tasting room during the calendar year. Any distiller who sells adulterated products under this subsection, must file an annual report with the board that summarizes the distiller's revenue sources; and

(c) A distillery may sell, for on-premises consumption, servings of vermouth or sparkling wine products produced by a licensee in this state.

(4)(a) If a craft distillery provides or sells spirits or other alcohol products authorized to be sold or provided to customers for on-premises or off-premises consumption that are produced by another distillery, craft distillery, or licensee in this state, then at any one time no more than twenty-five percent of the alcohol stock-keeping units offered or sold by the craft distillery at its craft distillery premises and at any off-site tasting rooms licensed under section 3 of this act may be vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state. If a distillery sells fewer than twenty alcohol stock-

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

keeping units of products of its own production, it may sell up to five alcohol stock-keeping units of vermouth, sparkling wine, or spirits produced by another distillery, craft distillery, or licensee in this state.

(b) A person is limited to receiving or purchasing, for on-premises consumption, no more than two ounces total of spirits that are unadulterated. Any additional spirits purchased for on-premises consumption must be adulterated.

(c) Any person serving or selling spirits or other alcohol authorized to be served or sold by a craft distillery must obtain a class 12 alcohol server permit.

(5) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(6) Distilling is an agricultural practice.

(7)(a) No person under twenty-one years of age may be on the premises of a craft distillery tasting room, including an off-site tasting room licensed under section 3 of this act, unless they are accompanied by their parent or guardian.

(b) Every craft distillery tasting room, including the off-site tasting rooms licensed under section 3 of this act, where alcohol is sampled, sold, or served, must include a designated area where persons under twenty-one years of age are allowed to enter. Such location may be in a separate room or a designated area within the tasting room separated from the remainder of the tasting room space as authorized by the board.

(c) Except for (d) of this subsection, or an event where a private party has secured a private banquet permit, no person under twenty-one years of age may be on the distillery premises, or the off-site tasting rooms licensed under section 3 of this act, past 9:00 p.m.

(d) Notwithstanding the limitations in (c) of this subsection, persons under twenty-one years of age who are children of owners, operators, or managers of a craft distillery or an off-site tasting room licensed under section 3 of this act, may be in any area of a licensed craft distillery, tasting room, or an off-site tasting room licensed under section 3 of this act, provided they must be under the direct supervision of their parent or guardian while on the premises.

(8) A craft distillery may sell nonalcoholic products at retail.

NEW SECTION. Sec. 3. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a tasting room license available to distillery and craft distillery licensees. A tasting room license authorizes the operation of an off-site tasting room, in addition to a tasting room attached to the distillery's or craft distillery's production facility, at which the licensee may sample, serve, and sell spirits and alcohol products authorized to be sampled, served, and sold under RCW 66.24.140 and 66.24.145, for on-premises and off-premises consumption, subject to the same limitations as provided in RCW 66.24.140 and 66.24.145.

(2) A distillery or craft distillery licensed production facility is eligible for no more than two off-site tasting room licenses located in this state, which may be indoors, or outdoors or a combination thereof, and which shall be administratively tied to a licensed production facility. A separate license is required for the operation of each off-site tasting room. The fee for each off-site tasting room license is two thousand dollars per annum. No additional license is required for a distillery or craft distillery to sample, serve, and sell spirits and alcohol to customers in a tasting room on the distillery or craft distillery premises as authorized under this section, section 5 of this act, RCW 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310. Off-site tasting rooms may have a section identified and segregated as federally bonded spaces for the storage of bulk or packaged spirits. Product

of the licensee's production may be bottled or packaged in the space.

NEW SECTION. Sec. 4. A new section is added to chapter 66.24 RCW to read as follows:

(1) A distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, must provide, for free or for a charge, food offerings to customers during public service hours. For the purposes of this section, "food offerings" means a combination of small serving food items to include a mix of hors d'oeuvre type foods, cheeses, fruits, vegetables, deli-style meats, chips, pretzels, nuts, popcorn, crackers, or similar items.

(2) A distillery providing food offerings under this section must comply with the local city or county health requirements for such level of service.

(3) In addition to the food offerings requirement in subsection (1) of this section, distillers and craft distillers shall post, in a conspicuous place within any tasting room, a list of at least five local restaurants or food trucks where customers can purchase food for consumption in the tasting room. The list shall include names, addresses, contact information, and hours of operation for each restaurant or food truck named.

(4) Distilleries that have secured spirits, beer, and wine retail license privileges under RCW 66.24.400 shall not allow customers to bring in food from outside restaurants or food trucks and are not subject to the provision of subsections (1) and (3) of this section.

(5) Requirements for food offerings shall be determined by the board in rule. The rules for food offerings shall:

(a) Include the ability for such food to be prepackaged for individual sale and consumption;

(b) Allow food offerings to be preprepared off-site for plating for the customer;

(c) Not require any warming, cooking, or heating off-site or on-site prior to service; and

(d) Not require the installation, maintenance, or use of any food heating device or apparatus to prepare any food offerings.

(6) A distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, may install and use any type of commercial heating device or element to heat food offerings under this section without impacting their privileges under this act.

NEW SECTION. Sec. 5. A new section is added to chapter 66.24 RCW to read as follows:

(1) Of the off-site tasting rooms allowed in this chapter, any distillery, craft distillery, domestic winery, or any combination of licensees thereof, licensed under this chapter may jointly occupy and co-operate up to two off-site locations, which may be indoors, outdoors, or a combination thereof, at which they may sample, serve, and sell products of their own production and products authorized to be sampled, served, and sold under the terms of their license. The licensees must maintain separate storage of products and separate financials. The distillery or craft distillery tasting rooms referenced in this section shall be the off-site tasting rooms allowed, and have the privileges and limitations provided in this chapter. This section does not create additional numbers of authorized tasting rooms beyond what is authorized by this section, section 3 of this act, and in RCW 66.24.140, 66.24.145, 66.28.040, 66.24.630, and 66.28.310.

(2) Any domestic brewery, microbrewery, domestic winery, distillery, or craft distillery licensed under this chapter, or any combination of licensees thereof, whose property parcels or buildings are located in direct physical proximity to one another may share a standing or seated tasting area for patrons to use, which may be indoors, outdoors, or a combination thereof. Each

licensee may sample, serve, and sell products the licensee is authorized to sample, serve, and sell under the terms of its license, for on-premises consumption in the jointly operated consumption area. Each licensee must use distinctly marked glassware or serving containers to identify the source of any product being consumed. The distillery or craft distillery tasting rooms shall be the on-site or off-site tasting rooms allowed, and have the privileges and limitations provided in this chapter.

(3) Licensees operating under this section must comply with the applicable laws and rules relating to retailers.

(4) Licensees operating under this section must comply with all applicable laws and rules relating to sampling and serving, as may be allowed by their license type.

(5) All licensees who participate in:

(a) A jointly operated off-premises location allowed under subsection (1) of this section, or

(b) A conjoined consumption area allowed under subsection (2) of this section must share staffing resources. All participating licensees shall be jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issue was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(6) Every person who participates in any manner in the sale or service of samples or servings of spirits must obtain a class 12 alcohol server permit. Every person who participates in any manner in the sale or service of samples or servings of beer and wine must obtain a class 12 or class 13 alcohol server permit.

NEW SECTION. Sec. 6. A new section is added to chapter 66.24 RCW to read as follows:

(1) The number of licenses allowed to be issued for off-site tasting rooms authorized under section 3 of this act shall not exceed one hundred fifty.

(2) The limitations in subsection (1) of this section do not apply to an off-site tasting room authorized under section 3 of this act that has been granted a license under RCW 66.24.400.

NEW SECTION. Sec. 7. A new section is added to chapter 66.24 RCW to read as follows:

Nothing in this chapter prohibits a distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room licensed under section 3 of this act, from obtaining a license under RCW 66.24.400 for the same premises.

Sec. 8. RCW 66.28.040 and 2016 c 235 s 15 are each amended to read as follows:

(1) Except as permitted by the board under RCW 66.20.010, or as allowed under this title, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may, within the state of Washington, give to any person any liquor ~~(-but)~~ without charge.

(2) Nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210((3)).

(3) Nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150((3)).

(4) Nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the

purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption((3)).

(5) Nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises((3)).

(6) Nothing in this section prevents donations of wine for the purposes of RCW 66.12.180((3)).

(7) Nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises ~~((-and))~~.

(8) Nothing in this section prevents a ~~((craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145))~~ distillery licensed under RCW 66.24.140 or 66.24.145, or an off-site tasting room authorized under section 3 of this act, from providing, without charge, samples of spirits, including spirits adulterated with other alcohol entitled to be served to customers on the distillery premises or at an off-site tasting room.

Sec. 9. RCW 66.24.630 and 2017 c 96 s 4 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4)(a) Except as otherwise provided in RCW 66.24.632, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee

of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8)(a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

(iv) Post specific signs in the business; and

(v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW 66.24.360 or a beer and/or wine specialty shop license under RCW 66.24.371 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW 66.24.035 may apply for a license pursuant to RCW 66.24.035 instead of applying for a spirits retail license under this section.

Sec. 10. RCW 66.28.310 and 2019 c 149 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items

which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites;

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites;

(c) Manufacturers, distributors, or their licensed representatives from using web sites or social media accounts in their name to post, repost, or share promotional information or images about events featuring a product of the manufacturer's own production or a product sold by the distributor, held at an on-premises licensed liquor retailer's location or a licensed special occasion event. The promotional information may include links to purchase event tickets. Manufacturers, distributors, or their licensed representatives may not pay a third party to enhance viewership of a specific post. Industry members, or their licensed representatives, are not obligated to post, repost, or share information or images on a web site or on social media. A licensed liquor retailer may not require an industry member or their licensed representative to post, repost, or share information or images on a web site or on social media as a condition for selling any alcohol to the retailer or participating in a retailer's event; or

(d) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

(10) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(11) Nothing in RCW 66.28.305 prohibits a distillery, craft distillery, or spirits certificate of approval holder from providing branded promotional items of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, for use consistent with the purpose or purposes entitling it to such exemption.

Sec. 11. RCW 42.56.270 and 2019 c 394 s 10, 2019 c 344 s 14, and 2019 c 212 s 12 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic

development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under ~~((chapter 43.350))~~ RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW; ~~((and))~~

(31) Records filed with the department of ecology under chapter 70.375 RCW that a court has determined are confidential valuable commercial information under RCW 70.375.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 66.24 RCW to read as follows:

The board may adopt rules to implement this act.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 3, 5, 6, 7, and 10 of this act take effect January 1, 2021."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5549.

Senators Liias and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5549.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5549 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5549, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5549, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5549, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5720 with the following amendment(s): 5720-S2.E2 AMH ENGR H5345.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.010 and 2016 sp.s. c 29 s 203 are each amended to read as follows:

(1) The provisions of this chapter apply to persons who are eighteen years of age or older and are intended by the legislature:

(a) To protect the health and safety of persons suffering from ~~((mentally-disordered persons and persons with substance use disorders))~~ behavioral health disorders and to protect public safety through use of the *patria* and police powers of the state;

(b) To prevent inappropriate, indefinite commitment of ~~((mentally-disordered persons and persons with substance use disorders))~~ persons living with behavioral health disorders and to eliminate legal disabilities that arise from such commitment;

(c) To provide prompt evaluation and timely and appropriate treatment of persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(d) To safeguard individual rights;

(e) To provide continuity of care for persons with serious ~~((mental disorders and substance use))~~ behavioral health disorders;

(f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures; and

(g) To encourage, whenever appropriate, that services be provided within the community.

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

Sec. 2. RCW 71.05.012 and 1997 c 112 s 1 are each amended to read as follows:

It is the intent of the legislature to enhance continuity of care for persons with serious ~~((mental))~~ behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle* 107 Wn. 2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the person to or maintain satisfactory functioning.

For persons with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior ~~((mental))~~ history is particularly relevant in determining whether the person would receive, if released, such care as is essential for his or her health or safety.

Therefore, the legislature finds that for persons who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered.

Sec. 3. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a ((mental)) behavioral health disorder~~((or as a~~

~~result of the use of alcohol or other psychoactive chemicals))~~: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court~~((For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video))~~ that conforms to the requirements of section 101 of this act;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a ~~((mental)) behavioral health facility~~~~((a long term alcoholism or drug treatment facility))~~, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

((28)) ~~("Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;~~

((29)) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

((30)) (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

((31)) (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public ~~((mental)) behavioral health ((and substance use disorder))~~ service providers under RCW 71.05.130;

((32)) (31) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

((33)) (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

((34)) (33) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

((35)) (34) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

((36)) (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

((37)) (36) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((38)) (37) ~~((Mental)) Behavioral health service provider~~ means a public or private agency that provides mental health,

substance use disorder, or co-occurring disorder services to persons with ~~((mental disorders or substance use)) behavioral health~~ disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

((39)) (38) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

((40)) (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

((41)) (40) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use)) behavioral health~~ disorders;

((42)) (41) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((43)) (42) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

((44)) (43) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

((45)) (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((46)) (45) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use)) behavioral health~~ disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

((47)) (46) "Release" means legal termination of the commitment under the provisions of this chapter;

((48)) (47) "Resource management services" has the meaning given in chapter 71.24 RCW;

((49)) (48) "Secretary" means the secretary of the department of health, or his or her designee;

((50)) (49) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to

voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

- (a) Provide the following services:
 - (i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;
 - (ii) Clinical stabilization services;
 - (iii) Acute or subacute detoxification services for intoxicated individuals; and
 - (iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

~~((51)) "Serious violent offense" has the same meaning as provided in RCW 9A.030;~~

~~((52))~~ (50) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

~~((53))~~ (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

~~((54))~~ (52) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

~~((55))~~ (53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((56))~~ (54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for ~~((mental illness))~~ behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~((57))~~ (55) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((58))~~ (56) "Violent act" means behavior that resulted in homicide, attempted suicide, ~~((nonfatal injuries))~~ injury, or substantial loss or damage to property;

(57) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(58) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

Sec. 4. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county or an entity appointed by the county, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a ~~((mental)) behavioral health disorder~~ ~~((or as a result of the use of alcohol or other psychoactive chemicals))~~: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration ~~((in routine functioning))~~ from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court ~~((For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer~~

~~may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video)) that conforms to the requirements of section 101 of this act;~~

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a ~~((mental)) behavioral health facility~~ ~~((, a long-term alcoholism or drug treatment facility))~~, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a ~~((mental disorder or substance use)) behavioral health~~ disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) ~~((Information related to mental health services)) means all information and records compiled, obtained, or maintained in the~~

~~course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;~~

~~((29))~~ (29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((30))~~ (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((31))~~ (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public ~~((mental))~~ behavioral health ~~((and substance use disorder))~~ service providers under RCW 71.05.130;

~~((32))~~ (31) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((33))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((34))~~ (33) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused ~~((such))~~ harm, substantial pain, or which places another person or persons in reasonable fear of ~~((sustaining such))~~ harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((35))~~ (34) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

~~((36))~~ (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((37))~~ (36) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((38))~~ (37) ~~((Mental))~~ Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with ~~((mental disorders or substance use))~~ behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((39))~~ (38) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((40))~~ (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

~~((41))~~ (40) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders;

~~((42))~~ (41) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((43))~~ (42) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((44))~~ (43) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((45))~~ (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((46))~~ (45) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with ~~((mental illness, substance use disorders, or both mental illness and substance use))~~ behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

~~((47))~~ (46) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((48))~~ (47) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((49))~~ (48) "Secretary" means the secretary of the department of health, or his or her designee;

~~((50))~~ (49) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(c) Be licensed or certified as such by the department of health;
~~((51)) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;~~

~~((52)))~~ (50) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

~~((53)))~~ (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

~~((54)))~~ (52) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

~~((55)))~~ (53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((56)))~~ (54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for ~~((mental illness))~~ behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

~~((57)))~~ (55) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((58)))~~ (56) "Violent act" means behavior that resulted in homicide, attempted suicide, ~~((nonfatal injuries))~~ injury, or substantial loss or damage to property;

(57) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(58) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database;

(60) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time

communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

Sec. 5. RCW 71.05.025 and 2019 c 325 s 3002 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure ~~((a))~~ an appropriate continuum of care ~~((to))~~ for persons with ~~((mental illness or who have mental disorders or substance use))~~ behavioral health disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, behavioral health administrative services organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by designated crisis responders, managed care organizations, evaluation and treatment facilities, secure ~~((detoxification))~~ withdrawal management and stabilization facilities, and approved substance use disorder treatment programs to assure that determinations to admit, detain, commit, treat, discharge, or release persons with ~~((mental disorders or substance use))~~ behavioral health disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 6. RCW 71.05.026 and 2019 c 325 s 3003 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into by the authority, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient ~~((mental health care or inpatient substance use))~~ behavioral health disorder treatment and care.

(3) This section applies to counties, behavioral health administrative services organizations, managed care organizations, and entities which contract to provide behavioral health services and their subcontractors, agents, or employees.

Sec. 7. RCW 71.05.030 and 1998 c 297 s 4 are each amended to read as follows:

Persons suffering from a ~~((mental))~~ behavioral health disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW, chapter 71.06 RCW, chapter 71.34 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

Sec. 8. RCW 71.05.040 and 2018 c 201 s 3004 are each amended to read as follows:

Persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason

of that condition unless such condition causes a person to be gravely disabled or ~~((as a result of a mental disorder such condition exists that constitutes))~~ to present a likelihood of serious harm. However, persons with developmental disabilities, impaired by substance use disorder, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

Sec. 9. RCW 71.05.050 and 2019 c 446 s 3 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a ~~((mental disorder or substance use))~~ behavioral health disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated crisis responder of such person's condition to enable the designated crisis responder to authorize such person being further held in custody or transported to an evaluation treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated crisis responder has totally disregarded the requirements of this section.

Sec. 10. RCW 71.05.100 and 2018 c 201 s 3005 are each amended to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, any person, or his or her estate, or his or her spouse, ~~((or the parents of a minor person))~~ who is involuntarily detained

pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department of social and health services, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to services and facilities of the department of social and health services shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

Sec. 11. RCW 71.05.120 and 2019 c 446 s 22 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any designated crisis responder, nor the state, a unit of local government, an evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a ~~((mental))~~ behavioral health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 12. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody

and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 13. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((a seventy-two-hour))~~ one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if

any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 14. RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a ~~((mental))~~ behavioral health disorder, ~~((substance use disorder, or both))~~ presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) ~~((An))~~ A written order of apprehension to detain a person with a ~~((mental))~~ behavioral health disorder to a designated evaluation and treatment facility, ~~((or to detain a person with a substance use disorder to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((a seventy-two-hour))~~ one hundred twenty hours for evaluation and treatment ~~((period))~~, may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((seventy-two))~~ one hundred twenty hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 15. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than seventy-two hours as described in RCW 71.05.180.

(2) ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in~~

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

~~imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

(3))(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental)) behavioral health~~ disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder,))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental)) behavioral health~~ service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional)) crisis responder~~ has totally disregarded the requirements of this section.

Sec. 16. RCW 71.05.153 and 2019 c 446 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental)) behavioral health~~ disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility if available with adequate space for the person, or approved substance use disorder treatment program if available with adequate space for the person, for not more than ~~((seventy two)) one hundred twenty~~ hours as described in RCW 71.05.180.

(2) ~~((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy two hours as described in RCW 71.05.180, if a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is available and has adequate space for the person.~~

(3))(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(ii) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental)) behavioral health~~ disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(b) A peace officer's delivery of a person, ~~((based on a substance use disorder,))~~ to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by

the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

Sec. 17. RCW 71.05.153 and 2019 c 446 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a ~~((mental))~~ behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, for not more than ~~((seventy-two))~~ one hundred twenty hours as described in RCW 71.05.180.

~~(2) ((When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program for not more than seventy two hours as described in RCW 71.05.180.~~

~~(3))~~ A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or substance use disorder))~~ and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

~~((4))~~ (3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((3))~~ (2) of this section may be held by the facility for a period of up to

twelve hours, not counting time periods prior to medical clearance.

~~((5))~~ (4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional or substance use disorder professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the ~~((mental))~~ behavioral health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((6))~~ (5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

Sec. 18. RCW 71.05.160 and 2019 c 446 s 19 are each amended to read as follows:

(1) Any facility receiving a person pursuant to RCW 71.05.150 or 71.05.153 shall require the designated crisis responder to prepare a petition for initial detention stating the circumstances under which the person's condition was made known and stating that there is evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter.

(2)(a) If a person is involuntarily placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day following the initial detention, the designated crisis responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

(b) If the person is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the person was initially detained, the facility or program may file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention at the request of the designated crisis responder.

Sec. 19. RCW 71.05.170 and 2016 sp.s. c 29 s 218 are each amended to read as follows:

Whenever the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing ~~((seventy-two))~~ one hundred twenty hour evaluation and

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the designated crisis responder of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than ~~((seventy-two))~~ one hundred twenty hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

Sec. 20. RCW 71.05.180 and 2019 c 446 s 18 are each amended to read as follows:

If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the person, it may detain him or her for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of acceptance as set forth in RCW 71.05.170. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays and holidays.

Sec. 21. RCW 71.05.182 and 2019 c 247 s 1 are each amended to read as follows:

(1) A person who under RCW 71.05.150 or 71.05.153 has been detained at a facility for ~~((seventy-two hour))~~ a period of not more than one hundred twenty hours for the purpose of evaluation and treatment on the grounds that the person presents a likelihood of serious harm, but who has not been subsequently committed for involuntary treatment under RCW 71.05.240, may not have in his or her possession or control any firearm for a period of six months after the date that the person is detained.

(2) Before the discharge of a person who has been initially detained under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, but has not been subsequently committed for involuntary treatment under RCW 71.05.240, the designated crisis responder shall inform the person orally and in writing that:

(a) He or she is prohibited from possessing or controlling any firearm for a period of six months;

(b) He or she must immediately surrender, for the six-month period, any concealed pistol license and any firearms that the person possesses or controls to the sheriff of the county or the chief of police of the municipality in which the person is domiciled;

(c) After the six-month suspension, the person's right to control or possess any firearm or concealed pistol license shall be automatically restored, absent further restrictions imposed by other law; and

(d) Upon discharge, the person may petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

~~(3)((a)))~~ The designated crisis responder shall notify the sheriff of the county or the chief of police of the municipality in which the person is domiciled of the six-month suspension.

(4) A law enforcement agency holding any firearm that has been surrendered pursuant to this section shall, upon the request of the person from whom it was obtained, return the firearm at the expiration of the six-month suspension period, or prior to the expiration of the six-month period if the person's right to possess firearms has been restored by the court under RCW 9.41.047. The law enforcement agency, prior to returning the firearm, shall verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or

subsequently committed for involuntary treatment under RCW 71.05.240. The law enforcement agency must comply with the provisions of RCW 9.41.345 when returning a firearm pursuant to this section.

~~((b)))~~ (5) Any firearm surrendered pursuant to this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

Sec. 22. RCW 71.05.190 and 2019 c 446 s 17 are each amended to read as follows:

If the person is not approved for admission by a facility providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the individual has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the individual for not more than eight hours at the request of the peace officer. The facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the person is not approved for admission in order to enable a peace officer to return to the facility and take the individual back into custody.

Sec. 23. RCW 71.05.195 and 2016 sp.s. c 29 s 221 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for ~~((seventy-two))~~ one hundred twenty hour detention filed by the designated crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of

the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

Sec. 24. RCW 71.05.201 and 2018 c 291 s 11 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and

issue a written order for apprehension ~~((of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder))~~. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 25. RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 26. RCW 71.05.210 and 2019 c 446 s 8 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 27. RCW 71.05.210 and 2019 c 446 s 9 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician, physician assistant, or advanced registered nurse practitioner; and

(ii) One mental health professional. If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to ~~((seventy-two))~~ one hundred twenty hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for ~~((seventy-two))~~ one hundred twenty hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or ~~((chemical dependency))~~ substance use disorder professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program, or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may

be necessary, but in no event may this continuance be more than fourteen days.

Sec. 28. RCW 71.05.212 and 2018 c 291 s 13 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 29. RCW 71.05.214 and 2018 c 201 s 3007 are each amended to read as follows:

The authority shall develop statewide protocols to be utilized by professional persons and designated crisis responders in administration of this chapter and chapters 10.77 and 71.34 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, ~~((mental disorders or substance use))~~ behavioral health disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The authority shall develop and update the protocols in consultation with representatives of designated crisis responders, the department of social and health services, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with ~~((mental illness and substance use))~~ behavioral health disorders. The protocols shall be submitted to the governor and legislature upon adoption by the authority.

Sec. 30. RCW 71.05.215 and 2018 c 201 s 3008 are each amended to read as follows:

(1) A person found to be gravely disabled or ~~((presents))~~ to present a likelihood of serious harm as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The authority shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 31. RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

~~((4))~~ (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

~~((3))~~ (c) To have access to individual storage space for his or her private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

((i)) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

((i)) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

((b)) (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

((b)) (ii) The court shall make specific findings of fact concerning: ((a)) (A) The existence of one or more compelling state interests; ((a)) (B) the necessity and effectiveness of the treatment; and ((a)) (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

((c)) (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ((a)) (A) To be represented by an attorney; ((a)) (B) to present evidence; ((a)) (C) to cross-examine witnesses; ((a)) (D) to have the rules of evidence enforced; ((a)) (E) to remain silent; ((a)) (F) to view and copy all petitions and reports in the court file; and ((a)) (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

((d)) (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

((e)) (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

((f)) (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

((a)) (A) A person presents an imminent likelihood of serious harm;

((b)) (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

((c)) (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

((g)) (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

((h)) (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention, a judicial hearing must be held in a superior court within seventy-two hours to determine whether there is probable cause to detain the person for up to an additional fourteen days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

Sec. 32. RCW 71.05.217 and 2016 c 155 s 4 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

((4)) (a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

((2)) (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

((3)) (c) To have access to individual storage space for his or her private use;

((4)) (d) To have visitors at reasonable times;

((5)) (e) To have reasonable access to a telephone, both to make and receive confidential calls;

((6)) (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

((7)) (g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

((a)) (i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

((b)) (ii) The court shall make specific findings of fact concerning: ((+)) (A) The existence of one or more compelling state interests; ((+)) (B) the necessity and effectiveness of the treatment; and ((+)) (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

((c)) (iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: ((+)) (A) To be represented by an attorney; ((+)) (B) to present evidence; ((+)) (C) to cross-examine witnesses; ((+)) (D) to have the rules of evidence enforced; ((+)) (E) to remain silent; ((+)) (F) to view and copy all petitions and reports in the court file; and ((+)) (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

((d)) (iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

((e)) (v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

((f)) (vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

((+)) (A) A person presents an imminent likelihood of serious harm;

((+)) (B) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

((+)) (C) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

((8)) (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

((9)) (l) Not to have psychosurgery performed on him or her under any circumstances.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within one hundred twenty hours of the initial detention, a judicial hearing must be held in a superior court within one hundred twenty hours to determine whether there is probable cause to detain the person for up to an additional fourteen days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines

that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

Sec. 33. RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: (a) A likelihood of serious harm ~~((results in))~~; (b) the person being gravely disabled ~~((;))~~; or ~~((results in))~~ (c) the person being in need of assisted outpatient behavioral health treatment ~~((;))~~; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state

specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 34. RCW 71.05.230 and 2018 c 291 s 6 are each amended to read as follows:

A person detained for ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by ~~((mental disorder or substance use))~~ a behavioral health disorder and results in: (a) A likelihood of serious harm ~~((results in))~~; (b) the person being gravely disabled ~~((results in))~~; or ~~((results in))~~ (c) the person being in need of assisted outpatient behavioral health treatment ~~((results in))~~; and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department or under RCW 71.05.745; and

(4)(a)(i) The professional staff of the facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a ~~((mental disorder or as a result of a substance use))~~ behavioral health disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 35. RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(c)(i)))~~ (2)(d)(i)), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(c)(ii)))~~ (2)(d)(ii)), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088~~((1)(c)(ii)))~~ (2)(d)(ii)), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)).~~ If the evaluation and treatment facility files a ninety-day petition within the seventy-two hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ~~((prosecutor or))~~ professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).~~

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.))

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

~~((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))~~

Sec. 36. RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each amended to read as follows:

(1) If an individual is referred to a designated crisis responder under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(i)), the designated crisis responder shall examine the individual within forty-eight hours. If the designated crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court

shall hold a hearing to consider the decision of the designated crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than ~~((seventy-two))~~ one hundred twenty hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(ii)), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter. Before expiration of the ~~((seventy-two))~~ one hundred twenty hour evaluation period authorized under RCW 10.77.088~~((1)(e)(ii)))~~ (2)(d)(ii)), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment period ~~((and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention)).~~ If the evaluation and treatment facility files a ninety-day petition within the one hundred twenty hour period, the clerk shall set a hearing after the day of filing consistent with RCW 71.05.300. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the ~~((prosecutor or))~~ professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

~~((The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).~~

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the

court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.)

(3) If a designated crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

((4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).))

NEW SECTION. Sec. 37. A new section is added to chapter 71.05 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may continue a hearing on a petition filed under RCW 71.05.280(3) for good cause upon written request by the petitioner, respondent, or respondent's attorney.

(3) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(4) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

Sec. 38. RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ((mental disorder or substance use)) behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after

considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) ((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.)) A court may only ((enter a commitment)) order ((based on a substance use disorder if there is an available)) commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ((mental disorder or substance use)) behavioral health disorder, presents a likelihood of serious harm((;)) or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ((not to exceed)) up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ((mental disorder or substance use)) behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ((or grave disability)) and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ((not to exceed)) for up to ninety days.

((4)) (5) An order for less restrictive alternative treatment must name the ((mental)) behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ((services planned by)) treatment recommendations of the ((mental)) behavioral health service provider.

((5)) (6) The court shall ((specifically state to such person and give such person notice)) notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ((period)) inpatient or ((beyond the)) ninety-day((s of)) less restrictive treatment ((is to be sought)) period, ((such)) the person ((will have)) has the right to a full hearing or jury trial ((as required by)) under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ((state to)) notify the person ((and provide written notice)) orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

Sec. 39. RCW 71.05.240 and 2019 c 446 s 11 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ((seventy-two)) one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

(4)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~ A court may only ~~((enter a commitment))~~ order ~~((based on a substance use disorder if there is an available))~~ commitment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is an available facility with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm ~~((;))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day ~~((s of))~~ less restrictive treatment ~~((is to be sought))~~ period, ~~((such))~~ the person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as~~

~~required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

Sec. 40. RCW 71.05.240 and 2019 c 446 s 12 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within ~~((seventy-two))~~ one hundred twenty hours of the initial detention of such person as determined in RCW 71.05.180, or at a time determined under RCW 71.05.148. ~~((If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.))~~

(2) If the petition is for mental health treatment, the court or the prosecutor at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) If the person or his or her attorney alleges, prior to the commencement of the hearing, that the person has in good faith volunteered for treatment, the petitioner must show, by preponderance of the evidence, that the person has not in good faith volunteered for appropriate treatment. In order to qualify as a good faith volunteer, the person must abide by procedures and a treatment plan as prescribed by a treatment facility and professional staff.

~~((4))~~ (a) ~~((Subject to (b) of this subsection,))~~ At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department or under RCW 71.05.745.

(b) ~~((Commitment for up to fourteen days based on a substance use disorder must be to either a secure withdrawal management and stabilization facility or an approved substance use disorder treatment program.))~~

~~((e))~~ At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm ~~((;))~~ or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for ~~((not to exceed))~~ up to ninety days.

~~((d))~~ (c) If the court finds by a preponderance of the evidence that such person, as the result of a ~~((mental disorder or substance use))~~ behavioral health disorder, is in need of assisted outpatient behavioral health treatment, and that the person does not present a likelihood of serious harm ~~((or grave disability))~~ and is not

gravely disabled, the court shall order an appropriate less restrictive alternative course of treatment ~~((not to exceed))~~ for up to ninety days.

~~((4))~~ (5) An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the ~~((services planned by))~~ treatment recommendations of the ~~((mental))~~ behavioral health service provider.

~~((5))~~ (6) The court shall ~~((specifically state to such person and give such person notice))~~ notify the person orally and in writing that if involuntary treatment is sought beyond the fourteen-day ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day ~~((s of))~~ less restrictive treatment ~~((is to be sought))~~ period, such person ~~((will have))~~ has the right to a full hearing or jury trial ~~((as required by))~~ under RCW 71.05.310. If the commitment is for mental health treatment, the court shall also ~~((state to))~~ notify the person ~~((and provide written notice))~~ orally and in writing that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(7) If the court does not issue an order to detain a person under this section, the court shall issue an order to dismiss the petition.

Sec. 41. RCW 71.05.280 and 2018 c 291 s 15 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of ~~((mental disorder or substance use))~~ a behavioral health disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a ~~((mental))~~ behavioral health disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient behavioral health treatment.

Sec. 42. RCW 71.05.290 and 2017 3rd sp.s. c 14 s 18 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty-day treatment under RCW 71.05.280(3), or for ninety-day treatment under RCW 71.05.280 (1), (2), (4), or (5). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 43. RCW 71.05.300 and 2019 c 325 s 3007 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. ~~((At the time of filing such petition,))~~ The clerk shall set a ((time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall)) trial setting date as provided in RCW 71.05.310 on the next judicial day after the date of filing the petition and notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health administrative services organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health administrative services organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) ~~((At the time set for appearance))~~ The attorney for the detained person ((shall be brought before the court, unless such appearance has been waived and the court)) shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), ~~((then))~~ the appointed professional person under this section shall be a developmental disabilities professional.

~~((4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.))~~

Sec. 44. RCW 71.05.310 and 2012 c 256 s 8 are each amended to read as follows:

The court shall ~~((conduct))~~ set a hearing on the petition for ninety-day or one hundred eighty-day treatment within five judicial days of the ~~((first court appearance after the probable cause hearing))~~ trial setting hearing, or within ten judicial days for a petition filed under RCW 71.05.280(3). The court may continue the hearing ~~((for good cause upon the written request of the person named in the petition or the person's attorney. The court may continue for good cause the hearing on a petition filed under RCW 71.05.280(3) upon written request by the person named in the petition, the person's attorney, or the petitioner))~~ in accordance with section 37 of this act. If the person named in the petition requests a jury trial, the trial ~~((shall commence))~~ must be set within ten judicial days of the ~~((first court appearance after the probable cause hearing))~~ next judicial day after the date of filing the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person ~~((shall))~~ has the right to be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence ~~((pursuant to RCW 71.05.360 (8) and (9)))~~ under RCW 71.05.217.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court or discharged by the behavioral health service provider. If ~~((no order has been made))~~ the hearing has not commenced within thirty days after the filing of the petition, not including extensions of time ~~((requested by the detained person or his or her attorney, or the petitioner in the case of a petition filed under RCW 71.05.280(3)))~~ ordered under section 37 of this act, the detained person shall be released.

Sec. 45. RCW 71.05.320 and 2018 c 201 s 3012 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less

restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~((s))~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~((s))~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 46. RCW 71.05.320 and 2018 c 201 s 3013 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less

restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. ~~((If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program.))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a ~~((mental disorder, substance use))~~ behavioral health disorder~~(s)~~ or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of ~~((mental disorder, substance use))~~ a behavioral health disorder~~(s)~~ or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of ~~((mental))~~ a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a ~~((mental))~~ behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the ~~((mental))~~ behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the ~~((mental))~~ behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the ~~((mental))~~ behavioral health service provider.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 47. RCW 71.05.380 and 2016 sp.s. c 29 s 245 are each amended to read as follows:

All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for ~~((mental disorders or substance use))~~ behavioral health disorders shall have no less than all rights secured to involuntarily detained persons by RCW ~~((71.05.360 and))~~ 71.05.217.

Sec. 48. RCW 71.05.445 and 2019 c 325 s 3009 are each amended to read as follows:

(1)(a) When a ~~((mental))~~ behavioral health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her ~~((mental))~~ behavioral health service provider that he or she is subject to supervision by the department of corrections, the

~~((mental))~~ behavioral health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132 and the offender has provided the ~~((mental))~~ behavioral health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132, the ~~((mental))~~ behavioral health service provider is not required to notify the department of corrections that the ~~((mental))~~ behavioral health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by email or facsimile, so long as the notifying ~~((mental))~~ behavioral health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The authority and the department of corrections, in consultation with behavioral health administrative services organizations, managed care organizations, ~~((mental))~~ behavioral health service providers as defined in RCW 71.05.020, ~~((mental))~~ behavioral health consumers, and advocates for persons with ~~((mental illness))~~ behavioral health disorders, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received ~~((mental))~~ behavioral health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in this chapter, except as provided in RCW 72.09.585.

(5) No ~~((mental))~~ behavioral health service provider or individual employed by a ~~((mental))~~ behavioral health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information and records related to ~~((mental))~~ behavioral health services for any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The authority shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific behavioral health administrative services organizations, managed care organizations, and ~~((mental))~~ behavioral health service providers that delivered ~~((mental))~~ behavioral health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the authority and the department of corrections.

Sec. 49. RCW 71.05.455 and 2016 c 158 s 2 are each amended to read as follows:

When funded, the Washington association of sheriffs and police chiefs, in consultation with the criminal justice training commission, must develop and adopt a model policy for use by law enforcement agencies relating to a law enforcement officer's referral of a person to a ~~((mental))~~ behavioral health agency after receiving a report of threatened or attempted suicide. The model policy must complement the criminal justice training commission's crisis intervention training curriculum.

Sec. 50. RCW 71.05.457 and 2016 c 158 s 3 are each amended to read as follows:

By July 1, 2017, all general authority Washington law enforcement agencies must adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to a ~~((mental))~~ behavioral health agency after receiving a report of threatened or attempted suicide.

Sec. 51. RCW 71.05.525 and 2018 c 201 s 3024 are each amended to read as follows:

When, in the judgment of the department of social and health services, the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that such a person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of juveniles with ~~((mental illness))~~ behavioral health disorders the secretary of the department of social and health services, or his or her designee, is authorized to order and effect such move or transfer: PROVIDED, HOWEVER, That the secretary of the department of social and health services shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined in such institution or facility for the care of juveniles with ~~((mental illness))~~ behavioral health disorders, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in state juvenile correctional institutions or facilities: PROVIDED, FURTHER, That the secretary of the department of social and health services shall notify the original committing court of such transfer.

Sec. 52. RCW 71.05.530 and 2016 sp.s. c 29 s 247 are each amended to read as follows:

Evaluation and treatment facilities and secure ~~((detoxification))~~ withdrawal management and stabilization facilities authorized pursuant to this chapter may be part of the comprehensive community ~~((mental))~~ behavioral health services program conducted in counties pursuant to chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

Sec. 53. RCW 71.05.585 and 2018 c 291 s 2 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan; and
- (g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance abuse counseling;

(e) Residential treatment; and

(f) Support for housing, benefits, education, and employment.

(3) If the person was provided with involuntary medication under RCW 71.05.215 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

~~((4))~~ (5) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

~~((5))~~ (6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 54. RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

- (a) The person is failing to adhere to the terms and conditions of the court order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

- (a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;
- (b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ((if either is available)) with adequate space, in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such

time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW

71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available))~~, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 55. RCW 71.05.590 and 2019 c 446 s 14 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment)), ((or to a))~~ secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, an available secure withdrawal management and stabilization facility with adequate space, or an available approved substance use disorder treatment program ~~((if either is available))~~ with adequate space, in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into

custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a))~~, secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ((if either is available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within ~~((seventy-two))~~ one hundred twenty hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 56. RCW 71.05.590 and 2019 c 446 s 15 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the

provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to or by the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, ~~((or to an))~~ evaluation and treatment facility ~~((if the person is committed for mental health treatment))~~, ~~((or to a))~~ secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ~~((if the person is committed for substance use disorder treatment))~~. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment))~~, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is available))~~, in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to

determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period ~~((may be for no longer than the period))~~ must be for fourteen days from the revocation hearing if the outpatient order was based on a petition under RCW 71.05.160 or 71.05.230. If the court orders detention for inpatient treatment and the outpatient order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the outpatient order must be converted to days of inpatient treatment authorized in the original court order.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under RCW 71.05.148, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility ~~((in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment))~~, in a secure withdrawal management and stabilization facility, or in an approved substance use disorder treatment program ~~((if either is~~

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

available)), in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to ~~((seventy-two))~~ one hundred twenty hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the ~~((seventy-two))~~ one hundred twenty hour period, the court must find that the person, as a result of a ~~((mental disorder or substance use))~~ behavioral health disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

~~((d) A court may not issue an order to detain a person for inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder program under this subsection unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and with adequate space for the person.))~~

Sec. 57. RCW 71.05.720 and 2018 c 201 s 3029 are each amended to read as follows:

Annually, all community mental health employees who work directly with clients shall be provided with training on safety and violence prevention topics described in RCW 49.19.030. The curriculum for the training shall be developed collaboratively among the authority, the department, contracted ~~((mental))~~ behavioral health service providers, and employee organizations that represent community mental health workers.

Sec. 58. RCW 71.05.740 and 2019 c 325 s 3012 are each amended to read as follows:

All behavioral health administrative services organizations in the state of Washington must forward historical ~~((mental))~~ behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

Sec. 59. RCW 71.05.750 and 2019 c 325 s 3013 are each amended to read as follows:

(1) A designated crisis responder shall make a report to the authority when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated crisis responder determines a person meets detention criteria and the investigation has been completed, the designated crisis responder has twenty-four hours to submit a completed report to the authority.

(2) The report required under subsection (1) of this section must contain at a minimum:

- (a) The date and time that the investigation was completed;
- (b) The identity of the responsible behavioral health administrative services organization and managed care organization, if applicable;
- (c) The county in which the person met detention criteria;
- (d) A list of facilities which refused to admit the person; and
- (e) Identifying information for the person, including age or date of birth.

(3) The authority shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The authority shall also determine the method for the transmission of the completed report from the designated crisis responder to the authority.

(4) The authority shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the authority recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a ~~((seventy-two))~~ one hundred twenty hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

- (a) Not licensed or certified as an inpatient evaluation and treatment facility; or
- (b) A licensed or certified inpatient evaluation and treatment facility that is already at capacity.

Sec. 60. RCW 9.41.047 and 2019 c 248 s 3 and 2019 c 247 s 3 are each reenacted and amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing. When a person is committed by court order under RCW 71.05.240,

71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the

department of licensing with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

Sec. 61. RCW 9.41.049 and 2019 c 247 s 2 are each amended to read as follows:

(1) When a designated crisis responder files a petition for initial detention under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, the petition shall include a copy of the person's driver's license or identicard or comparable information such as their name, address, and date of birth. If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicard, or comparable information, along with the date of release from the facility, to the department of licensing and to the state patrol, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). Upon expiration of the six-month period during which the person's right to possess a firearm is suspended as provided in RCW 71.05.182, the Washington state patrol shall forward to the national instant criminal background check system index, denied persons file, notice that the person's right to possess a firearm has been restored.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the detained person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority, which, upon receipt of such notification, shall immediately suspend the license for a period of six months from the date of the person's release from the facility.

(3) A person who is prohibited from possessing a firearm by reason of having been detained under RCW 71.05.150 or 71.05.153 may, upon discharge, petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

Sec. 62. RCW 71.34.010 and 2019 c 381 s 1 are each amended to read as follows:

(1) It is the purpose of this chapter to assure that minors in need of ~~((mental))~~ behavioral health care and treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the authority and the department that provide ~~((mental))~~ behavioral health services to minors shall jointly plan and deliver those services.

(2) It is also the purpose of this chapter to protect the rights of adolescents to confidentiality and to independently seek services for ~~((mental health and substance use))~~ behavioral health disorders. Mental health and ~~((chemical dependency))~~ substance

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

use disorder professionals shall guard against needless hospitalization and deprivations of liberty, enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment, and encourage the use of voluntary services. Mental health and ~~((chemical dependency))~~ substance use disorder professionals shall, whenever clinically appropriate, offer less restrictive alternatives to inpatient treatment. Additionally, all ~~((mental))~~ behavioral health care and treatment providers shall assure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The ~~((mental))~~ behavioral health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

(3)(a) It is the intent of the legislature to enhance continuity of care for minors with serious behavioral health disorders that can be controlled or stabilized in a less restrictive alternative commitment. Within the guidelines stated in *In re LaBelle*, 107 Wn.2d 196 (1986), the legislature intends to encourage appropriate interventions at a point when there is the best opportunity to restore the minor to or maintain satisfactory functioning.

(b) For minors with a prior history or pattern of repeated hospitalizations or law enforcement interventions due to decompensation, the consideration of prior behavioral health history is particularly relevant in determining whether the minor would receive, if released, such care as is essential for his or her health or safety.

(c) Therefore, the legislature finds that for minors who are currently under a commitment order, a prior history of decompensation leading to repeated hospitalizations or law enforcement interventions should be given great weight in determining whether a new less restrictive alternative commitment should be ordered. The court must also consider any school behavioral issues, the impact on the family, the safety of other children in the household, and the developmental age of the minor.

(4) It is also the purpose of this chapter to protect the health and safety of minors suffering from behavioral health disorders and to protect public safety through use of the parens patriae and police powers of the state. Accordingly, when construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of minors as well as public safety may be implicated by the decision to release a minor and discontinue his or her treatment.

(5) It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter, including the ability to request and receive medically necessary treatment for their adolescent children without the consent of the adolescent.

Sec. 63. RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adolescent" means a minor thirteen years of age or older.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is

reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(4) "Authority" means the Washington state health care authority.

(5) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(10) "Department" means the department of social and health services.

(11) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(12) "Director" means the director of the authority.

(13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(15) "Gravely disabled minor" means a minor who, as a result of a ~~((mental)) behavioral health disorder~~~~((or as a result of the use of alcohol or other psychoactive chemicals))~~, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the

department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(18) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(19) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(20) "Likelihood of serious harm" means ~~((either))~~:

(a) A substantial risk that: ~~((an individual))~~ a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; ~~((b) a substantial risk that))~~ (ii) physical harm will be inflicted by ((an individual)) a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or ((c) a substantial risk that)) (iii) physical harm will be inflicted by ((an individual)) a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(21) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(22) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(23) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(24) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(25) "Minor" means any person under the age of eighteen years.

(26) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(27)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent,

who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(28) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(29) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(30) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(31) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(32) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(33) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(36) "Secretary" means the secretary of the department or secretary's designee.

(37) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(38) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(39) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(40) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(41) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW ~~((or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional)).~~

(42) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(43) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(44) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(45) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(46) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(47) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(48) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(49) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(50) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other

developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(51) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(52) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(53) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(54) "Hearing" means any proceeding conducted in open court that conforms to the requirements of section 100 of this act.

(55) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(56) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(57) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(58) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(59) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(60) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(61) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(62) "Release" means legal termination of the commitment under the provisions of this chapter.

(63) "Resource management services" has the meaning given in chapter 71.24 RCW.

(64) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor,

prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(65) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(66) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(67) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(68) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.

Sec. 64. RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17, 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adolescent" means a minor thirteen years of age or older.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(4) "Authority" means the Washington state health care authority.

(5) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(10) "Department" means the department of social and health services.

(11) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(12) "Director" means the director of the authority.

(13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(15) "Gravely disabled minor" means a minor who, as a result of a ~~((mental)) behavioral health disorder, ((or as a result of the use of alcohol or other psychoactive chemicals,))~~ (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration ~~((in routine functioning))~~ from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(18) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(19) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(20) "Likelihood of serious harm" means ~~((either))~~:

(a) A substantial risk that ~~((physical))~~: (i) Physical harm will be inflicted by ~~((an individual))~~ a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; ~~((b) a substantial risk that))~~ (ii) physical harm will be inflicted by ~~((an individual))~~ a minor upon another individual, as evidenced by behavior which has caused ~~((such))~~ harm, substantial pain, or which places another person or persons in reasonable fear of ~~((sustaining such))~~ harm to themselves or others; or ~~((c) a substantial risk that))~~ (iii) physical harm will be inflicted by ~~((an individual))~~ a minor upon the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(21) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(22) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(23) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(24) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(25) "Minor" means any person under the age of eighteen years.

(26) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(27)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to ~~((RCW 9A.72.085))~~ chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(28) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(29) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(30) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved

substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(31) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(32) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(33) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(36) "Secretary" means the secretary of the department or secretary's designee.

(37) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(38) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(39) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(40) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(41) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW ~~((or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional))~~.

(42) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(43) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(44) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(45) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(46) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(47) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(48) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(49) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(50) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(51) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(52) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(53) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(54) "Hearing" means any proceeding conducted in open court that conforms to the requirements of section 100 of this act.

(55) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(56) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(57) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(58) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(59) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(60) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(61) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(62) "Release" means legal termination of the commitment under the provisions of this chapter.

(63) "Resource management services" has the meaning given in chapter 71.24 RCW.

(64) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(69) "Written order of apprehension" means an order of the court for a peace officer to deliver the named minor in the order to a facility or emergency room as determined by the designated crisis responder. Such orders must be entered into the Washington crime information center database.

Sec. 65. RCW 71.34.305 and 2016 sp.s. c 29 s 255 are each amended to read as follows:

School district personnel who contact a ~~((mental health or substance use))~~ behavioral health disorder inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

Sec. 66. RCW 71.34.310 and 1985 c 354 s 26 are each amended to read as follows:

(1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in which the minor is being detained. ~~((The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.))~~

NEW SECTION. Sec. 67. A new section is added to chapter 71.34 RCW to read as follows:

A peace officer may take or authorize a minor to be taken into custody and immediately delivered to an appropriate triage facility, crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital when he or she has reasonable cause to believe that such minor is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is gravely disabled. Until July 1, 2026, a peace officer's delivery of a minor to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program is subject to the availability of a secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

Sec. 68. RCW 71.34.355 and 2016 c 155 s 18 are each amended to read as follows:

(1) Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

~~((4))~~ (a) To wear their own clothes and to keep and use personal possessions;

~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;

~~((3))~~ (c) To have individual storage space for private use;

~~((4))~~ (d) To have visitors at reasonable times;

~~((5))~~ (e) To have reasonable access to a telephone, both to make and receive confidential calls;

~~((6))~~ (f) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

~~((7))~~ (g) To discuss treatment plans and decisions with mental health professionals;

~~((8))~~ (h) To have the right to adequate care and individualized treatment;

~~((9))~~ (i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.34.750 or the performance of electroconvulsive treatment or surgery, except emergency lifesaving surgery, upon him or her, ~~((and not to have electro-convulsive treatment or nonemergency surgery in such circumstance))~~ unless ordered by a court ~~((pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, physician assistant, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor))~~ under procedures described in RCW 71.05.217(1)(j). The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;

~~((40))~~ (k) Not to have psychosurgery performed on him or her under any circumstances.

(2)(a) Privileges between minors and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained minor or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained minor for purposes of a proceeding under this chapter. Upon motion by the detained minor or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained minor so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained minor's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(3) No minor may be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders.

NEW SECTION. Sec. 69. A new section is added to chapter 71.34 RCW to read as follows:

At the time a minor is involuntarily admitted to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the detained minor. A copy of the inventory, signed by the staff member making it, must be given to the detained minor and must, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained minor. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, parent, or adult brother or sister of the minor. The facility shall not disclose the contents of the inventory

to any other person without the consent of the minor or order of the court.

Sec. 70. RCW 71.34.365 and 2018 c 201 s 5004 are each amended to read as follows:

(1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place. If the minor has been arrested, the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program shall detain the minor for not more than eight hours at the request of the peace officer. The program or facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the minor is not approved for admission or is being released in order to enable a peace officer to return to the facility and take the minor back into custody.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the authority shall furnish this clothing. As funds are available, the director may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

Sec. 71. RCW 71.34.410 and 2019 c 446 s 27 are each amended to read as follows:

(1) No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a ~~((person))~~ minor under this chapter, nor any designated crisis responder, nor professional person, nor evaluation and treatment facility, nor secure withdrawal management and stabilization facility, nor approved substance use disorder treatment program shall be civilly or criminally liable for performing actions authorized in this chapter with regard to the decision of whether to admit, release, administer antipsychotic medications, or detain a ~~((person))~~ minor for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required duty to warn or to take reasonable precautions to provide protection from violent behavior where the minor has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 72. RCW 71.34.420 and 2018 c 201 s 5012 are each amended to read as follows:

(1) The authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering from a mental disorder for whom an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and

appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

NEW SECTION. Sec. 73. A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his or her professional designee, from permitting a minor detained for intensive treatment to leave the facility for prescribed periods during the term of the minor's detention, under such conditions as may be appropriate.

Sec. 74. RCW 71.34.500 and 2019 c 381 s 3 are each amended to read as follows:

(1) An adolescent may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a ~~((mental disorder or substance use))~~ behavioral health disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

Sec. 75. RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the adolescent to determine whether the adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the adolescent is not required for admission, evaluation, and treatment if a parent provides consent.

(3) An appropriately trained professional person may evaluate whether the adolescent has a ~~((mental disorder or has a substance use))~~ behavioral health disorder. The evaluation shall be completed within twenty-four hours of the time the adolescent was brought to the facility, unless the professional person

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

determines that the condition of the adolescent necessitates additional time for evaluation. In no event shall an adolescent be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the adolescent to receive inpatient treatment, the adolescent may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the adolescent's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the adolescent is held solely for mental health and not substance use disorder treatment and of the date of admission. If the adolescent is held for substance use disorder treatment only, the professional person shall provide notice to the authority which redacts all patient identifying information about the adolescent unless: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(4) No provider is obligated to provide treatment to an adolescent under the provisions of this section except that no provider may refuse to treat an adolescent under the provisions of this section solely on the basis that the adolescent has not consented to the treatment. No provider may admit an adolescent to treatment under this section unless it is medically necessary.

(5) No adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the adolescent of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.))~~

Sec. 76. RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7 are each reenacted and amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the adolescent to determine whether the adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the adolescent is not required for admission, evaluation, and treatment if a parent provides consent.

(3) An appropriately trained professional person may evaluate whether the adolescent has a ~~((mental disorder or has a substance use))~~ behavioral health disorder. The evaluation shall be completed within twenty-four hours of the time the adolescent was brought to the facility, unless the professional person determines that the condition of the adolescent necessitates additional time for evaluation. In no event shall an adolescent be held longer than ~~((seventy-two))~~ one hundred twenty hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the adolescent to receive inpatient treatment, the adolescent may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the adolescent's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the adolescent is held solely

for mental health and not substance use disorder treatment and of the date of admission. If the adolescent is held for substance use disorder treatment only, the professional person shall provide notice to the authority which redacts all patient identifying information about the adolescent unless: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(4) No provider is obligated to provide treatment to an adolescent under the provisions of this section except that no provider may refuse to treat an adolescent under the provisions of this section solely on the basis that the adolescent has not consented to the treatment. No provider may admit an adolescent to treatment under this section unless it is medically necessary.

(5) No adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the adolescent of his or her right to petition superior court for release from the facility.

~~((7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.))~~

Sec. 77. RCW 71.34.650 and 2019 c 381 s 12 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her adolescent child to:

~~((a))~~ a provider of outpatient ((mental)) behavioral health treatment and request that an appropriately trained professional person examine the adolescent to determine whether the adolescent has a ((mental)) behavioral health disorder and is in need of outpatient treatment((or

~~((b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the adolescent to determine whether the adolescent has a substance use disorder and is in need of outpatient treatment)).~~

(2) The consent of the adolescent is not required for evaluation if a parent provides consent.

(3) The professional person may evaluate whether the adolescent has a ~~((mental disorder or substance use))~~ behavioral health disorder and is in need of outpatient treatment.

(4) If a determination is made by a professional person under this section that an adolescent is in need of outpatient ~~((mental health or substance use))~~ behavioral health disorder treatment, a parent of an adolescent may request and receive such outpatient treatment for his or her adolescent without the consent of the adolescent for up to twelve outpatient sessions occurring within a three-month period.

(5) Following the treatment periods under subsection (4) of this section, an adolescent must provide his or her consent for further treatment with that specific professional person.

(6) If a determination is made by a professional person under this section that an adolescent is in need of treatment in a less restrictive setting, including partial hospitalization or intensive outpatient treatment, a parent of an adolescent may request and receive such treatment for his or her adolescent without the consent of the adolescent.

(a) A professional person providing solely mental health treatment to an adolescent under this subsection (6) must convene a treatment review at least every thirty days after treatment begins that includes the adolescent, parent, and other treatment team members as appropriate to determine whether continued care under this subsection is medically necessary.

(b) A professional person providing solely mental health treatment to an adolescent under this subsection (6) shall provide notification of the adolescent's treatment to an independent

reviewer at the authority within twenty-four hours of the adolescent's first receipt of treatment under this subsection. At least every forty-five days after the adolescent's first receipt of treatment under this subsection, the authority shall conduct a review to determine whether the current level of treatment is medically necessary.

(c) A professional person providing substance use disorder treatment under this subsection (6) shall convene a treatment review under (a) of this subsection and provide the notification of the adolescent's receipt of treatment to an independent reviewer at the authority as described in (b) of this subsection only if: (i) The adolescent provides written consent to the disclosure of substance use disorder treatment information including the fact of his or her receipt of such treatment; or (ii) permitted by federal law.

(7) Any adolescent admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent.

Sec. 78. RCW 71.34.700 and 2019 c 446 s 30 and 2019 c 381 s 14 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, approved substance use disorder treatment program with available space, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

(2) ~~((If an adolescent is brought to a secure withdrawal management and stabilization facility with available space, or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the adolescent's condition, determine whether the adolescent suffers from a substance use disorder, and whether the adolescent is in need of immediate inpatient treatment.~~

(3)) If it is determined under subsection (1) ~~((or (2)))~~ of this section that the adolescent suffers from a ~~((mental disorder or substance use))~~ behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person believes that the adolescent meets the criteria for initial detention ~~((set forth herein))~~, the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.

(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 79. RCW 71.34.700 and 2019 c 446 s 31 and 2019 c 381 s 15 are each reenacted and amended to read as follows:

(1) If an adolescent is brought to an evaluation and treatment facility, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital emergency room for immediate ~~((mental))~~ behavioral health services, the professional person in charge of the facility shall evaluate the adolescent's ~~((mental))~~ condition, determine whether the adolescent suffers from a ~~((mental))~~ behavioral health disorder, and whether the adolescent is in need of immediate inpatient treatment.

(2) ~~((If an adolescent is brought to a secure withdrawal management and stabilization facility or a hospital emergency~~

~~room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the adolescent's condition, determine whether the adolescent suffers from a substance use disorder, and whether the adolescent is in need of immediate inpatient treatment.~~

(3)) If it is determined under subsection (1) ~~((or (2)))~~ of this section that the adolescent suffers from a ~~((mental disorder or substance use))~~ behavioral health disorder, inpatient treatment is required, the adolescent is unwilling to consent to voluntary admission, and the professional person believes that the adolescent meets the criteria for initial detention ~~((set forth herein))~~, the facility may detain or arrange for the detention of the adolescent for up to twelve hours, not including time periods prior to medical clearance, in order to enable a designated crisis responder to evaluate the adolescent and commence initial detention proceedings under the provisions of this chapter.

(3) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

NEW SECTION. Sec. 80. A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, teachers, school personnel, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

NEW SECTION. Sec. 81. A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, the designated crisis responder or professional person must consider all reasonably available information from credible witnesses and records regarding:

(a) Historical behavior, including history of one or more violent acts; and

(b) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, teachers, school personnel, or others with significant contact and history of involvement with the minor. If the designated crisis responder relies upon information from a

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

credible witness in reaching his or her decision to detain the minor, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the minor which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the minor; and

(c) Without treatment, the continued deterioration of the minor is probable.

Sec. 82. RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

(1)(a)((~~+~~)) When a designated crisis responder receives information that an adolescent as a result of a (~~((mental))~~) behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii)) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, if)) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program ((is)) must be available and ((has)) have adequate space for the adolescent.~~

(b) If ~~((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes))~~ a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice

of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 83. RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16 are each reenacted and amended to read as follows:

(1)(a)((~~+~~)) When a designated crisis responder receives information that an adolescent as a result of a (~~((mental))~~)

behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, if)) A secure withdrawal management and stabilization facility or approved substance use disorder treatment program ((is)) must be available and ((has)) have adequate space for the adolescent.~~

~~(b) If ((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes)) a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.~~

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 84. RCW 71.34.710 and 2019 c 446 s 33 and 2019 c 381 s 17 are each reenacted and amended to read as follows:

(1)(a)((+)) When a designated crisis responder receives information that an adolescent as a result of a ~~((mental))~~ behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

~~((ii) When a designated crisis responder receives information that an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program.))~~

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(b) If ~~((the adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes))~~ a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(2)(a) Within twelve hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) If the adolescent is involuntarily detained at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the adolescent was initially detained, the facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((seventy-two))~~ one hundred twenty hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

Sec. 85. RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 86. RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program if there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 87. RCW 71.34.720 and 2019 c 446 s 35 and 2019 c 444 s 19 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial ~~((seventy-two))~~ one hundred twenty hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. ~~((In no event may the minor))~~ A minor must not be denied the opportunity to consult an attorney unless there is an immediate risk of harm to the minor or others.

(5) If the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours from the time of provisional acceptance. The computation of such ~~((seventy-two))~~ one hundred twenty hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed ~~((seventy-two))~~ one hundred twenty hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 88. RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

(i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
- (vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;
- (vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and
- (viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

Sec. 89. RCW 71.34.730 and 2019 c 446 s 36 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial ~~((seventy-two))~~ one hundred twenty hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility ~~((or, in the case of a minor with a substance use disorder, to))~~ a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is ~~((residing or))~~ being detained.

(a) A petition for a fourteen-day commitment shall be signed by:

- (i) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and
 - (ii) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.
- (b) If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(vii) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(viii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(c) A copy of the petition shall be personally ~~((delivered to))~~ served on the minor by the petitioner or petitioner's designee. A copy of the petition shall be ~~((sent))~~ provided to the minor's attorney and the minor's parent.

NEW SECTION. Sec. 90. A new section is added to chapter 71.34 RCW to read as follows:

(1) In any proceeding for involuntary commitment under this chapter, the court may continue or postpone such proceeding for a reasonable time on motion of the respondent for good cause, or on motion of the prosecuting attorney or the attorney general if:

(a) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or

(b) Such continuance is required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(2) The court may on its own motion continue the case when required in due administration of justice and when the respondent will not be substantially prejudiced in the presentation of the respondent's case.

(3) The court shall state in any order of continuance or postponement the grounds for the continuance or postponement and whether detention will be extended.

Sec. 91. RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
 - (b) To present evidence on his or her own behalf;
 - (c) To question persons testifying in support of the petition.
- (7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith

effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~(10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((11)))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((12)))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((13)))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 92. RCW 71.34.740 and 2019 c 446 s 37 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~(10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

~~((11)))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((12)))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((13)))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 93. RCW 71.34.740 and 2019 c 446 s 38 are each amended to read as follows:

(1) A commitment hearing shall be held within ~~((seventy-two))~~ one hundred twenty hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is ~~((requested by the minor or the minor's attorney))~~ ordered under section 90 of this act.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

~~(9) ((Rules of evidence shall not apply in fourteen-day commitment hearings.~~

~~((10)))~~ For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a ~~((mental disorder or substance use))~~ behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

~~((11)))~~ (10) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

~~((12)))~~ (11)(a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

~~((13)))~~ (12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 94. RCW 71.34.750 and 2019 c 446 s 39 and 2019 c 325 s 2008 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor

unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

- (a) The name and address of the petitioner or petitioners;
- (b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;
- (c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;
- (d) The date of the fourteen-day commitment order; and
- (e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 90 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment:

- (a) The court must find by clear, cogent, and convincing evidence that the minor:
 - (i) Is suffering from a mental disorder or substance use disorder;
 - (ii) Presents a likelihood of serious harm or is gravely disabled; and
 - (iii) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

(8)(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~ three days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 95. RCW 71.34.750 and 2019 c 446 s 40 and 2019 c 325 s 2009 are each reenacted and amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

- (a) The name and address of the petitioner or petitioners;
- (b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;
- (c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner. If the petition is for substance use disorder treatment, the petition may be signed by a ~~((chemical dependency))~~ substance use disorder professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child

psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner; or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist, a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. ~~((The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days.))~~ If the hearing is not commenced within thirty days after the filing of the petition, including extensions of time requested by the detained person or his or her attorney or the court in the administration of justice under section 90 of this act, the minor must be released. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder or substance use disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) In determining whether an inpatient or less restrictive alternative commitment is appropriate, great weight must be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (a) Repeated hospitalizations; or (b) repeated peace officer interventions resulting in juvenile charges. Such evidence may be used to provide a factual basis for concluding that the minor would not receive, if released, such care as is essential for his or her health or safety.

(8)(a) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the director for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

(b) If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

~~((8))~~ (9) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least ~~((five))~~ three days prior to the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

expiration of the previous one hundred eighty-day commitment order.

NEW SECTION. Sec. 96. A new section is added to chapter 71.34 RCW to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan; and
- (g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance abuse counseling;
- (e) Residential treatment; and
- (f) Support for housing, benefits, education, and employment.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 97. RCW 71.34.780 and 2019 c 446 s 41 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release,

or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program ~~((if there is an available))~~. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

(2)(a) The designated crisis responder ~~((or the))~~, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director ~~((or))~~, secretary, or facility, as appropriate, with the court in the county ~~((ordering the less restrictive alternative treatment)) where the minor is detained~~. The court shall conduct the hearing in that county. A petition for revocation of conditional release ~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing)) must be filed in the county where the minor is detained~~. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. ~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~ The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization

facility or approved substance use disorder treatment program available with adequate space for the minor.

Sec. 98. RCW 71.34.780 and 2019 c 446 s 42 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor ~~((if committed for mental health treatment,))~~ be taken into custody and transported to an inpatient evaluation and treatment facility ~~((or, if committed for substance use disorder treatment, be taken into custody and transported to))~~, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

(2)(a) The designated crisis responder ~~((or the))~~, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director ~~((or))~~, secretary, or facility, as appropriate, with the court in the county ~~((ordering the less restrictive alternative treatment))~~ where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release ~~((may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing))~~ must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. ~~((Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred.))~~ The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

NEW SECTION. Sec. 99. A new section is added to chapter 71.34 RCW to read as follows:

The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish rules regarding access to court records, and respectfully requests the Washington state supreme court to adopt rules regarding potential access for the following entities to the files and records of court proceedings under this chapter and chapter 71.05 RCW:

- (1) The department;
- (2) The department of health;
- (3) The authority;
- (4) The state hospitals as defined in RCW 72.23.010;
- (5) Any person who is the subject of a petition;
- (6) The attorney or guardian of the person;
- (7) Resource management services for that person; and
- (8) Service providers authorized to receive such information by resource management services.

NEW SECTION. Sec. 100. A new section is added to chapter 71.34 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

NEW SECTION. Sec. 101. A new section is added to chapter 71.05 RCW to read as follows:

For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, the interpreters, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used in this section includes any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow the respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged behavioral health disorder affects the respondent's ability to perceive or participate in the proceeding by video.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 102. A new section is added to chapter 71.34 RCW to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to services and facilities of the department shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) An involuntary treatment act work group is established to evaluate the effect of changes to this chapter and chapter 71.34 RCW and to evaluate vulnerabilities in the crisis system.

(2) The work group shall:

(a) Commencing July 1, 2020, meet at least three times to: (i) Identify and evaluate systems and procedures that may be required to implement one hundred twenty hour initial detention; (ii) develop recommendations to implement one hundred twenty hour initial detention statewide; and (iii) disseminate the recommendations to stakeholders and report them to the governor and appropriate committees of the legislature by January 1, 2021.

(b) Commencing January 1, 2021, meet at least six times to evaluate: (i) The implementation of one hundred twenty hour initial detention, and the effects, if any, on involuntary behavioral health treatment capacity statewide, including the frequency of detentions, commitments, revocations of less restrictive alternative treatment, conditional release orders, single bed certifications, and no-bed reports under RCW 71.05.750; (ii) other issues related to implementation of this act; and (iii) other vulnerabilities in the involuntary treatment system.

(c)(i) Develop recommendations for operating the crisis system based on the evaluations in (b) of this subsection; and (ii) disseminate those recommendations to stakeholders and report them to the governor and the appropriate committees of the legislature no later than June 30, 2022.

(3) The work group shall be convened by the authority and shall receive technical and data gathering support from the authority, the department, and the department of social and health services as needed. The membership must consist of not more than eighteen members appointed by the governor, reflecting statewide representation, diverse viewpoints, and experience with involuntary treatment cases. Appointed members must include but not be limited to:

(a) Representatives of the authority, the department, and the department of social and health services;

(b) Certified short-term civil commitment providers and providers who accept single bed certification under RCW 71.05.745;

(c) Certified long-term inpatient care providers for involuntary patients or providers with experience providing community long-term inpatient care for involuntary patients;

(d) Prosecuting attorneys;

(e) Defense attorneys;

(f) Family members and persons with lived experience of behavioral health disorders;

(g) At least two behavioral health peers with lived experience of civil commitment;

(h) The Washington state office of the attorney general;

(i) Advocates for persons with behavioral health disorders;

(j) Designated crisis responders;

(k) Behavioral health administrative services organizations;

(l) Managed care organizations;

(m) Law enforcement; and

(n) Judicial officers in involuntary treatment cases.

(4) Interested legislators and legislative staff may participate in the work group. The governor must request participation in the work group by a representative of tribal governments.

(5) The work group shall choose cochairs from among its members and receive staff support from the authority.

(6) This section expires June 30, 2022.

NEW SECTION. Sec. 104. The following acts or parts of acts are each repealed:

(1) RCW 71.05.360 (Rights of involuntarily detained persons) and 2019 c 446 s 13 and 2017 3rd sp.s. c 14 s 20; and

(2) RCW 71.34.370 (Antipsychotic medication and shock treatment) and 1989 c 120 s 9.

NEW SECTION. Sec. 105. RCW 71.05.525 is recodified as a section in chapter 71.34 RCW.

NEW SECTION. Sec. 106. Sections 12, 15, 25, 31, 33, 35, 38, 54, 75, 82, 85, 88, and 91 of this act expire January 1, 2021.

NEW SECTION. Sec. 107. Sections 13, 16, 19 through 23, 26, 32, 34, 36, 39, 55, 59, 76, 83, 86, 89, and 92 of this act take effect January 1, 2021.

NEW SECTION. Sec. 108. Sections 13, 16, 26, 39, 45, 55, 78, 83, 86, 92, 94, and 97 of this act expire July 1, 2026.

NEW SECTION. Sec. 109. Sections 14, 17, 27, 40, 46, 56, 79, 84, 87, 93, 95, and 98 of this act take effect July 1, 2026.

NEW SECTION. Sec. 110. (1) Sections 4 and 28 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

NEW SECTION. Sec. 111. (1) Sections 64 and 81 of this act take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

Sec. 112. RCW 70.02.010 and 2019 c 325 s 5019 are each amended to read as follows:

CONFORMING AMENDMENTS.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.
 (3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 70.97.010, and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(23) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(24) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(25) "Legal counsel" has the same meaning as in RCW 71.05.020.

(26) "Local public health officer" has the same meaning as in RCW 70.24.017.

(27) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(29) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(38) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(39) "Release" has the same meaning as in RCW 71.05.020.

(40) "Resource management services" has the same meaning as in RCW 71.05.020.

(41) "Serious violent offense" has the same meaning as in RCW ((71.05.020)) 9.94A.030.

(42) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(43) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(44) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(45) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care

provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

(46) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

Sec. 113. RCW 5.60.060 and 2019 c 98 s 1 are each amended to read as follows:

CONFORMING AMENDMENTS.

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter 71.05 or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW ((71.05.360 (8) and (9))) 71.05.217 (6) and (7), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the first responder or jail staff person making the communication, be compelled to testify about any communication made to the counselor by the first responder or

jail staff person while receiving counseling. The counselor must be designated as such by the agency employing the first responder or jail staff person prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding first responder or jail staff person, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the first responder or jail staff person.

(b) For purposes of this section:

(i) "First responder" means:

(A) A law enforcement officer;

(B) A limited authority law enforcement officer;

(C) A firefighter;

(D) An emergency services dispatcher or recordkeeper;

(E) Emergency medical personnel, as licensed or certified by this state; or

(F) A member or former member of the Washington national guard acting in an emergency response capacity pursuant to chapter 38.52 RCW.

(ii) "Law enforcement officer" means a general authority Washington peace officer as defined in RCW 10.93.020;

(iii) "Limited authority law enforcement officer" means a limited authority Washington peace officer as defined in RCW 10.93.020 who is employed by the department of corrections, state parks and recreation commission, department of natural resources, liquor and cannabis board, or Washington state gambling commission; and

(iv) "Peer support group counselor" means:

(A) A first responder or jail staff person or a civilian employee of a first responder entity or agency, local jail, or state agency who has received training to provide emotional and moral support and counseling to a first responder or jail staff person who needs those services as a result of an incident in which the first responder or jail staff person was involved while acting in his or her official capacity; or

(B) A nonemployee counselor who has been designated by the first responder entity or agency, local jail, or state agency to provide emotional and moral support and counseling to a first responder or jail staff person who needs those services as a result of an incident in which the first responder or jail staff person was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of ~~((social and health services))~~ children, youth, and families as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030~~((14))~~ (15). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) or (7); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

(10) An individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction recovery fellowship may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the individual who acts as a sponsor except with the written authorization of that person or, in the case of death or disability, the person's personal representative.

Sec. 114. RCW 71.12.570 and 2012 c 117 s 440 are each amended to read as follows:

CONFORMING AMENDMENTS.

No person in an establishment as defined in this chapter shall be restrained from sending written communications of the fact of

his or her detention in such establishment to a friend, relative, or other person. The physician in charge of such person and the person in charge of such establishment shall send each such communication to the person to whom it is addressed. All persons in an establishment shall have no less than all rights secured to involuntarily detained persons by RCW ~~((71.05.360 and))~~ 71.05.217 and to voluntarily admitted or committed persons pursuant to RCW 71.05.050 and 71.05.380.

Sec. 115. RCW 18.225.105 and 2005 c 504 s 707 are each amended to read as follows:

CONFORMING AMENDMENTS.

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) and (7); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 116. RCW 18.83.110 and 2016 sp.s. c 29 s 414 are each amended to read as follows:

CONFORMING AMENDMENTS.

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW ~~((71.05.360 (8) and (9)))~~ 71.05.217 (6) and (7)."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5720.

Senators Dhingra and Wagoner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5720.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5720 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5720, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5759 with the following amendment(s): 5759-S.E AMH APP H5314.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the consumer protection in eye care act.

NEW SECTION. Sec. 2. INTENT. (1) The legislature recognizes the importance of allowing licensed practitioners to use their professional judgment, based on their education, training, and expertise, to determine the appropriate use of current and future technologies to enhance patient care. Guidelines for providing health care services through remote technology have been addressed by the medical community, and the legislature intends to complement and clarify those guidelines with respect to using remote technology to provide prescriptions for corrective lenses.

(2) The legislature also recognizes that health care consumers, including eye health care consumers, can benefit from developments in technology that offer advantages such as increased convenience or increased speed in delivery of services. However, the legislature recognizes that health care consumers can be misled or harmed by the use of developments in technology that are not properly supervised by qualified providers.

(3) The legislature recognizes that the use of technology that permits a consumer to submit data to an entity for the purposes of obtaining a prescription for corrective lenses, including contact lenses, may fail to detect serious eye health issues resulting in permanent vision loss if the patient is not also receiving comprehensive eye care according to standard of care.

(4) Therefore, the legislature concludes that consumers should be protected from improper or unsupervised use of technology for purposes of obtaining a prescription for corrective lenses, without unduly restricting the development and implementation of technology and without unduly restricting licensed practitioners from using such technology where appropriate.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether or not it is intended to correct a visual defect. Contact lens includes, but is not limited to, cosmetic, therapeutic, and corrective lenses that are a federally regulated medical device.

(2) "Corrective lenses" means any lenses, including lenses in spectacles and contact lenses, that are manufactured in accordance with the specific terms of a valid prescription for an individual patient for the purpose of correcting the patient's refractive or binocular error.

(3) "Department" means the department of health.

(4) "Diagnostic information and data" mean any and all information and data, including but not limited to photographs and scans, generated by or through the use of any remote technology.

(5) "Patient-practitioner relationship" means the relationship between a provider of medical services, the practitioner, and a receiver of medical services, the patient, based on mutual understanding of their shared responsibility for the patient's health care.

(6) "Prescription" means the written or electronic directive from a qualified provider for corrective lenses and consists of the refractive power as well as contact lens parameters in the case of contact lens prescriptions.

(7) "Qualified provider" means a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW practicing ophthalmology, or a person licensed under chapter 18.53 RCW to practice optometry.

(8) "Remote qualified provider" means any qualified provider who is not physically present at the time of the examination.

(9) "Remote technology" means any automated equipment or testing device and any application designed to be used on or with a phone, computer, or internet-based device that is used without the physical presence and participation of a qualified provider that generates data for purposes of determining an individual's refractive error. Remote technology does not include the use of telemedicine as defined in RCW 48.43.735 for purposes other than determining an individual's refractive error.

(10) "Spectacles" means any device worn by an individual that has one or more lenses through which the wearer looks. Spectacles are commonly known and referred to as glasses, and may include cosmetic or corrective lenses.

(11) "Standard of care" means those standards developed and defined by the American academy of ophthalmology preferred practice pattern "Comprehensive Adult Medical Eye Evaluation" (Appendix 1), as the preferred practice pattern existed on the effective date of this act.

(12) "Standard of care for contact lenses" means the frequency of eye examinations as recommended for contact lens wearers in the American academy of ophthalmology publication "Refractive Errors & Refractive Surgery Preferred Practice Pattern" (Appendix 2), as the preferred practice pattern existed on the effective date of this act.

NEW SECTION. Sec. 4. USE OF REMOTE TECHNOLOGY FOR CORRECTIVE LENS PRESCRIPTIONS. A qualified provider may prepare a prescription for corrective lenses intended to correct an individual's refractive error by remote technology if:

(1) The prescribing qualified provider is held to the same standard of care applicable to qualified providers providing corrective lens prescriptions in traditional in-person clinical settings;

(2) A patient-practitioner relationship is clearly established by the qualified provider agreeing to provide a corrective lens prescription, whether or not there was an in-person encounter between the parties. The parameters of the patient-practitioner

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

relationship for the use of remote technology must mirror those that would be expected for similar in-person encounters to provide corrective lens prescriptions;

(3) The remote technology is only offered to patients who meet appropriate screening criteria. A review of the patient's medical and ocular history that meets standard of care is required to determine who may or may not be safely treated with refraction without a concurrent comprehensive eye exam. Patients must also be informed that a refraction alone, whether utilizing remote technology or in person, does not substitute for a comprehensive eye exam;

(4) Continuity of care is maintained. Continuity of care requires but is not limited to:

(a) A qualified provider addressing an adverse event that occurs as a result of the prescription written by the qualified provider by:

(i) Being available to address the patient's vision or medical condition directly, either in-person or remotely, if it is possible to address the adverse event remotely;

(ii) Having an agreement with another qualified provider or licensed medical provider who is available to address the patient's vision or medical condition, either in-person or remotely; or

(iii) Referring the patient to a qualified provider or licensed medical provider who is capable of addressing the patient's condition;

(b) Retaining patient exam documentation for a minimum of ten years and retaining communication between the remote qualified provider who evaluated the patient and prescribed corrective lenses and any applicable providers as they normally would in an in-person setting; and

(5) When prescribing for contact lenses, the examination of the eyes is performed in accordance with the standard of care and standard of care for contact lenses. The components of the eye examination, if done remotely, must be to the same evaluation and standard of care the qualified provider would typically do in an in-person setting for the same condition. If the eye examination is performed by someone other than the prescribing qualified provider, the prescribing qualified provider must obtain written, faxed, or electronically communicated affirmative verification of the results of that eye examination from the provider who performed the examination. The absence of receipt of affirmative verification within any specified time period cannot be used as presumed affirmative verification.

NEW SECTION. Sec. 5. REMOTE TECHNOLOGY STANDARDS FOR USE. It is unlawful for any person to offer or otherwise make available to consumers in this state remote technology under this chapter without fully complying with the following:

(1) The remote technology must be approved by the United States food and drug administration when applicable;

(2) The remote technology must be designed and operated in a manner that provides any accommodation required by the Americans with disabilities act of 1990, 42 U.S.C. Sec. 12101 et seq. when applicable;

(3) The remote technology, when used for the collection and transmission of diagnostic information and data, must gather and transmit any protected health information in compliance with the federal health insurance portability and accountability act of 1996 and related regulations;

(4) The remote technology, when used for the collection and transmission of diagnostic information and data, may only transmit the diagnostic information and data to a qualified provider, their staff, contracted support staff, or another licensed health care provider for the purposes of collaboration in providing care to the patient. When diagnostic information and data are

collected and transmitted through remote technology, that information must be read and interpreted by a qualified provider in order to release a corrective lens prescription to the patient or other entity. Contracted support staff must comply with all requirements of this chapter. Contract support staff and the supervising provider retain personal and professional responsibility for any violation of this chapter by the contracted support staff; and

(5) The owner, lessee, or operator of the remote technology must maintain liability insurance in an amount reasonably sufficient to cover claims which may be made by individuals diagnosed or treated based on information and data by the automated equipment, including but not limited to photographs and scans.

NEW SECTION. Sec. 6. ENFORCEMENT. (1) The relevant disciplinary authority for the qualified provider shall review any written complaint alleging a violation, or attempted violation, of this chapter or rules adopted pursuant to this chapter, and conduct an investigation.

(2) If the disciplinary authority finds that a person has violated or attempted to violate this chapter, it may:

(a) Upon the first violation or attempted violation that did not result in significant harm to an individual's health, issue a written warning; or

(b) In all other cases, impose a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each violation.

(3) At the request of the department, the attorney general may file a civil action seeking an injunction or other appropriate relief to enforce this chapter and the rules adopted pursuant to this chapter.

(4) For the purposes of this section, "disciplinary authority" means the same as in RCW 18.130.020.

NEW SECTION. Sec. 7. RULE MAKING. The department shall adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5759.

Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5759.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5759 by voice vote.

MOTION

On motion of Senator Mullet, Senators Liias and Wellman were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Liias and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5829 with the following amendment(s): 5829-S.E AMH STOK PRIN 660

On page 6, line 30, strike all of section 3 and insert the following:

"**NEW SECTION. Sec. 3.** This act takes effect the later of January 1, 2021, or the date that the board for volunteer firefighters and reserve officers receives notice from the federal internal revenue service that the volunteer firefighters and reserve officers relief and pension system is a qualified employee benefit plan under the federal law. The board must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5829.

Senator Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5829.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5829 by voice vote.

MOTION

On motion of Senator Rivers, Senator Muzzall was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5829, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5829, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Liias and Muzzall

ENGROSSED SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5947 with the following amendment(s): 5947-S2 AMH CB H5260.2

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that Washington's working agricultural lands are essential to the economic and social well-being of our rural communities and to the state's overall environment and economy. The legislature further finds that different challenges and opportunities exist to expand the use of precision agriculture for different crops in the state by assisting farmers, ranchers, and aquaculturists to purchase equipment and receive technical assistance to reduce their operations' carbon footprint while ensuring that crops and soils receive exactly what they need for optimum health and productivity. Moreover, the legislature finds that opportunities exist to enhance soil health through carbon farming and regenerative agriculture by increasing soil organic carbon levels while ensuring appropriate carbon to nitrogen ratios, and to store carbon in standing trees, seaweed, and other vegetation. Therefore, it is the intent of the legislature to provide cost-sharing competitive grant opportunities to enable farmers and ranchers to adopt practices that increase appropriate quantities of carbon stored in and above their soil and to initiate or expand the use of precision agriculture on their farms. This act seeks to leverage and enhance existing state and federal cost-sharing programs for farm, ranch, and aquaculture operations.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this section and sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalent emission" means a metric measure used to compare the emission impacts from various greenhouse gases based on their relative radiative forcing effect over a specified period of time compared to carbon dioxide emissions.

(2) "Carbon dioxide equivalent impact" means a metric measure of the cumulative radiative forcing impacts of both carbon dioxide equivalent emissions and the radiative forcing benefits of carbon storage.

(3) "Commission" means the Washington state conservation commission created in this chapter.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(4) "Conservation district" means one or a group of Washington state's conservation districts created in this chapter.

NEW SECTION. Sec. 3. (1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than fifteen percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than twenty percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; and

(g) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of sections 2 through 7 of this act.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may exceed twenty-five years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

NEW SECTION. Sec. 4. (1) When prioritizing grant recipients, the commission, in consultation with the department

of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service, shall seek to maximize the benefits of the grant program by leveraging other state, nonstate, public, and private sources of money. The primary metrics used to rank grant applications must be made public by the commission.

(2) The grant program must prioritize or weight projects based on consideration of the individual project's ability to:

(a) Increase the quantity of organic carbon in topsoil through practices including, but not limited to, cover cropping, no-till and minimum tillage conservation practices, crop rotations, manure application, biochar application, compost application, and changes in grazing management;

(b) Increase the quantity of organic carbon in aquatic soils;

(c) Intentionally integrate trees, shrubs, seaweed, or other vegetation into management of agricultural and aquacultural lands;

(d) Reduce or avoid carbon dioxide equivalent emissions in or from soils;

(e) Reduce nitrous oxide and methane emissions through changes to livestock or soil management; and

(f) Increase usage of precision agricultural practices.

(3) The commission shall develop and approve a prioritization metric to guide the distribution of funds appropriated by the legislature for this purpose, with the goal of producing cost-effective carbon dioxide equivalent impact benefits.

(4) Applicants that create riparian buffers along waterways, or otherwise benefit fish habitat, must receive an enhanced prioritization compared to other grant applications that perform similarly under the prioritization metrics developed by the commission.

(5) The commission shall downgrade a specific grant proposal within its prioritization metric if the proposal is expected to cause significant environmental damage to fish and wildlife habitat.

NEW SECTION. Sec. 5. (1) The commission shall determine methods for measuring, estimating, and verifying outcomes under the sustainable farms and fields grant program in consultation with Washington State University, the department of agriculture, and the United States department of agriculture natural resources conservation service.

(2) The commission may require that a grant recipient allow the commission, or contractors hired by the commission, including the Washington State University extension program, access to the grant recipient's property, with reasonable notice, to monitor the results of the project or projects funded by the grant program on the grant recipient's property.

NEW SECTION. Sec. 6. (1) By October 15, 2021, and every two years thereafter, the commission shall report to the legislature and the governor on the performance of the sustainable farms and fields grant program.

(2) The commission shall update at least annually a public list of projects and pertinent information including a summary of state and federal funds, private funds spent, landowner and other private cost-share matching expenditures, the total number of projects, and an estimate of carbon sequestered or carbon emissions reduced.

(3) By July 1, 2024, the commission, in consultation with Washington State University and the University of Washington, must evaluate and update the most appropriate carbon equivalency metric to apply to the sustainable farms and fields grant program. Until this equivalency is updated by the commission, or unless the commission identifies a better metric, the commission must initially use a one hundred year storage equivalency that can be linearly annualized to recognize the storage of carbon on an annual basis based on the storage of 3.67

tons of biogenic carbon for one hundred years being assigned a value equal to avoiding one ton of carbon dioxide equivalent emissions.

(4) The grant recipient and other private cost-sharing participants may at their own discretion allow their business or other name to be listed on the public report produced by the commission. All grant recipients must allow anonymized information about the full funding of their project to be made available for public reporting purposes.

NEW SECTION. Sec. 7. The sustainable farms and fields account is created in the state treasury. All receipts of money directed to the account must be deposited in the account. Expenditures from the account may be used only for purposes relating to the sustainable farms and fields grant program established in section 3 of this act. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 89.08 RCW.

NEW SECTION. Sec. 9. No public funds shall be awarded as grants under this act until public funds are appropriated specifically for the sustainable farms and fields grant program."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator McCoy moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5947.

Senators McCoy and Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCoy that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5947.

The motion by Senator McCoy carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5947 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5947, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5947, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, King, Padden, Rivers and Wagoner

SECOND SUBSTITUTE SENATE BILL NO. 5947, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Padden: "Yes, in the roll call before the last one, Mr. President, a member had been marked 'absent,' did not vote. And the folks up front changed that, changed an 'excused' to an 'absent' without the member voting and without being here. It looked like during the roll call itself. So I wondered if you had an explanation?"

REPLY BY THE PRESIDENT

President Habib: "So, what happened was that, just prior to the roll call vote, Senator Mullet had - I don't know if you were on the floor Senator Padden and heard, Senator Mullet moved to excuse Senators Liias and Wellman. And I said, as I normally do, as I always do, 'Without objection Senators Liias and Wellman are excused.' For whatever reason Liias was noted as excused but not Wellman. And, so when the roll call had been concluded, and Wellman had not voted, she showed up as absent but, in fact, that was a mistake. She should have been already excused. In any case it didn't matter because she appeared in time, before the roll call had been concluded. So, that is the extent of that particular drama. Thank you."

Senator Padden: "Thank you, Mr. President, for the explanation."

MOTION

On motion of Senator Mullet, Senator Van De Wege was excused.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6040 with the following amendment(s): 6040-S.E AMH APP H5353.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.88C.010 and 2019 c 406 s 24 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

~~((10))~~ (11) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

~~((11))~~ (12) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 2. Subject to amounts appropriated for this specific purpose, the developmental disabilities administration of the department of social and health services shall review the no-paid services caseload and update the information to accurately reflect a current headcount of eligible persons and the number of persons contacted who are currently interested in receiving a paid service from the developmental disabilities administration. A report of this information shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021."

Correct the title.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040.

Senators Braun and Rolfes spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6190 with the following amendment(s): 6190-S AMH CB H5164.5

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each amended to read as follows:

(1) The developmental disabilities community ~~((trust))~~ services account is created in the state treasury. ~~((All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers that would not impact current residential habilitation center operations must be deposited into the account.))~~

(2) ~~((Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property, except as permitted under section 7 of this act.))~~ The following revenues must be deposited in the account:

(a) All net proceeds from leases or sales of real property, conservation easements, and sales of timber, from the state properties at the Fircrest residential habilitation center, the Lakeland Village residential habilitation center, the Rainier school, and the Yakima Valley school. However, real property that is determined by the department of social and health services to be required for the operations of the residential habilitation

centers is excluded from the real property that may be leased or sold for the benefit of the account. In addition, real property owned by the charitable, educational, penal, and reformatory institutions trust, and revenue therefrom, is excluded; and

(b) Any other moneys appropriated or transferred to the account by the legislature.

(3) ("Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility.) Any sale, lease, or easement under this section must be at fair market value.

(4) ((Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5)) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively ((to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

(6)) for:

(a) Supports and services in a community setting to benefit eligible persons with intellectual and developmental disabilities; or

(b) Investment expenses of the state investment board.

(5) The department of social and health services must solicit recommendations from the Washington state developmental disabilities council regarding expenditure of moneys from the Dan Thompson memorial developmental disabilities community services account for supports and services in a community setting to benefit eligible persons with developmental disabilities.

(6) Expenditures from the account must supplement, and may not replace, supplant, or reduce current state expenditure levels for supports and services in the community setting for eligible persons with developmental disabilities.

(7)(a) The state investment board must invest moneys in the account. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the account. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160.

(b) All investments made by the state investment board shall be made with the degree of judgment and care required under RCW 43.33A.140 and the investment policy established by the state investment board.

(c) The state investment board shall routinely consult and communicate with the department of social and health services and the legislature on the investment policy, earnings of the account, and related needs of the account.

(8) The account shall be known as the Dan Thompson memorial developmental disabilities community ((trust)) services account."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6190.

Senators Braun and Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6190.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6190 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6190, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 6190, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6211 with the following amendment(s): 6211-S2 AMH PS H5070.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.660 and 2019 c 325 s 5002 and 2019 c 263 s 502 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense ~~((or sex offense))~~ and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense ~~((at any time or))~~ for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

((ii)) Any other violent offense within ten years before conviction of the current offense(~~(, in this state, another state, or the United States))~~);

((~~(d)~~)) (c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

((~~(e)~~)) (f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

((~~(f)~~)) ~~The end of the standard sentence range for the current offense is greater than one year; and~~

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard range is ~~((twenty-four))~~ twenty-six months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5)((~~(a)~~)) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

((~~(i)~~)) (a) Whether the offender suffers from ~~((drug addiction))~~ a substance use disorder;

((~~(ii)~~)) (b) Whether the ~~((addiction))~~ substance use disorder is such that there is a probability that criminal behavior will occur in the future;

((~~(iii)~~)) (c) Whether effective treatment for the offender's ~~((addiction))~~ substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW; and

((~~(iv)~~)) (d) Whether the offender and the community will benefit from the use of the alternative.

((~~(b)~~)) ~~The examination report must contain:~~

~~(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~

~~((ii) Recommended crime-related prohibitions and affirmative conditions.))~~

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for ~~((any))~~ time previously served in total or partial confinement and inpatient treatment under this section, and shall receive fifty percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) ~~((Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580))~~ The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

Sec. 2. RCW 9.94A.662 and 2019 c 263 s 503 are each amended to read as follows:

(1) The court may only order a prison-based special drug offender sentencing alternative if the high end of the standard sentence range for the current offense is greater than one year.

(2) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance ~~((abuse))~~ use disorder treatment in a program that has been approved by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services))~~, and for co-occurring drug and domestic violence cases, must also include an appropriate domestic violence treatment program by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

~~((2))~~ (3)(a) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance ~~((abuse))~~ use disorder assessment and receive, within available resources, treatment services appropriate for the offender. The substance ~~((abuse))~~ use disorder treatment services shall be ~~((designed))~~ licensed by the ~~((division of alcohol and substance abuse of the))~~ department of ~~((social and))~~ health ~~((services, in cooperation with the department of corrections))~~.

(b) When applicable for cases involving domestic violence, domestic violence treatment must be provided by a state-certified domestic violence treatment provider pursuant to chapter 26.50 RCW during the term of community custody.

~~((3))~~ (4) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

~~((4))~~ (5) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

Sec. 3. RCW 9.94A.664 and 2019 c 325 s 5003 and 2019 c 263 s 504 are each reenacted and amended to read as follows:

(1)(a) A sentence for a residential substance use disorder treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in a residential substance use disorder treatment program certified by the department of health for a period set by the court ~~((between three and))~~ up to six months with treatment completion and continued care delivered in accordance with rules established by the health care authority. In establishing rules pursuant to this subsection, the health care authority must consider criteria established by the American society of addiction medicine.

(b) The sentence may include an indeterminate term of confinement of no more than thirty days in a facility operated or utilized under contract by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.

(2)(a) During any period of community custody, the court shall impose~~((as conditions of community custody,))~~ treatment and

other conditions ~~((as proposed in the examination report completed pursuant to RCW 9.94A.660)).~~

(b) ~~((If the court imposes a term of community custody, the))~~ The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during ~~((the))~~ any term of community custody, and within available resources, make domestic violence treatment services available to a domestic violence offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential substance use disorder treatment program and, when applicable, the domestic violence treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of ~~((residential substance use disorder))~~ treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make substance use disorder assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

Sec. 4. RCW 9.94A.030 and 2019 c 331 s 5, 2019 c 271 s 6, 2019 c 187 s 1, and 2019 c 46 s 5007 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(3)(b) and 9.96.060((5)) (6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense (~~other than a violent offense or a sex offense and~~) who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any

drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

motivation must be comparable to the definition of sexual motivation contained in this section.

(34) "Nonviolent offense" means an offense which is not a violent offense.

(35) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9A.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her

authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyberstalking, RCW 9.61.260(3)(a);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(46) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(47) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(52) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(54) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(56) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(57) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(58) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(59) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2021."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6211.

Senators Dhingra and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6211.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6211 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6211, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford,

Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6239 with the following amendment(s): 6239.E AMH SELL TANG 058

On page 4, line 15, after "the" strike "apprenticeship utilization goals" and insert "apprentice utilization requirements"

On page 4, line 18, after "plan" strike "along with its bid documents" and insert "within ten business days immediately following the notice to proceed date"
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6239.

Senators Conway and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6239.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6239 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6239, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6239, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Honeyford, Padden, Schoesler, Short, Wagoner, Walsh, Warnick and Wilson, L.

ENGROSSED SENATE BILL NO. 6239, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6259 with the following amendment(s): 6259-S AMH HCW H5117.1

Strike everything after the enacting clause and insert the following:

"PART I

Sec. 101. RCW 43.71B.901 and 2019 c 282 s 1 are each amended to read as follows:

- (1) The legislature finds that:
 - (a) As set forth in 25 U.S.C. Sec. 1602, it is the policy of the nation, in fulfillment of its special trust responsibilities and legal obligations to American Indians and Alaska Natives, to:
 - (i) Ensure the highest possible health status for American Indians and Alaska Natives and to provide all resources necessary to effect that policy;
 - (ii) Raise the health status of American Indians and Alaska Natives to at least the levels set forth in the goals contained within the healthy people 2020 initiative or successor objectives; and
 - (iii) Ensure tribal self-determination and maximum participation by American Indians and Alaska Natives in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of tribes and American Indian and Alaska Native communities;
 - (b) According to the northwest tribal epidemiology center and the department of health, American Indians and Alaska Natives in the state experience some of the greatest health disparities compared to other groups, including ~~((excessively high rates of))~~:
 - (i) ~~((Premature)) Disproportionately high rates of premature mortality due to ((suicide, overdose, unintentional injury, and various)) chronic diseases and unintentional injury; ((and))~~
 - (ii) ~~((Asthma)) Disproportionately high rates of asthma, coronary heart disease, hypertension, diabetes, prediabetes, obesity, dental caries, poor mental health, youth depressive feelings, cigarette smoking and vaping, and cannabis use;~~
 - (iii) A drug overdose death rate in 2016 in this state that is three times higher than the national American Indian and Alaska Native rate and has increased thirty-six percent since 2012 and almost three hundred percent since 2000 in contrast to a relatively stable rate for the state overall population. Over seventy-two percent of these overdose deaths involved an opioid;
 - (iv) A suicide mortality rate in this state that is more than one and four-fifths times higher than the rate for non-American Indians and Alaska Natives. Since 2001, the suicide mortality rate for American Indians and Alaska Natives in this state has increased by fifty-eight percent which is more than three times the rate of increase among non-American Indians and Alaska Natives. Nationally, the highest suicide rates among American Indians and Alaska Natives are for adolescents and young adults, while rates among non-Hispanic whites are highest in older age groups, suggesting that different risk factors might contribute to suicide in these groups; and
 - (v) A rate of exposure to significant adverse childhood experiences between 2009 and 2011 that is nearly twice the rate of non-Hispanic whites;
 - (c) These health disparities are a direct result of both historical trauma, leading to adverse childhood experiences across multiple generations, and inadequate levels of federal funding to the Indian health service;
 - (d) Under a 2016 update in payment policy from the centers for medicare and medicaid services, the state has the opportunity to shift more of the cost of care for American Indian and Alaska Native medicaid enrollees from the state general fund to the federal government if all of the federal requirements are met;
 - (e) Because the federal requirements to achieve this cost shift and obtain the new federal funds place significant administrative

burdens on Indian health service and tribal health facilities, the state has no way to shift these costs of care to the federal government unless the state provides incentives for tribes to take on these administrative burdens; and

(f) The federal government's intent for this update in payment policy is to help states, the Indian health service, and tribes to improve delivery systems for American Indians and Alaska Natives by increasing access to care, strengthening continuity of care, and improving population health.

(2) The legislature, therefore, intends to:

(a) Establish that it is the policy of this state and the intent of this chapter, in fulfillment of the state's unique relationships and shared respect between sovereign governments, to:

(i) Recognize the United States' special trust responsibility to provide quality health care and allied health services to American Indians and Alaska Natives, including those individuals who are residents of this state; and

(ii) Implement the national policies of Indian self-determination with the goal of reducing health inequities for American Indians and Alaska Natives;

(b) Establish the governor's Indian health advisory council to:

(i) Adopt a biennial Indian health improvement advisory plan, developed by the reinvestment committee;

(ii) Address issues with tribal implications that are not able to be resolved at the agency level; ~~((and))~~

(iii) Provide oversight of the Indian health improvement reinvestment account; and

(iv) Draft recommended legislation to address Indian health improvement needs including, but not limited to, crisis coordination between Indian health care providers and the state's behavioral health system;

(c) Establish the Indian health improvement reinvestment account in order to provide incentives for tribes to assume the administrative burdens created by the federal requirements for the state to shift health care costs to the federal government;

(d) Appropriate and deposit into the reinvestment account all of the new state savings, subject to federal appropriations and less agreed upon administrative costs to maintain fiscal neutrality to the state general fund; ~~((and))~~

(e) Require the funds in the reinvestment account to be spent only on costs for projects, programs, or activities identified in the advisory plan;

(f) Address the ongoing suicide and addiction crisis among American Indians and Alaska Natives by:

(i) Including Indian health care providers among entities eligible to receive available resources as defined in RCW 71.24.025 for the delivery of behavioral health services to American Indians and Alaska Natives;

(ii) Strengthening the state's behavioral health system crisis coordination with tribes and Indian health care providers by removing barriers to the federal trust responsibility to provide for American Indians and Alaska Natives; and

(g) Recognize the sovereign authority of tribal governments to act as public health authorities in providing for the health and safety of their community members including those individuals who may be experiencing a behavioral health crisis.

Sec. 102. RCW 43.71B.010 and 2019 c 282 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory council" means the governor's Indian health advisory council established in RCW 43.71B.020.

(2) "Advisory plan" means the plan described in RCW 43.71B.030.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(3) "American Indian" or "Alaska Native" means any individual who is: (a) A member of a federally recognized tribe; or (b) eligible for the Indian health service.

(4) "Authority" means the health care authority.

(5) "Board" means the northwest Portland area Indian health board, an Oregon nonprofit corporation wholly controlled by the tribes in the states of Idaho, Oregon, and Washington.

(6) "Commission" means the American Indian health commission for Washington state, a Washington nonprofit corporation wholly controlled by the tribes and urban Indian organizations in the state.

(7) "Community health aide" means a tribal community health provider certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l, who can perform a wide range of duties within the provider's scope of certified practice in health programs of a tribe, tribal organization, Indian health service facility, or urban Indian organization to improve access to culturally appropriate, quality care for American Indians and Alaska Natives and their families and communities, including but not limited to community health aides, community health practitioners, behavioral health aides, behavioral health practitioners, dental health aides, and dental health aide therapists.

(8) "Community health aide program" means a community health aide certification board for the state consistent with 25 U.S.C. Sec. 1616l and the training programs and certification requirements established thereunder.

(9) "Fee-for-service" means the state's medicaid program for which payments are made under the state plan, without a managed care entity, in accordance with the fee-for-service payment methodology.

(10) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in 25 U.S.C. Sec. 1603.

(11) "Indian health service" means the federal agency within the United States department of health and human services.

(12) "New state savings" means the savings to the state general fund that are achieved as a result of the centers for medicare and medicaid services state health official letter 16-002 and related guidance, calculated as the difference between (a) medicaid payments received from the centers for medicare and medicaid services based on the one hundred percent federal medical assistance percentage; and (b) medicaid payments received from the centers for medicare and medicaid services based on the federal medical assistance percentage that would apply in the absence of state health official letter 16-002 and related guidance.

(13) "Reinvestment account" means the Indian health improvement reinvestment account created in RCW 43.71B.040.

(14) "Reinvestment committee" means the Indian health improvement reinvestment committee established in RCW 43.71B.020(4).

(15) "Tribal organization" has the meaning set forth in 25 U.S.C. Sec. 5304.

(16) "Tribally operated facility" means a health care facility operated by one or more tribes or tribal organizations to provide specialty services, including but not limited to evaluation and treatment services, secure detox services, inpatient psychiatric services, nursing home services, and residential substance use disorder services.

(17) "Tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or group or regional or village corporation as defined in or established pursuant to the Alaska Native claims settlement act

(43 U.S.C. Sec. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(18) "Urban Indian" means any individual who resides in an urban center and is: (a) A member of a tribe terminated since 1940 and those tribes recognized now or in the future by the state in which they reside, or who is a descendant, in the first or second degree, of any such member; (b) an Eskimo or Aleut or other Alaska Native; (c) considered by the secretary of the interior to be an Indian for any purpose; or (d) considered by the United States secretary of health and human services to be an Indian for purposes of eligibility for Indian health services, including as a California Indian, Eskimo, Aleut, or other Alaska Native.

(19) "Urban Indian organization" means an urban Indian organization, as defined by 25 U.S.C. Sec. 1603.

(20) "Historical trauma" means situations where a community experienced traumatic events, the events generated high levels of collective distress, and the events were perpetuated by outsiders with a destructive or genocidal intent.

PART II

Sec. 201. RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(9) "Child" means a person under the age of eighteen years.

(10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(12) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(13) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(14) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(15) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(16) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(17) "Department" means the department of health.

(18) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(19) "Director" means the director of the authority.

(20) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(21) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(22) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (23) of this section.

(23) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(24) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(25) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(26) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(27) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(28) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(29) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(30) "Mental health peer respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(31) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(32) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (10), (39), and (40) of this section.

(33) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(34) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (23) of this section but does not meet the full criteria for evidence-based.

(35) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(36) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(37) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and

treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(38) "Secretary" means the secretary of the department of health.

(39) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(40) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(41) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(42) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(43) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(44) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 1616l and RCW 43.71B.010 (7) and (8).

Sec. 202. RCW 71.24.035 and 2019 c 325 s 1006 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes

paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release; ~~((and))~~

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 203. RCW 71.24.155 and 2019 c 325 s 1011 are each amended to read as follows:

Grants shall be made by the authority to behavioral health administrative services organizations ~~((and))~~, managed care organizations for community behavioral health programs, and Indian health care providers who have community behavioral health programs totaling not less than ninety-five percent of

available resources. The authority may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

PART III

Sec. 301. RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and 2019 c 325 s 3001 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of health;

(13) "Designated crisis responder" means a mental health professional appointed by the county ~~((or))~~, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Director" means the director of the authority;

(18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(20) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(22) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the

requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(26) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(27) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(28) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(29) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered

nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 302. RCW 71.05.150 and 2019 c 446 s 4 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(dd) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 303. RCW 71.05.150 and 2019 c 446 s 5 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment under RCW 71.05.148. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present

during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) An Indian tribe shall have jurisdiction exclusive to the state as to any involuntary commitment of an American Indian or Alaska Native to an evaluation and treatment facility located within the boundaries of that tribe, unless the tribe has consented to the state's concurrent jurisdiction, or the tribe has expressly declined to exercise its exclusive jurisdiction.

(6) Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.

(7) In any investigation and evaluation of an individual under RCW 71.05.150 or 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe or Indian health care provider regarding whether or not a petition for initial detention or involuntary outpatient treatment will be filed. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(dd) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2.

Sec. 304. RCW 71.05.201 and 2018 c 291 s 11 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person, or a federally recognized Indian tribe if the person is a member of such tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 305. RCW 71.05.212 and 2018 c 291 s 13 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by June 30, 2021, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.

Sec. 306. RCW 71.05.435 and 2019 c 446 s 26 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility, state hospital, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge to the designated crisis responder office responsible for the initial commitment, which may be a federally recognized Indian tribe or other Indian health care provider if the designated crisis responder is appointed by the authority, and the designated crisis responder office that serves the county in which the person is expected to reside. The entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The authority shall maintain and make available an updated list of contact information for designated crisis responder offices around the state.

NEW SECTION. Sec. 307. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall provide an annual report on psychiatric treatment and evaluation and bed utilization for American Indians and Alaska Natives starting on October 1, 2020. The report shall

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

be available for review by the tribes, urban Indian health programs, and the American Indian health commission for Washington state.

(2) Indian health care providers shall be included in any bed tracking system created by the authority.

PART IV

Sec. 401. RCW 70.02.010 and 2019 c 325 s 5019 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and

directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 70.97.010, and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(23) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(24) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(25) "Legal counsel" has the same meaning as in RCW 71.05.020.

(26) "Local public health officer" has the same meaning as in RCW 70.24.017.

(27) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(29) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(38) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(39) "Release" has the same meaning as in RCW 71.05.020.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(40) "Resource management services" has the same meaning as in RCW 71.05.020.

(41) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(42) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(43) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(44) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(45) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

(46) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(47) "Indian health care provider" has the same meaning as in RCW 43.71B.010(10).

Sec. 402. RCW 70.02.230 and 2019 c 381 s 19, 2019 c 325 s 5020, and 2019 c 317 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court, including a tribal court;

(p) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

(s) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(t) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(u)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility ~~((or))~~, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(u) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(v) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (u) of this subsection;

(w) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(x) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(y) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(z) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(aa)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(bb) To any person if the conditions in RCW 70.02.205 are met;

(cc) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450;

(dd) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal

proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

PART V

NEW SECTION. **Sec. 501.** Section 302 of this act expires July 1, 2026.

NEW SECTION. **Sec. 502.** Section 303 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 503.** Section 203 of this act takes effect July 1, 2021."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator McCoy moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6259.

Senator McCoy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCoy that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6259.

The motion by Senator McCoy carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6259 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6259, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6259, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 6259, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6263 with the following amendment(s): 6263 AMH ED H5128.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.604 RCW to read as follows:

(1) The Washington state school directors' association, in consultation and collaboration with tribes, shall develop a model policy and procedure to establish data sharing agreements between school districts and local tribes by January 1, 2021.

(2) In developing the model policy and procedure, the Washington state school directors' association must:

(a) Consult with the office of the superintendent of public instruction, the office of native education, the tribal leaders congress on education, and local tribes;

(b) Consider model agreements developed by the bureau of Indian education and model data sharing agreements and procedures developed by national Native educational organizations; and

(c) Consider standards for the identification of Native students for data sharing purposes.

(3) The model policy and procedure developed under this section must safeguard students' personally identifiable information consistent with the requirements of the federal family educational rights and privacy act (20 U.S.C. Sec. 1232g)."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator McCoy moved that the Senate concur in the House amendment(s) to Senate Bill No. 6263.

Senator McCoy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCoy that the Senate concur in the House amendment(s) to Senate Bill No. 6263.

The motion by Senator McCoy carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6263 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6263, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6263, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 6263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6268 with the following amendment(s): 6268-S.E AMH CRJ H5206.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that individuals who abuse their intimate partners often misuse court proceedings in order to control, harass, intimidate, coerce, and/or impoverish the abused partner. Court proceedings can provide a means for an abuser to exert and reestablish power and control over a domestic violence survivor long after a relationship has ended. The legal system unwittingly becomes another avenue that abusers exploit to cause psychological, emotional, and financial devastation. This misuse of the court system by abusers has been referred to as legal bullying, stalking through the courts, paper abuse, and similar terms. The legislature finds that the term "abusive litigation" is the most common term and that it accurately describes this problem. Abusive litigation against domestic violence survivors arises in a variety of contexts. Family law cases such as dissolutions, legal separations, parenting plan actions or modifications, and protection order proceedings are particularly common forums for abusive litigation. It is also not uncommon for abusers to file civil lawsuits against survivors, such as defamation, tort, or breach of contract claims. Even if a lawsuit is meritless, forcing a survivor to spend time, money, and emotional resources responding to the action provides a means for the abuser to assert power and control over the survivor.

The legislature finds that courts have considerable authority to respond to abusive litigation tactics, while upholding litigants' constitutional rights to access to the courts. Because courts have inherent authority to control the conduct of litigants, they have considerable discretion to fashion creative remedies in order to curb abusive litigation. The legislature intends to provide the courts with an additional tool to curb abusive litigation and to mitigate the harms abusive litigation perpetuates.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(1) "Abusive litigation" means litigation where the following apply:

(a)(i) The opposing parties have a current or former intimate partner relationship;

(ii) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party pursuant to: (A) An order entered under this chapter; (B) a parenting plan with restrictions based on RCW 26.09.191(2)(a)(iii); or (C) a restraining order entered under chapter 26.09, 26.26, or 26.26A RCW, provided that the issuing court made a specific finding that the restraining order was necessary due to domestic violence; and

(iii) The litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and

(b) At least one of the following factors apply:

(i) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or

(iii) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) "Intimate partner" is defined in RCW 26.50.010.

(3) "Litigation" means any kind of legal action or proceeding including, but not limited to: (i) Filing a summons, complaint, demand, or petition; (ii) serving a summons, complaint, demand, or petition, regardless of whether it has been filed; (iii) filing a motion, notice of court date, note for motion docket, or order to appear; (iv) serving a motion, notice of court date, note for motion docket, or order to appear, regardless of whether it has been filed or scheduled; (v) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or (vi) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) "Perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

NEW SECTION. Sec. 3. (1) A party to a case may request from the court an order restricting abusive litigation if the parties are current or former intimate partners and one party has been found by the court to have committed domestic violence against the other party:

(a) In any answer or response to the litigation being filed, initiated, advanced, or continued;

(b) By motion made at any time during any open or ongoing case; or

(c) By separate motion made under this chapter, within five years of the entry of an order for protection even if the order has since expired.

(2) Any court of competent jurisdiction may, on its own motion, determine that a hearing pursuant to section 4 of this act is necessary to determine if a party is engaging in abusive litigation.

(3) The administrative office of the courts shall update the instructions, brochures, standard petition, and order for protection forms, and create new forms for the motion for order restricting abusive litigation and order restricting abusive litigation, and update the court staff handbook when changes in the law make an update necessary.

(4) No filing fee may be charged to the unrestricted party for proceedings under this section regardless of whether it is filed under this chapter or another action in this title. Forms and instructional brochures shall be provided free of charge.

(5) The provisions of this section are nonexclusive and do not affect any other remedy available.

NEW SECTION. Sec. 4. (1) If a party asserts that they are being subjected to abusive litigation, the court shall attempt to verify that the parties have or previously had an intimate partner relationship and that the party raising the claim of abusive litigation has been found to be a victim of domestic violence by the other party. If the court verifies that both elements are true, or is unable to verify that they are not true, the court shall set a hearing to determine whether the litigation meets the definition of abusive litigation.

(2) At the time set for the hearing on the alleged abusive civil action, the court shall hear all relevant testimony and may require any affidavits, documentary evidence, or other records the court deems necessary.

NEW SECTION. Sec. 5. At the hearing conducted pursuant to section 4 of this act, evidence of any of the following creates a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party:

(1) The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction; or

(2) The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were dismissed on the merits or with prejudice; or

(3) Within the last ten years, the party allegedly engaging in abusive litigation has been sanctioned under superior court civil rule 11 or a similar rule or law in another jurisdiction for filing one or more cases, petitions, motions, or other filings, that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party; or

(4) A court of record in another judicial district has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefilng restrictions.

NEW SECTION. Sec. 6. (1) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation, and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(2) In addition to dismissal or denial of any pending abusive litigation within the jurisdiction of the court, the court shall enter an "order restricting abusive litigation." The order shall:

(a) Impose all costs of any abusive civil action pending in the court at the time of the court's finding pursuant to subsection (1) of this section against the party advancing the abusive litigation;

(b) Award the other party reasonable attorneys' fees and costs of responding to the abusive litigation including the cost of seeking the order restricting abusive litigation; and

(c) Identify the party protected by the order and impose prefilng restrictions upon the party found to have engaged in abusive litigation for a period of not less than forty-eight months nor more than seventy-two months.

(3) If the court finds by a preponderance of the evidence that the litigation does not constitute abusive litigation, the court shall enter written findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's

inherent authority to control the proceedings and litigants before it.

(4) The provisions of this section are nonexclusive and do not affect any other remedy available to the person who is protected by the order restricting abusive litigation or to the court.

NEW SECTION. Sec. 7. (1) Except as provided in this section, a person who is subject to an order restricting abusive litigation is prohibited from filing, initiating, advancing, or continuing the litigation against the protected party for the period of time the filing restrictions are in effect.

(2) Notwithstanding subsection (1) of this section and consistent with the state Constitution, a person who is subject to an order restricting abusive litigation may seek permission to file a new case or a motion in an existing case using the procedure set out in subsection (3) of this section.

(3)(a) A person who is subject to an order restricting litigation against whom prefiling restrictions have been imposed pursuant to this chapter who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions must first appear before the judicial officer who imposed the prefiling restrictions to make application for permission to institute the civil action.

(b)(i) The judicial officer may examine witnesses, court records, and any other available evidence to determine if the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based.

(ii) If the judicial officer determines the proposed litigation is abusive litigation, based on reviewing the records as well as any evidence from the person who is subject to the order, then it is not necessary for the person protected by the order to appear or participate in any way. If the judicial officer is unable to determine whether the proposed litigation is abusive without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing, and notifying the protected party of the party's right to appear and/or participate in the hearing. The order should specify whether the protected party is expected to submit a written response. When possible, the protected party should be permitted to appear telephonically and provided instructions for how to appear telephonically.

(c)(i) If the judicial officer believes the litigation that the party who is subject to the prefiling order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed with prejudice.

(ii) If the judicial officer reasonably believes that the litigation the party who is subject to the prefiling order is making application to file will not be abusive litigation, the judicial officer may grant the application and issue an order permitting the filing of the case, motion, or pleading. The order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order shall be served with a copy of the order at the same time as the underlying pleading.

(d) The findings of the judicial officer shall be reduced to writing and made a part of the record in the matter. If the party who is subject to the order disputes the finding of the judge, the party may seek review of the decision as provided by the applicable court rules.

(4) If the application for the filing of a pleading is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(5) If, after a party who is subject to prefiling restrictions has made application and been granted permission to file or advance a case pursuant to this section, any judicial officer hearing or presiding over the case, or any part thereof, determines that the

person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the judicial officer reasonably believes would constitute abusive litigation, the judicial officer shall stay the proceedings and refer the case back to the judicial officer who granted the application to file, for further disposition.

(6)(a) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party may respond to the case by filing a copy of the order restricting abusive litigation.

(b) If it is brought to the attention of the court that a person against whom prefiling restrictions have been imposed has filed a new case or is continuing an existing case without having been granted permission pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter. This action may be taken by the court on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order restricting abusive litigation.

(c) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party is under no obligation or duty to respond to the summons, complaint, petition, motion, to answer interrogatories, to appear for depositions, or any other responsive action required by rule or statute in a civil action.

(7) If the judicial officer who imposed the prefiling restrictions is no longer serving in the same capacity in the same judicial district where the restrictions were placed, or is otherwise unavailable for any reason, any other judicial officer in that judicial district may perform the review required and permitted by this section.

Sec. 8. RCW 26.09.191 and 2019 c 46 s 5020 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(E) RCW 9A.44.093;
 (F) RCW 9A.44.096;
 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting

residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to RCW 26.26A.465 to have committed sexual assault, as defined in RCW 26.26A.465, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development. Abusive use of conflict includes, but is not limited to, abusive litigation as defined in section 2 of this act. If the court finds a parent has engaged in abusive litigation, the court may impose any restrictions or remedies set forth in chapter 26---RCW (the new chapter created in section 10 of this act) in addition to including a finding in the parenting plan. Litigation that is aggressive or improper but that does not meet the definition of abusive litigation shall not constitute a basis for a finding under this section. A report made in good faith to law enforcement, a medical professional, or child protective services of sexual, physical, or mental abuse of a child shall not constitute a basis for a finding of abusive use of conflict;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

Sec. 9. RCW 26.50.060 and 2019 c 46 s 5038 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with the state supreme court's admission to practice rule 28, the limited practice rule for limited license legal technicians;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; ~~((and))~~

(m) Order use of a vehicle; ~~and~~

(n) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.--- RCW (the new chapter created in section 10 of this act). A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the order for protection is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.--- RCW (the new chapter created in section 10 of this act) regardless of whether the party has previously sought an order for protection under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, 26.26A, or 26.26B RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner

that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09, 26.26A, or 26.26B RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 11. This act shall be construed liberally so as to effectuate the goal of protecting survivors of domestic violence from abusive litigation.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act takes effect January 1, 2021."

Correct the title.
and the same are herewith transmitted.

FIFTY EIGHTH DAY, MARCH 10, 2020

MELISSA PALMER, Deputy Chief Clerk

2020 REGULAR SESSION

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6268.

Senators Rolfes and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6268.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6268 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6268, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6268, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6268, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1251,
 SUBSTITUTE HOUSE BILL NO. 1293,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
 ENGROSSED HOUSE BILL NO. 1694,
 HOUSE BILL NO. 1702,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
 ENGROSSED HOUSE BILL NO. 2040,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,
 HOUSE BILL NO. 2315,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
 SUBSTITUTE HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2384,
 HOUSE BILL NO. 2402,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2405,
 HOUSE BILL NO. 2449,
 HOUSE BILL NO. 2497,
 HOUSE BILL NO. 2524,
 SUBSTITUTE HOUSE BILL NO. 2527,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638,
 HOUSE BILL NO. 2701,
 SUBSTITUTE HOUSE BILL NO. 2787,
 SECOND SUBSTITUTE HOUSE BILL NO. 1645,
 SUBSTITUTE HOUSE BILL NO. 1847,
 ENGROSSED HOUSE BILL NO. 2188,
 HOUSE BILL NO. 2217,
 HOUSE BILL NO. 2229,
 SUBSTITUTE HOUSE BILL NO. 2246,
 SECOND SUBSTITUTE HOUSE BILL NO. 2277,
 SUBSTITUTE HOUSE BILL NO. 2308,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2311,
 SUBSTITUTE HOUSE BILL NO. 2419,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2467,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2518,
 SUBSTITUTE HOUSE BILL NO. 2544,
 SUBSTITUTE HOUSE BILL NO. 2555,
 SUBSTITUTE HOUSE BILL NO. 2556,
 HOUSE BILL NO. 2579,
 SUBSTITUTE HOUSE BILL NO. 2607,
 HOUSE BILL NO. 2624,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731,
 SUBSTITUTE HOUSE BILL NO. 2758,
 HOUSE BILL NO. 2763,
 SUBSTITUTE HOUSE BILL NO. 2803,
 HOUSE BILL NO. 2853,
 SECOND SUBSTITUTE HOUSE BILL NO. 2864,
 SUBSTITUTE HOUSE BILL NO. 2250,
 HOUSE BILL NO. 2271,
 SUBSTITUTE HOUSE BILL NO. 2338,
 HOUSE BILL NO. 2380,
 HOUSE BILL NO. 2491,
 ENGROSSED HOUSE BILL NO. 2819,
 HOUSE BILL NO. 2826,
 HOUSE BILL NO. 2833,
 HOUSE BILL NO. 2858,
 HOUSE BILL NO. 2860,

MOTION

On motion of Senator Wilson, C., Senator Liias was excused.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6417 with the following amendment(s): 6417 AMH BERG PRIN 658

On page 5, line 3, after "(6)" strike "Retirees" and insert "Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees"

On page 5, after line 7, insert the following:

"Sec. 2. RCW 41.32.785 and 2019 c 102 s 3 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant

to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.815 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.765(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 3. RCW 41.32.851 and 2019 c 102 s 4 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.875 or retirement for disability under RCW 41.32.880, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty-percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this

subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.875(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.875(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 4. RCW 41.35.220 and 2019 c 102 s 5 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.35.420 or 41.35.680 or retirement for disability under RCW 41.35.440 or 41.35.690, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life.

(i) For members of plan 2, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(ii) For members of plan 3, upon the death of the retired member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member of plan 2 who meets the length of service requirements of RCW 41.35.420, or a member of plan 3 who meets the length of service requirements of RCW 41.35.680(1), and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members of plan 3, and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 5. RCW 41.37.170 and 2019 c 102 s 6 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.37.210 or retirement for disability under RCW 41.37.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. If the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or the person or persons, trust, or organization the retiree nominated by written designation duly executed and filed with the department; or if there is no designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there is neither a

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, the portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) The department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) The department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.37.210 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.37.210(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives adetermination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 6. RCW 41.40.660 and 2019 c 102 s 8 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not

limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to

remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.720 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.630(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(6) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (6) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 7. RCW 41.40.845 and 2019 c 102 s 9 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.820 or retirement for disability under RCW 41.40.825, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2002, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted under this section and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.820(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.820(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives a determination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only.

Sec. 8. RCW 43.43.271 and 2019 c 102 s 10 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or in a domestic partnership, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) and (c) of this subsection. If a member is married or in a domestic partnership and both the member and member's

spouse or domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless consent by the spouse or domestic partner is not required as provided in (b) and (c) of this subsection.

(b) Written consent from a spouse or domestic partner is not required if a member who is married or a domestic partner selects a joint and survivor option under subsection (1)(b) of this section and names the member's spouse or domestic partner as the survivor beneficiary.

(c) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spouse or domestic partner consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a nondomestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse or former domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the spouse or domestic partner consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or former domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

(5) Beginning on the date that the state receives adetermination from the federal internal revenue service that this subsection (5) conforms with federal law, retirees have up to ninety calendar days after the receipt of their first retirement allowance to change their survivor election under subsections (1) and (2) of this section. If a member changes the member's survivor election under this subsection the change is effective the first of the following month and is prospective only."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Holy moved that the Senate concur in the House amendment(s) to Senate Bill No. 6417.

Senator Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holy that the Senate concur in the House amendment(s) to Senate Bill No. 6417.

The motion by Senator Holy carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6417 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6417, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Liias

SENATE BILL NO. 6417, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6420 with the following amendment(s): 6420 AMH LG H5138.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.122.020 and 2011 c 263 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bar hole" means a hole made in the soil or pavement with a hand-operated bar for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(3) "Commission" means the utilities and transportation commission.

(4) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected facility operator determines that repairs are required.

(5) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(6) "End user" means any utility customer or consumer of utility services or commodities provided by a facility operator.

(7) "Equipment operator" means an individual conducting an excavation.

(8) "Excavation" and "excavate" means any operation, including the installation of signs, in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means.

(9) "Excavation confirmation code" means a code or ticket issued by a one-number locator service for the site where an excavation is planned. The code must be accompanied by the date and time it was issued.

(10) "Excavator" means any person who engages directly in excavation.

(11) "Facility operator" means any person who owns an underground facility or is in the business of supplying any utility service or commodity for compensation. "Facility operator" does not include a utility customer who owns a service lateral that terminates at a facility operator's main utility line.

(12) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(13) "Hazardous liquid" means:

(a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998;

(b) Carbon dioxide; and

(c) Other substances designated as hazardous by the secretary of transportation and incorporated by reference by the commission by rule.

(14) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(15) "Large project" means a project that exceeds seven hundred linear feet.

(16) "Locatable underground facility" means an underground facility which can be marked with reasonable accuracy.

(17) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility. Locate marks are not required to indicate the depth of the underground facility given the potential change of topography over time.

(18) "Notice" or "notify" means contact in person or by telephone or other electronic method, and, with respect to contact of a one-number locator service, also results in the receipt of a valid excavation confirmation code.

(19) "One-number locator service" means a service through which a person can notify facility operators and request marking of underground facilities.

(20) "Person" means an individual, partnership, franchise holder, association, corporation, the state, a city, a county, a town, or any subdivision or instrumentality of the state, including any unit of local government, and its employees, agents, or legal representatives.

(21) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping or compressor units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(22) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. "Pipeline company" does not include:

(a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or

(b) Excavation contractors or other contractors that contract with a pipeline company.

(23) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

(24) "Service lateral" means an underground water, stormwater, or sewer facility located in a public right-of-way or utility easement that connects an end user's building or property to a facility operator's underground facility, and terminates beyond the public right-of-way or utility easement.

(25) "Transfer pipeline" means a buried or aboveground pipeline used to carry hazardous liquid between a tank vessel or transmission pipeline and the first valve inside secondary containment at a facility, provided that any discharge on the facility side of the first valve will not directly impact waters of the state. "Transfer pipeline" includes valves and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. "Transfer pipeline" does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

(26) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

(27) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or

other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors that are below ground. This definition does not include pipelines as defined in subsection (21) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

(28) "Unlocatable underground facility" means, subject to the provisions of RCW 19.122.030, an underground facility that cannot be marked with reasonable accuracy using available information to designate the location of an underground facility. "Unlocatable underground facility" includes, but is not limited to, service laterals, storm drains, and nonconductive and nonmetallic underground facilities that do not contain trace wires.

(29) "Utility easement" means a right held by a facility operator to install, maintain, and access an underground facility or pipeline.

Sec. 2. RCW 19.122.050 and 2011 c 263 s 9 are each amended to read as follows:

(1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the facility operator and a one-number locator service, and report the damage as required under RCW 19.122.053. If the damage causes an emergency condition, the excavator causing the damage shall also call 911 to alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) A facility operator notified in accordance with subsection (1) of this section shall arrange for repairs or relocation as soon as is practical, or permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

Sec. 3. RCW 19.122.130 and 2017 c 20 s 1 are each amended to read as follows:

(1) The commission must contract with a statewide, nonprofit entity whose purpose is to reduce damages to underground and above ground facilities, promote safe excavation practices, and review complaints of alleged violations of this chapter. The contract must not obligate funding by the commission for activities performed by the nonprofit entity or the safety committee under this section.

(2) The contracting entity must create a safety committee to:

(a) Advise the commission and other state agencies, the legislature, and local governments on best practices and training to prevent damage to underground utilities, and policies to enhance worker and public safety; and

(b) Review complaints alleging violations of this chapter involving practices related to underground facilities.

(3)(a) The safety committee will consist of thirteen members, who must be nominated by represented groups and appointed by the contracting entity to staggered three-year terms. The safety committee must include representatives of:

- (i) Local governments;
- (ii) A natural gas utility subject to regulation under Titles 80 and 81 RCW;
- (iii) Contractors;
- (iv) Excavators;
- (v) An electric utility subject to regulation under Title 80 RCW;
- (vi) A consumer-owned utility, as defined in RCW 19.27A.140;
- (vii) A pipeline company;
- (viii) ~~((The insurance industry;))~~ A water-sewer district subject to regulation under Title 57 RCW;
- (ix) The commission; and
- (x) A telecommunications company.

(b) The safety committee may pass bylaws and provide for those organizational processes that are necessary to complete the safety committee's tasks.

(4) The safety committee must meet at least once every three months.

(5) The safety committee may review complaints of alleged violations of this chapter involving practices related to underground facilities. Any person may bring a complaint to the safety committee regarding an alleged violation occurring on or after January 1, 2013.

(6) To review complaints of alleged violations, the safety committee must appoint at least three and not more than five members as a review committee. The review committee must ~~((include the same number of members representing excavators and facility operators. One member representing facility operators must also be a representative of a pipeline company or a natural gas utility subject to regulation under Titles 80 and 81 RCW. The review committee must also include a member representing the insurance industry))~~ be a balanced group, including at least one excavator and one facility operator.

(7) Before reviewing a complaint alleging a violation of this chapter, the review committee must notify the person making the complaint and the alleged violator of its review and of the opportunity to participate.

(8) The safety committee may provide written notification to the commission, with supporting documentation, that a person has likely committed a violation of this chapter, and recommend remedial action that may include a penalty amount, training, or education to improve public safety, or some combination thereof."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Senate Bill No. 6420.

Senator Takko spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Senate Bill No. 6420.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6420 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6420, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6420, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Liias

SENATE BILL NO. 6420, as amended by the House, having received the constitutional majority, was declared passed. There

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6623 with the following amendment(s): 6623 AMH HSEL H5072.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: ~~((+))~~ (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; ~~((+))~~ (B) screens and provides case management services to youth in the program; ~~((+))~~ (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; ~~((+))~~ (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; ~~((+))~~ (E) provides mandatory reporter and confidentiality training; and ~~((+))~~ (F) registers with the secretary of state as provided in RCW 24.03.550. ~~((A host home))~~

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. ~~((A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.))~~

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Senate Bill No. 6623.

Senators Darneille and Zeiger spoke in favor of the motion.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Senate Bill No. 6623.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6623 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6623, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6623, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Liias

SENATE BILL NO. 6623, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6626 with the following amendment(s): 6626.E AMH HOUS H5198.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.60A RCW to read as follows:

(1) The position of military spouse liaison is created within the department.

(2) The duties of the military spouse liaison include, but are not limited to:

(a) Conducting outreach to and advocating on behalf of military spouses in Washington;

(b) Providing assistance and information to military spouses seeking professional licenses and credentials or other employment in Washington;

(c) Coordinating research on issues facing military spouses and creating informational materials to assist military spouses and their families;

(d) Examining barriers and providing recommendations to assist spouses in accessing high quality child care and developing resources in coordination with military installations and the department of children, youth, and families to increase access to high quality child care for military families; and

(e) Developing, in coordination with the employment security department and employers, a common form for military spouses to complete highlighting specific skills, education, and training to help spouses quickly find meaningful employment in relevant economic sectors.

(3) The military spouse liaison is encouraged to periodically report on the work of the liaison to the relevant standing committees of the legislature and the joint committee on veterans' and military affairs and participate in policy development relating to military spouses."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6626.

Senators Conway and Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6626.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6626 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6626, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6626, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Liias

ENGROSSED SENATE BILL NO. 6626, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6164 with the following amendment(s): 6164 AMH PS H5187.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to give prosecutors the discretion to petition the court to resentence an individual if the person's sentence no longer advances the interests of justice. The purpose of sentencing is to advance public safety through punishment, rehabilitation, and restorative justice. When a sentence includes incarceration, this purpose is best served by terms that are proportionate to the seriousness of the offense and provide uniformity with the sentences of offenders committing the same offense under similar

circumstances. By providing a means to reevaluate a sentence after some time has passed, the legislature intends to provide the prosecutor and the court with another tool to ensure that these purposes are achieved.

NEW SECTION. Sec. 2. A new section is added to chapter 36.27 RCW to read as follows:

(1) The prosecutor of a county in which an offender was sentenced for a felony offense may petition the sentencing court or the sentencing court's successor to resentence the offender if the original sentence no longer advances the interests of justice.

(2) The court may grant or deny a petition under this section. If the court grants a petition, the court shall resentence the defendant in the same manner as if the offender had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence.

(3) The court may consider postconviction factors including, but not limited to, the inmate's disciplinary record and record of rehabilitation while incarcerated; evidence that reflects whether age, time served, and diminished physical condition, if any, have reduced the inmate's risk for future violence; and evidence that reflects changed circumstances since the inmate's original sentencing such that the inmate's continued incarceration no longer serves the interests of justice. Credit shall be given for time served.

(4) The prosecuting attorney shall make reasonable efforts to notify victims and survivors of victims of the petition for resentencing and the date of the resentencing hearing. The prosecuting attorney shall provide victims and survivors of victims access to available victim advocates and other related services. The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation. The prosecuting attorney and the court shall comply with the requirements set forth in chapter 7.69 RCW.

(5) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred."

Correct the title.
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Senate Bill No. 6164.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Senate Bill No. 6164.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6164 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6164, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6164, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall,

Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Liias

SENATE BILL NO. 6164, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6097 with the following amendment(s): 6097-S.E AMH HCW H5108.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) For individual and small group rate filings with an effective date on or after January 1, 2021, submitted by a health carrier for either the individual or small group markets, the commissioner may review the carrier's surplus, capital, or profit levels as an element in determining the reasonableness of the proposed rate.

(2) In reviewing the surplus, capital, or profit levels, the commissioner must take into consideration the current capital facility needs for carriers, including those maintaining and operating hospital and clinical facilities.

(3) Except as provided in subsection (1) of this section, this section does not affect the rate review authority granted to the commissioner by chapter 48.19, 48.44, or 48.46 RCW.

(4) Nothing in this section affects the requirement that all approved individual and small group rates be actuarially sound according to chapter 48.19, 48.44, or 48.46 RCW.

(5) The commissioner may adopt rules to implement this section."

Correct the title.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6097.

Senators Rolfes and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6097.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6097 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6097, as amended by the House, and

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Braun, Ericksen, Fortunato, Honeyford, King, Muzzall, Padden, Schoesler, Sheldon, Short and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518 with the following amendment(s): 6518-S2.E AMH APP H5354.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that scientific research has played an important role in informing and advancing public policy in many areas, including health, education, early childhood development, and environmental and wildlife protection.

(1) The legislature also finds that organophosphate pesticides, such as chlorpyrifos, above certain levels may harm aquatic habitats and aquatic organisms, including salmon.

(2) In addition, the legislature finds that scientific research has identified early childhood as a critical period of intervention during which children develop the foundation for educational achievement. Young children are especially vulnerable to environmental contaminants and toxic stress.

(3) Chlorpyrifos and other organophosphate pesticides affect the nervous system through inhibition of cholinesterase, an enzyme required for proper nerve functioning.

(4) Children experience greater exposure to chlorpyrifos pesticides because, relative to adults, they eat, drink, and breathe more in proportion to their body weight. Because of this concern, the federal food quality protection act requires a tenfold margin of safety in the registration of pesticides to protect infants and children.

NEW SECTION. Sec. 2. A new section is added to chapter 17.21 RCW to read as follows:

The director must adopt emergency rules that take effect by January 1, 2022, that include specific control measures for chlorpyrifos that are designed to reduce emissions sufficiently so the public is not subject to levels of exposure that may cause or contribute to significant adverse health effects.

NEW SECTION. Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University shall provide the Washington state commission on pesticide registration with funding to work with agricultural grower groups presently using chlorpyrifos to research alternative pest control strategies.

(2) Additional funding must be provided to the department of agriculture for training and enforcement of the Washington pesticide application act.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518.

Senators Rolfes and Warnick spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518 by voice vote.

MOTION

On motion of Senator Wilson, C., Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Fortunato, Holy, Honeyford, Padden, Schoesler and Wagoner

Absent: Senator Rivers

Excused: Senator Liias

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 2020

MR. PRESIDENT:

The House passed SENATE BILL NO. 6507 with the following amendment(s): 6507 AMH DENT EYCH 219

On page 11, line 26, after "funding;" strike "and" and insert "((and))"

On page 11, line 27, after "(l)" insert "An analysis of the impact of increased regulations on the cost of child care; and (m)"

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

THIRD SUBSTITUTE HOUSE BILL NO. 1504,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645,
HOUSE BILL NO. 2669,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2728,
HOUSE BILL NO. 2739,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2870,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6700 by Senators Mullet, Cleveland and Hobbs

AN ACT Relating to implementing a coordinated strategy of reducing greenhouse gas emissions and making needed investments in transportation infrastructure; adding new sections to chapter 70.94 RCW; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 6701 by Senator Stanford

AN ACT Relating to eliminating child marriage; amending RCW 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

Referred to Committee on Law & Justice.

SB 6702 by Senator Braun

AN ACT Relating to banning a state or local income tax; adding a new section to chapter 84.09 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2486 by House Committee on Finance (originally sponsored by Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins)

AN ACT Relating to extending the electric marine battery incentive; amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 2825 by House Committee on Finance (originally sponsored by Goehner, Chapman, Steele, Dent, DeBolt,

Mosbrucker, Mead, Boehnke, Tarleton, Orcutt, Dufault, McCaslin, Ybarra, Blake, Fitzgibbon and Shea)

AN ACT Relating to promoting oil-free hydroelectric turbine technology; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Cheryl Angeletti, Senate Gubernatorial Appointment No. 9271, be confirmed as a member of the Clemency and Pardons Board.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF CHERYL ANGELETTI

The President declared the question before the Senate to be the confirmation of Cheryl Angeletti, Senate Gubernatorial Appointment No. 9271, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Cheryl Angeletti, Senate Gubernatorial Appointment No. 9271, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Liias and Rivers

Cheryl Angeletti, Senate Gubernatorial Appointment No. 9271, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Eleanor Kirtley, Senate Gubernatorial Appointment No. 9275, be confirmed as a member of the Board of Pilotage Commissioners.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Senator Van De Wege spoke in favor of the motion.

APPOINTMENT OF ELEANOR KIRTLEY

The President declared the question before the Senate to be the confirmation of Eleanor Kirtley, Senate Gubernatorial Appointment No. 9275, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Eleanor Kirtley, Senate Gubernatorial Appointment No. 9275, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

Eleanor Kirtley, Senate Gubernatorial Appointment No. 9275, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that James McDevitt, Senate Gubernatorial Appointment No. 9292, be confirmed as a member of the Clemency and Pardons Board.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF JAMES MCDEVITT

The President declared the question before the Senate to be the confirmation of James McDevitt, Senate Gubernatorial Appointment No. 9292, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of James McDevitt, Senate Gubernatorial Appointment No. 9292, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

James McDevitt, Senate Gubernatorial Appointment No. 9292, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5628, by Senators Cleveland, Brown, Hobbs, Walsh and Palumbo

Concerning the classification of heavy equipment rental property as inventory. Revised for 1st Substitute: Concerning heavy equipment rental property taxation.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5628.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723, by House Committee on Transportation (originally sponsored by Wylie)

Addressing off-road vehicle and snowmobile registration enforcement.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute House Bill No. 2723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2723.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2723 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker and Erickson

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:17 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:20 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Das moved that Shiv Batra, Senate Gubernatorial Appointment No. 9304, be confirmed as a member of the Transportation Commission.

Senator Das spoke in favor of the motion.

APPOINTMENT OF SHIV BATRA

The President declared the question before the Senate to be the confirmation of Shiv Batra, Senate Gubernatorial Appointment No. 9304, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Shiv Batra, Senate Gubernatorial Appointment No. 9304, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Erickson, Hawkins and Padden

Excused: Senator Rivers

Shiv Batra, Senate Gubernatorial Appointment No. 9304, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Muzzall, Senators Erickson, Hawkins and Padden were excused.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6189. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6189-S.E AMH BERG PRIN 662, and passed the bill as amended by the House.

On page 3, after line 18, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or

FIFTY EIGHTH DAY, MARCH 10, 2020

support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189.

Senator Wellman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6189 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Hawkins, Padden and Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6404. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6404-S.E AMH CODY H5427.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, by October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and

2020 REGULAR SESSION

deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ten durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ten diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) For the October 1, 2020, reporting deadline, a carrier is not required to report data pursuant to subsection (1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii), or (f)(iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.

(3) By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022. The commissioner must make the report available to interested parties.

(4) The commissioner may request additional information from carriers reporting data under this section.

(5) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(6) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404.

Senator Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6404 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6404, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Hawkins, Padden and Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2116.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2116.

The motion by Senator Wellman carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2116.

MOTION

On motion of Senator Wellman, the rules were suspended and Engrossed Substitute House Bill No. 2116 was returned to second reading for the purposes of amendment.

SECOND READING

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, by House Committee on Education (originally sponsored by Callan, Eslick, Frame, Klippert, Blake, Ramos, Lovick, Davis, Doglio, Leavitt, Senn, Pollet and Santos)

Establishing a task force on improving institutional education programs and outcomes.

MOTION

Senator Wellman moved that the following striking floor amendment no. 1370 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

NEW SECTION. Sec. 2. (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children, youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides

education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of twenty-five, examples of which

include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochair may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session. The findings and recommendations may also include recommendations for extending the duration of the task force.

(8) This section expires June 30, 2021.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1370 by Senator Wellman to Engrossed Substitute House Bill No. 2116.

The motion by Senator Wellman carried and striking floor amendment no. 1370 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2116 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen,

O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Schoesler

Excused: Senators Hawkins, Padden and Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2711 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 2711.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 2711.

The motion by Senator Wellman carried and the Senate receded from its amendments to Substitute House Bill No. 2711.

MOTION

On motion of Senator Wellman, the rules were suspended and Substitute House Bill No. 2711 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2711, by House Committee on Education (originally sponsored by J. Johnson, Corry, Stonier, Ormsby, Appleton, Caldier, Davis, Leavitt, Lekanoff, Ramel, Senn, Chopp, Goodman, Fey, Pollet, Callan and Chambers)

Increasing equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education.

MOTION

Senator Wellman moved that the following striking floor amendment no. 1369 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene a work group to address the needs of students in foster care, experiencing homelessness, or both. Nothing in this section prevents the office of the superintendent of public instruction from using an existing work group created under the authority of section 223(1)(bb), chapter 299, Laws of 2018, with modifications to the membership and duties, to meet the requirements of this section. The work group, which shall seek to promote continuity with efforts resulting from section 223(1)(bb), chapter 299, Laws of 2018, must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members who possess experience in issues of education, the foster care system, and homeless youth, appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group shall develop recommendations to promote the following for students who are in foster care, experiencing homelessness, or both:

(a) The achievement of parity in education outcomes with the general student population; and

(b) The elimination of racial and ethnic disparities for education outcomes in comparison to the general student population.

(3) In developing the recommendations required by subsection (2) of this section, the work group shall:

(a) Review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline;

(b) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and students with special education needs;

(c) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(d)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31, 2021, 2022, and 2023 that identify:

(A) Progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both; and

(B) Recommendations that can be implemented using existing resources, rules, and regulations, and those that would require policy, administrative, and resource allocation changes prior to implementation.

(ii) Reports required by (d) of this subsection may include findings and recommendations regarding the feasibility of developing a case study to examine or implement recommendations of the work group.

(4) The work group, in accordance with RCW 43.01.036, must submit a final report to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by July 1, 2024. The final report must include the recommendations required by subsection (2) of this section and may include a plan for achieving the recommendations specified in subsection (2) of this section.

(5) To assist the work group in the completion of its duties, the following apply:

(a) The office of the superintendent of public instruction, department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide updated education data and other necessary data to the education data center established under RCW 43.41.400; and

(b) The education data center shall provide annual reports to the work group regarding education outcomes specified in subsection (3)(a)(i) and (ii) of this section by March 31, 2021, 2022, and 2023. If state funds are not available to produce the reports, the work group may pursue supplemental private funds to fulfill the requirements of this subsection (5)(b).

(6) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(7) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both.

(8) This section expires December 31, 2024.

Sec. 3. RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators must be included in the report provided in subsection (3) of this section.~~

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.))~~

NEW SECTION. Sec. 4. RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children—Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1369 by Senator Wellman to Substitute House Bill No. 2711.

The motion by Senator Wellman carried and striking floor amendment no. 1369 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2711 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2711 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2711 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Hawkins, Padden and Rivers

SUBSTITUTE HOUSE BILL NO. 2711 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6152 and asks the Senate to concur thereon.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Salomon moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6152.

Senators Salomon and Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Salomon that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6152.

The motion by Senator Salomon carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6152 by voice vote.

MOTION

On motion of Senator Mullet, Senator Wilson, C. was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6152, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6152, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Hawkins, Rivers and Wilson, C.

SUBSTITUTE SENATE BILL NO. 6152, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6280 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Entenman, Hudgins, Boehnke and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Nguyen, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 6280 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 and the House amendment(s) there to: Senators Brown, Nguyen and Wellman.

MOTION

On motion of Senator Nguyen, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1808, by House Committee on Finance (originally sponsored by Orcutt)

Making the nonprofit and library fund-raising exemption permanent.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.12.225 and 2015 3rd sp.s. c 32 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of any article of personal property, valued at less than twelve thousand dollars, purchased or received as a prize in a contest of chance, as defined in RCW 82.04.285, from a nonprofit organization or a library, if the gross income the nonprofit organization or library receives from the sale is exempt under RCW 82.04.3651.

(2) ~~((This section expires July 1, 2020.))~~ (a) Beginning December 2020, and each December thereafter, the department must adjust the value limit for the exemption under subsection (1) of this section by multiplying the current value limit for the exemption under subsection (1) of this section by the greater of one or one plus the percentage change in the consumer price index for the most recent twelve-month period available as of December 1st of the current calendar year, and rounding the result to the nearest ten dollars. If an adjustment under this subsection (2) would reduce the value limit for the exemption under subsection (1) of this section, the department may not adjust the value limit for use in the following year. The department must promptly publish the adjusted value limit for the next calendar year on its public web site. Each adjusted value limit calculated under this subsection takes effect on the following January 1st.

(b) For purposes of this subsection (2):

(i) "Consumer price index" means the consumer price index for all urban consumers, all items, (CPI-U) for the Seattle area as calculated by the United States bureau of labor statistics or successor agency. If the United States bureau of labor statistics or successor agency ceases to calculate a CPI-U for the Seattle area, "consumer price index" means a successor index as determined by the department consistent with the purpose of this subsection (2); and

(ii) "Seattle area" means the geographic area sample that includes Seattle and surrounding areas.

NEW SECTION. Sec. 2. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act."

On page 1, line 2 of the title, after "permanent;" strike the remainder of the title and insert "amending RCW 82.12.225; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1808.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1808, as amended by the Senate, was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1808 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1808, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Hawkins, Rivers and Wilson, C.

SUBSTITUTE HOUSE BILL NO. 1808, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2189, by Representatives Leavitt, Irwin, Sells, MacEwen, Fitzgibbon, Wylie, Corry, Tharinger, Kilduff, Callan, Davis, Robinson, Doglio, Slatter, Ryu, Griffey, Ormsby and Harris

Including specified competency restoration workers at department of social and health services institutional and residential sites in the public safety employees retirement system.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 2189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2189.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2189 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Hawkins, Rivers and Wilson, C.

HOUSE BILL NO. 2189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2505, by Representatives Robinson, Boehnke, Chapman, Leavitt, Orcutt, Doglio and Tharinger

Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 2505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2505.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2505 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Hawkins, Rivers and Wilson, C.

HOUSE BILL NO. 2505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2634, by House Committee on Finance (originally sponsored by Walen, Barkis, Stokesbary, Macri, Chapman, Gildon, Chopp, Robinson, Senn, Leavitt and Tharinger)

Exempting a sale or transfer of real property for affordable housing to a nonprofit entity, housing authority, or public corporation from the real estate excise tax.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

Senators Kuderer and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2634 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Erickson and Hasegawa

Excused: Senator Wilson, C.

SUBSTITUTE HOUSE BILL NO. 2634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2848, by Representatives Chapman, Orcutt, Tharinger, Walsh, Blake, Tarleton, Springer, Maycumber, Fitzgibbon and Lekanoff

Changing the expiration date for the sales and use tax exemption of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to retain and grow family wage jobs in rural, economically distressed areas; to promote healthy forests; and to utilize Washington's abundant natural resources to promote diversified renewable energy use in the state.

Sec. 2. RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section the following definitions apply:

(a) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets; and

(b) "Biofuel" ~~((has the same meaning as provided in RCW 43.325.010))~~ means a liquid or gaseous fuel derived from organic matter intended for use as a transportation fuel, including, but not limited to, biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane.

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under RCW 82.32.605, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, ~~((2024))~~ 2034.

Sec. 3. RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Hog fuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Biofuel" has the same meaning as provided in RCW ~~((43.325.010))~~ 82.08.956.

(3) This section expires June 30, ~~((2024))~~ 2034.

Sec. 4. RCW 82.32.605 and 2017 c 135 s 5 are each amended to read as follows:

(1) Every taxpayer claiming an exemption under RCW 82.08.956 or 82.12.956 must file with the department a complete annual tax performance report under RCW 82.32.534, except that the taxpayer must file a separate tax performance report for each facility owned or operated in the state of Washington.

(2) This section expires June 30, ~~((2024))~~ 2034.

NEW SECTION. Sec. 5. (1) This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3, chapter . . . , Laws of 2020 (sections 2 and 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to extend the expiration date of these tax preferences in order to increase the ability of beneficiary facilities to provide at least seventy-five percent of their employees with medical and dental insurance and a retirement plan. For the purposes of this tax preference performance statement, retirement plans may include defined benefit plans, defined contribution plans, or an employee investment plan whereby the employer offers a contribution to the employee plan.

(4) In order to obtain the data necessary to measure the effectiveness of these tax preferences in achieving the public policy objective described in subsection (3) of this section, the joint legislative audit and review committee may refer to:

(a) The annual tax performance report that a taxpayer is required to file with the department of revenue per RCW 82.32.605; and

(b) Employment data available from the employment security department."

On page 1, line 5 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 82.08.956,

82.12.956, and 82.32.605; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to House Bill No. 2848.

The motion by Senator Lovelett carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, House Bill No. 2848, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2848 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2848, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Hasegawa

Excused: Senator Wilson, C.

HOUSE BILL NO. 2848, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919, by House Committee on Finance (originally sponsored by Chopp and Tharinger)

Adjusting the amount and use of county fees on the real estate excise tax.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing Stability & Affordability be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.45.180 and 2013 c 251 s 11 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five dollar fee on all transactions required by this chapter where the transaction does not require the

payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. ((Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006))

(b)(i) Except as otherwise provided in (b)(ii) and (c) of this subsection, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. ((For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280.))

(ii) In a county with a population greater than two million, the county treasurer shall retain one and three-tenths percent of the taxes collected by the county under this chapter. Seventy-five percent of the one and three-tenths percent of the taxes collected and retained and the treasurer's fee must be deposited in the county current expense fund to defray costs of collection. The remaining twenty-five percent of the one and three-tenths percent of the taxes collected and retained may be used for operations and maintenance of permanent supportive housing programs in the county.

(c) For counties with a population of less than four hundred thousand, the county treasurer shall retain one and forty-eight hundredths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection.

(d) For taxes collected by the county under this chapter ((after June 30, 2006)), on a monthly basis the county treasurer shall pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

(((((b))) (e) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (((a))) (b) and (c) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

(3)(a) ((Through June 30, 2010, the)) The county treasurer shall collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the general fund. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(b) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection ((5)) (4)(c) of this section.

(4) ((Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.

(5))(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be

equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

On page 1, line 2 of the title, after "tax;" strike the remainder of the title and insert "and amending RCW 82.45.180."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing Stability & Affordability to Engrossed Substitute House Bill No. 2919.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 2919, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2919 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2919, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Padden

Excused: Senator Wilson, C.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6690, by Senators Liias and King

Concerning aerospace business and occupation taxes and world trade organization compliance.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following striking floor amendment no. 1365 by Senator Hasegawa be adopted:

Beginning on page 1, line 6, strike all of section 1
 Renumber the remaining sections consecutively and correct any internal references accordingly.
 On page 6, line 14, after "(11)" strike all material through "act:"
 On page 6, line 15, after "(a)" strike "Beginning October 1, 2005" and insert "~~((Beginning October 1, 2005))~~ Until April 1, 2020"
 On page 6, line 27, after "(b)" strike "Beginning July 1, 2008" and insert "~~((Beginning July 1, 2008))~~ Until April 1, 2020"
 On page 1, line 3 of the title, after "82.04.260;" strike "adding a new section to chapter 82.04 RCW;"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1365 by Senator Hasegawa to Senate Bill No. 6690.

The motion by Senator Hasegawa did not carry and striking floor amendment no. 1365 was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following striking floor amendment no. 1366 by Senator Hasegawa be adopted:

Beginning on page 1, line 6, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning on April 1, 2020, the tax rates in RCW 82.04.260(11) do not apply unless the following conditions are met:

(a) The United States and the European Union reach an agreement resolving their world trade organization disputes regarding large civil airplanes that expressly allows the tax rates in RCW 82.04.260(11);

(b) A taxpayer certifies in the manner and form prescribed by the department that the taxpayer meets all of the requirements of the agreement in (a) of this subsection that allows the tax rates in RCW 82.04.260(11);

(c) The department issues a determination that the conditions in (a) and (b) of this subsection have been met, in which case the tax rates in RCW 82.04.260(11) apply as of the date of the taxpayer's certification to the department; and

(d) A taxpayer with beneficiary savings in excess of eighty million dollars from the preferential rate under RCW 82.04.260(11) in calendar year 2018 must have employed at least fifty-one percent of its total workforce in the state of Washington in the prior calendar year.

(2) If the tax rates in RCW 82.04.260(11) are reinstated under subsection (1) of this section, a taxpayer with beneficiary savings in excess of eighty million dollars from the preferential rate under RCW 82.04.260(11) in calendar year 2018 must maintain at least fifty-one percent of its total workforce in the state of Washington. The department, in consultation with the employment security department and using data provided by the bureau of labor statistics, shall make this determination on an annual basis by March 1st of each year. If the fifty-one percent requirement is not met for the prior calendar year, the tax rates in RCW

82.04.260(11) do not apply beginning on the next subsequent July 1st for all taxpayers claiming the rates under RCW 82.04.260(11).

(3) The department must provide written notice of the determination and effective date to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

(4) For the purpose of this section, "world trade organization disputes regarding large civil airplanes" means any disputes filed by the United States or the European Union prior to the effective date of this section that involve either allegations of subsidies to large civil airplanes, or allegations of taxes imposed by Washington on commercial airplanes, or both."

Senator Hasegawa spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1366 by Senator Hasegawa to Senate Bill No. 6690.

The motion by Senator Hasegawa did not carry and striking floor amendment no. 1366 was not adopted by voice vote.

MOTION

Senator Liias moved that the following striking floor amendment no. 1367 by Senators Liias and King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Over the past two decades, the legislature has taken significant action to ensure the continued presence and competitiveness of Washington's aerospace industry. The legislature finds that the industry plays a significant role not only in the health of Washington's economy, but also in the health of the United States economy. Moreover, the competitiveness of the domestic aerospace industry has faced significant challenges with the large subsidies provided to international competitors.

(2) The legislature finds that a commitment to the elimination of trade barriers for aerospace as well as several other vital Washington exports is important. The legislature also wishes to help bring the United States into full compliance with a recent world trade organization ruling asserting Washington's business and occupation tax rate of 0.2904 percent violates world trade organization rules. The legislature hopes this action to help bring the United States into compliance will end the threat of retaliatory tariffs against many of Washington's industries, including agricultural products, fish, wine, and intellectual property.

(3) The legislature appreciates the state aerospace industry's commitment to complying with the world trade organization ruling by advocating for the repeal of the preferential business and occupation tax. The legislature hopes that the repeal of this Washington aerospace preference will ensure continued economic success and competitiveness for the industry as well as many other industries. The legislature further hopes that the repeal of the 0.2904 business and occupation tax will allow for the complete resolution of all trade disputes surrounding large civil aircraft.

(4) The legislature further finds that the people of Washington benefit from the presence of the aerospace industry in Washington state. The industry provides good wages and benefits for thousands of engineers, technicians, mechanics, and support staff working across the state. Furthermore, the legislature has a goal of preserving and growing employment in Washington state.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

The legislature intends that the future consideration of all tax measures will work to achieve this goal in a manner compliant with the world trade organization.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

The rate of 0.357 percent authorized pursuant to RCW 82.04.260(11)(e) may be imposed only if the following conditions are met:

(1) The department of commerce verifies with the United States trade representative that the United States and the European Union have entered into a written agreement that resolves any world trade organization disputes involving large civil aircraft.

(2) Such agreement expressly allows a business and occupation tax rate reduction for commercial airplane manufacturers to either 0.2904 percent or, if that rate is not permissible, a specific alternative tax rate, or a specific amount or maximum amount by which the existing tax rates may be reduced, that results in a tax rate of at least 0.357 percent.

(3) The department of commerce notifies the department in writing that the conditions of subsections (1) and (2) of this section are met and provides a copy of the written notice from the United States trade representative to the department.

(4) The department of labor and industries notifies the department in writing that a significant commercial airplane manufacturer has at least a three-tenths of one percent aerospace apprenticeship utilization rate of its qualified apprenticeable workforce in Washington, as defined in section 4 of this act.

(5) No rate reduction is allowed under RCW 82.04.260(11)(e) if the written notice from the United States trade representative does not expressly specify either the specific allowable tax rate, or the specific amount or maximum amount by which the existing tax rates may be reduced as provided under the agreement between the United States and the European Union.

(6) Within thirty days of receiving the last of the written notices described in subsections (3) and (4) of this section, the department must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department, that the tax rates in RCW 82.04.260(11)(e) are reduced to 0.357 percent and the effective date of the rate reduction.

(7) Any rate reduction to 0.357 percent pursuant to this section and RCW 82.04.260(11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the written notices described in subsections (3) and (4) of this section.

(8) For the purpose of this section, "world trade organization disputes involving large civil airplanes" means any disputes filed by the United States or the European Union prior to the effective date of this section that involve either allegations of subsidies to large civil airplanes, or allegations of taxes imposed by Washington on commercial airplanes, or both.

Sec. 3. RCW 82.04.260 and 2019 c 425 s 1 and 2019 c 336 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood

products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was two hundred fifty thousand dollars or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than two hundred fifty thousand dollars; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and

unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; ~~((and))~~

(ii) 0.2904 percent beginning July 1, 2007, through March 31, 2020; and

(iii) Beginning April 1, 2020, 0.484 percent, subject to any reduction required under (e) of this subsection (11). The tax rate in this subsection (11)(a)(iii) applies to all business activities described in this subsection (11)(a).

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.2904 percent through March 31, 2020; and

(ii) Beginning April 1, 2020, the following rates, which are subject to any reduction required under (e) of this subsection (11):

(A) The rate under RCW 82.04.250(1) on the business of making retail sales of tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes; and

(B) 0.484 percent on all other business activities described in this subsection (11)(b).

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d)(i) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534. However, this requirement does not apply to persons reporting under the tax rate in (a)(iii) of this subsection (11), so long as that rate remains 0.484 percent, or under any of the tax rates in (b)(ii)(A) and (B) of this subsection (11), so long as those tax rates remain the rate imposed pursuant to RCW 82.04.250(1) and 0.484 percent, respectively.

(ii) Nothing in (d)(i) of this subsection (11) may be construed as affecting the obligation of a person reporting under a tax rate provided in this subsection (11) to file a complete annual tax performance report with the department under RCW 82.32.534: (A) Pursuant to another provision of this title as a result of claiming a tax credit or exemption; or (B) pursuant to (d)(i) of this subsection (11) as a result of claiming the tax rates in (a)(ii) or (b)(i) of this subsection (11) for periods ending before April 1, 2020.

(e)(i) After March 31, 2021, the tax rates under (a)(iii) and (b)(ii) of this subsection (11) must be reduced to 0.357 percent provided the conditions in section 2 of this act are met. The effective date of the rates authorized under this subsection (11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the two written notices pursuant to section 2 (3) and (4) of this act.

(ii) Both a significant commercial airplane manufacturer separately and the rest of the aerospace industry as a whole, receiving the rate of 0.357 percent under this subsection (11)(e) will achieve the aerospace apprenticeship utilization rates required under section 4 of this act by April 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under this subsection (11)(e), whichever is later, as determined by the department of labor and industries.

(iii) The provisions of RCW 82.32.805 and 82.32.808 do not apply to this subsection (11)(e).

(f)(i) Except as provided in ((e)) (f)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)((e)) (f)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850. This subsection (11)(f)(ii) continues to apply during the time that a person is subject to the tax rate in (a)(iii) of this subsection (11).

(g) For the purposes of this subsection, "a significant commercial airplane manufacturer" means a manufacturer of commercial airplanes with at least fifty thousand full-time employees in Washington as of January 1, 2021.

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006,

through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person((f)) ; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. Sec. 4. A new section is added to chapter 51.04 RCW to read as follows:

(1) A significant commercial airplane manufacturer receiving the rate of 0.357 percent under RCW 82.04.260(11)(e) will achieve an aerospace apprenticeship utilization rate of one and five-tenths percent of its qualified apprenticeable workforce in Washington by July 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under RCW 82.04.260(11)(e), whichever is later, as determined by the department of labor and industries.

(2) The aerospace industry in Washington, excluding a significant commercial airplane manufacturer, will achieve an aerospace apprenticeship utilization rate of one and five-tenths percent of its qualified apprenticeable workforce in Washington by July 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under RCW 82.04.260(11)(e), whichever is later, as determined by the department of labor and industries.

(3) Aerospace employers must report relevant occupation data related to the qualified apprenticeable workforce to the department of labor and industries.

(4) The department of labor and industries shall report the aerospace apprenticeship utilization rate to the department and the appropriate committees of the legislature annually beginning October 1, 2024.

(5) The department of labor and industries shall determine aerospace apprenticeship utilization rates under this section based on the framework developed under section 5 of this act and using occupational data reported to the department of labor and industries and/or the employment security department. For data reported to the department of labor and industries, the department of labor and industries shall determine the form and manner in which occupational data is reported, consistent with the framework developed under section 5 of this act, and may adopt

rules to ensure full participation within the industry necessary to implement the requirements of this section. The department of labor and industries, consulting with the department of revenue, may also require additional information on the annual tax performance report under RCW 82.32.534. The department of labor and industries may adopt rules to ensure full participation within the industry and necessary to implement the requirements of this section.

(6) For the purposes of this section, the following definitions apply.

(a) "Aerospace employer" means any person that qualifies for the rate under RCW 82.04.260(11)(e) with twenty-five or more employees in positions determined to be qualified occupations by the Washington state apprenticeship and training council according to chapter 49.04 RCW directly applicable to the production of commercial aircraft.

(b) "Qualified apprenticeable workforce" means all occupations approved by the Washington state apprenticeship and training council according to chapter 49.04 RCW directly applicable to the production of commercial aircraft.

(c) "Significant commercial airplane manufacturer" means a manufacturer of commercial airplanes with at least fifty thousand full-time employees in Washington as of January 1, 2021.

NEW SECTION. Sec. 5. (1) An aerospace workforce council is created in the department of labor and industries to establish a framework for apprenticeship utilization reporting and to establish efficient pathways to achieve targets required under section 4 of this act. Beginning in calendar year 2020, the council must:

(a) Meet at least twice per year until the apprenticeship utilization levels in section 4 of this act are achieved;

(b) Monitor the progress of a significant commercial airplane manufacturer, as defined in section 4 of this act, and the aerospace industry as a whole in achieving the apprenticeship utilization levels established in section 4 of this act;

(c) Report to the legislature by December 1, 2023, on the apprenticeship utilization rate across the aerospace industry and include any recommendations implementing the intent of this act, including policy changes needed to expand upon early success of apprenticeship utilization if reached before the date set forth in section 4 of this act.

(2) The council must consist of fourteen members, appointed by the governor:

(a) One member must be appointed from each of the two largest aerospace labor organizations in Washington;

(b) Two members must be from a Washington aerospace industry business, only one of which must be from a significant commercial airplane manufacturer;

(c) Two members must be from nonprofit entities engaged in workforce training for the aerospace industry;

(d) One representative from the governor's office;

(e) One representative from the workforce training and education coordinating board;

(f) The state trade representative or the representative's designee;

(g) The director of the department of labor and industries, or the director's designee;

(h) One member from each of the two largest caucuses of the house of representatives, as appointed by the speaker of the house of representatives; and

(i) One member from each of the two largest caucuses of the senate, as appointed by the president of the senate.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

On page 1, line 2 of the title, after "compliance;" strike the remainder of the title and insert "reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 51.04 RCW; creating new sections; and declaring an emergency."

MOTION

Senator Ericksen moved that the following floor amendment no. 1371 by Senator Ericksen be adopted:

Beginning on page 1, line 3, strike all of sections 1 through 6 and insert the following:

"**Sec. 1.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter ~~((as to such persons the amount of the tax with respect to such business is equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.~~

The measure of the tax)), and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.357 percent.

(2) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

Sec. 2. RCW 82.04.240 and 2017 3rd sp.s. c 37 s 518 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter ~~((as to such persons the amount of the tax with respect to such business is equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent))~~, and every manufacturer engaging within the state in the business of making sales, at retail or wholesale, of products manufactured by the manufacturer, as to such persons the amount of tax with respect to such business is equal to the taxable amount under this section multiplied by the rate of 0.357 percent.

(2)(a) Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips.

(b) A person reporting under the tax rate provided in this subsection (2) must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) The measure of the tax on engaging in the business of:

(a) Manufacturing is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state;

(b) Retailing and wholesaling products manufactured by the manufacturer is the gross proceeds of the sales; and

(c) Processing for hire is the total charges made for those services.

(4) This section expires January 1, 2024, unless the contingency in RCW 82.32.790(2) occurs.

Sec. 3. RCW 82.04.260 and 2019 c 425 s 1 and 2019 c 336 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than seventy percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing,

processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was two hundred fifty thousand dollars or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than two hundred fifty thousand dollars; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from

payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning ~~((October 1, 2005))~~ July 1, 2020, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ~~((~~

~~(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and~~

~~(ii) 0.2904 percent beginning July 1, 2007))~~ 0.357 percent.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534.

~~((c)) Except as provided in (c)(ii) of this subsection (11),~~
The rate under (a) of this subsection (11) does not apply on and after July 1, 2040.

~~((f)) (f) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any new version or new variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. ((This subsection (11)(c)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850.))~~

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person~~((f))~~; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the

buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(c)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

Sec. 4. RCW 82.04.280 and 2019 c 449 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire ~~((or processing for hire))~~, except persons taxable as extractors for hire ~~((or processors for hire))~~ under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, but excluding revenues from network, national, and regional advertising computed either: (i) As a standard deduction that the department must publish by rule by September 30, 2020, and by September 30th of every fifth year thereafter, based on the national average thereof as reported by the United States census bureau's economic census; or (ii) in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the .5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or sixty dBu signal strength contour for FM radio, the twenty-eight dBu signal strength contour for television channels two through six, the thirty-six dBu signal strength contour for television channels seven through thirteen, and the forty-one dBu signal strength contour for television channels fourteen through sixty-nine with delivery by wire, satellite, or any other means, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage

warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 5. RCW 82.32.850 and 2013 3rd sp.s. c 2 s 2 are each amended to read as follows:

(1) ~~((Chapter 2, Laws of 2013 3rd sp. sess.))~~ The rate under RCW 82.04.260(1)(a) takes effect contingent upon the siting of a significant commercial airplane manufacturing program in the state of Washington. ~~((If a significant commercial airplane manufacturing program is not sited in the state of Washington by June 30, 2017, chapter 2, Laws of 2013 3rd sp. sess. does not take effect.))~~

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial airplane" has the same meaning provided in RCW 82.32.550.

(b) "New model, or any version or variant of an existing model, of a commercial airplane" means a commercial airplane manufactured with a carbon fiber composite fuselage or carbon fiber composite wings or both.

(c) "Significant commercial airplane manufacturing program" means an airplane program in which the following products, including final assembly, will commence manufacture at a new or existing location within Washington state on or after ~~((July 9, 2014))~~ July 1, 2020:

(i) The new model, or any new version or new variant of an existing model, of a commercial airplane; and

(ii) Fuselages and wings of a new model, or any new version or new variant of an existing model, of a commercial airplane.

(d) "Siting" means a final decision, made on or after ~~((November 1, 2013))~~ July 1, 2020, by a manufacturer to locate a significant commercial airplane manufacturing program in Washington state.

(3) The department must make a determination regarding whether the contingency in subsection (1) of this section occurs and must provide written notice of the date on which such contingency occurs and ~~((chapter 2, Laws of 2013 3rd sp. sess.))~~ the rate under RCW 82.04.260(1)(a) takes effect. ((If the department determines that the contingency in subsection (1) of this section has not occurred by June 30, 2017, the department must provide written notice stating that chapter 2, Laws of 2013 3rd sp. sess. does not take effect.)) Written notice under this subsection (3) must be provided to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Sec. 6. RCW 82.32.790 and 2019 c 449 s 2 are each amended to read as follows:

(1)(a) Section 2, chapter . . . , Laws of 2020 (section 2 of this act), section 1, chapter 449, Laws of 2019, sections 510, 512, 514, 516, 518, 520, 522, and 524, chapter 37, Laws of 2017 3rd sp. sess., sections 9, 13, 17, 22, 24, 30, 32, and 45, chapter 135, Laws of 2017, sections 104, 110, 117, 123, 125, 129, 131, and 150, chapter 114, Laws of 2010, and sections 1, 2, 3, and 5 through 10, chapter 149, Laws of 2003 are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington by January 1, 2024.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

FIFTY EIGHTH DAY, MARCH 10, 2020

2020 REGULAR SESSION

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) The sections referenced in subsection (1) of this section take effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, if the contract is signed and received by January 1, 2024, as determined by the director of the department of revenue.

(3)(a) The department of revenue must provide notice of the effective date of the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and the sections referenced in subsection (1) of this section are effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department must make a determination that chapter 149, Laws of 2003 is no longer effective, and all taxes that would have been otherwise due are deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under RCW 82.04.426, 82.04.448, 82.08.965, 82.12.965, 82.08.970, 82.12.970, or 84.36.645. The department is not authorized to make a second determination regarding the effective date of the sections referenced in subsection (1) of this section.

(4)(a) This section expires January 1, 2024, if the contingency in subsection (2) of this section does not occur by January 1, 2024, as determined by the department.

(b) The department must provide written notice of the expiration date of this section and the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

NEW SECTION. Sec. 7. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 8. Except for section 2 of this act, this act takes effect July 1, 2020."

Beginning on page 14, line 32, after "line" strike all material through "emergency" on page 15, line 3, and insert "1 of the title, after "Relating to" strike the remainder of the title and insert "business and occupation tax fairness for Washington manufacturers; amending RCW 82.04.240, 82.04.240, 82.04.280, 82.32.850, and 82.32.790; reenacting and amending RCW 82.04.260; creating a new section; providing an effective date; and providing a contingent effective date"

Senator Ericksen spoke in favor of adoption of the floor amendment.

POINT OF ORDER

Senator Liias: "Thank you, Mr. President. This amendment appears to strike all of the striking amendment and my recollection of senate rules is that it's not permissible to strike a striking amendment."

RULING BY THE PRESIDENT

President Habib: "Senator Liias is correct, the, under Senate Rules the, once a striking amendment is before the body only page and line amendments to that striking amendment are permitted.

Otherwise, we would have an endless nesting of amendments that would be possible. So, because Senator Ericksen's amendment is essentially a striking amendment to the striking amendment proposed by Senator Liias, the amendment is out of order."

MOTION

Senator Padden moved that the senate defer further consideration of Senate Bill No. 6690 and the bill hold its place on the second reading calendar for the purposes of properly drafting an amendment.

REPLY BY THE PRESIDENT

President Habib: "Senator Padden, I'll restate your motion in a moment but I want to make sure I was clear earlier. Senator Padden, the problem was not that the amendment was drafted, was not drafted to the striking amendment. To the contrary, the problem was that it was drafted to the striking amendment. In other words, had Senator Ericksen's amendment been drafted to the underlying bill it would have been in order. The problem with it, in fact, was that it was drafted to the striking amendment and that's a problem that can't be remedied unless this striking amendment is voted down because the striking amendment has already been moved. Senator Padden does that, did that clarify the ruling?"

Senator Padden: "Unfortunately it does. I just wanted, I was hoping for an opportunity to speak in favor of the amendment, but that apparently has been cut off by the motion by the Majority Leader."

President Habib: "It wasn't a motion, it wasn't cut off. It was that the ... Senator Padden, so when a striker, when you draft an amendment to a striker, it cannot be another full bill, essentially, drafted on. Do you see where the problem would be? You could continue to have a striking amendment to the striking amendment to the striking amendment, ad infinitum."

Senator Padden: "It could be drafted then, if it wasn't a complete striker? That was less than that. It could be drafted, is that correct?"

President Habib: "A page and line amendment. A page and line amendment could be drafted to the striking amendment. In fact, I believe Senator Liias has one of his own that's about to be called up."

Senator Padden spoke in favor of the motion to defer further consideration of the bill.

Senator Liias spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the senate defer further consideration of Senate Bill No. 6690 and the motion did not carry by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 1372 by Senator Liias be adopted:

One page 2, line 15, after "either" strike "0.2904" and insert "0.357"

On page 2, beginning on line 29, strike all of subsection (5)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 9, at the beginning of line 4, strike "will achieve" and insert "are subject to"

On page 12, line 17, after "RCW 82.04.260(11)(e)" strike "will achieve" and insert "is subject to"

On page 12, line 24, after "manufacturer," strike "will achieve" and insert "is subject to"

Senator Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1372 by Senator Liias on page 2, line 15 to striking floor amendment no. 1367.

The motion by Senator Liias carried and floor amendment no. 1372 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1367 by Senators Liias and King, as amended, to Senate Bill No. 6690.

The motion by Senator Liias carried and striking floor amendment no. 1367, as amended, was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Bill No. 6690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Hasegawa, Becker, Fortunato, Conway, Sheldon, Carlyle, Schoesler and King spoke in favor of passage of the bill.

Senators Braun and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6690.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6690 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Lovelett, Padden, Saldaña and Van De Wege

Excused: Senator Wilson, C.

ENGROSSED SENATE BILL NO. 6690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:19 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 11, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY NINTH DAY**MORNING SESSION**Senate Chamber, Olympia
Wednesday, March 11, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Miles Clark and Miss Emily Negron, presented the Colors. Page Miss Kayden McConnel led the Senate in the Pledge of Allegiance. The prayer was offered by Ms. Meg Martin, Executive Director, Interfaith Works, Olympia.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Frockt moved adoption of the following resolution:

**SENATE RESOLUTION
8710**

By Senators Frockt, Keiser, Stanford, Randall, Wilson, C., Short, Becker, Hawkins, Muzzall, Wagoner, Padden, Hunt, Saldaña, and Lovelett

WHEREAS, More than one hundred five thousand Washingtonians need a blood transfusion each year; and

WHEREAS, About one in seven people entering a hospital needs blood; and

WHEREAS, More than four hundred twenty thousand blood components are used in transfusions each year; and

WHEREAS, On a daily basis Washingtonians use one hundred forty units of platelets and two hundred units of plasma; and

WHEREAS, Eight hundred sixty pints of donated blood are used each day; and

WHEREAS, Two hundred fifty thousand Washingtonians are registered to volunteer to give blood; and

WHEREAS, Ninety-four percent of Washington State blood donors are registered voters; and

WHEREAS, Washingtonians donate two hundred sixty thousand units of Whole Blood and Red Blood Cells each year; and

WHEREAS, Innovative research centers such as Fred Hutch rely upon blood donations to continue to find life-saving cures; and

WHEREAS, Pediatric centers such as Seattle Children's Hospital depend upon blood donations to help prolong the lives of children; and

WHEREAS, Blood is collected at local donor centers, and mobile units travel to hundreds of blood drives every month at work sites, schools, places of worship, and other community locations throughout the Pacific Northwest; and

WHEREAS, Blood donation is an integral community responsibility that connects all of us in our state; and

WHEREAS, On March the 12th the Washington state legislature will be paying tribute to former Secretary of the Senate Hunter Goodman by hosting a blood drive at the Capitol for legislators, staff, and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington encourage blood donations in communities throughout the state of Washington on March 12th in honor of Hunter Goodman.

Senators Frockt, Liias, Braun, Takko and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

The motion by Senator Frockt carried and the resolution was adopted by voice vote.

MOTION

At 10:24 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:40 a.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the seventh order of business.

**THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Hunt moved that Lisa Van Der Lugt, Senate Gubernatorial Appointment No. 9195, be confirmed as a Director of the Office of Minority and Women's Business Enterprises - Agency Head.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF LISA VAN DER LUGT

The President declared the question before the Senate to be the confirmation of Lisa Van Der Lugt, Senate Gubernatorial Appointment No. 9195, as a Director of the Office of Minority and Women's Business Enterprises - Agency Head.

The Secretary called the roll on the confirmation of Lisa Van Der Lugt, Senate Gubernatorial Appointment No. 9195, as a Director of the Office of Minority and Women's Business Enterprises - Agency Head and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Lisa Van Der Lugt, Senate Gubernatorial Appointment No. 9195, having received the constitutional majority was declared confirmed as a Director of the Office of Minority and Women's Business Enterprises - Agency Head.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248, by House Committee on Environment & Energy (originally sponsored by Doglio, DeBolt, Fey, Lekanoff, Fitzgibbon, Shewmake, Leavitt, Ramel, Ryu, Tarleton, Appleton, Ramos, Slatter, Ormsby, Macri, Wylie, Kloba, Goodman, Peterson, Hudgins, Pollet and Tharinger)

Expanding equitable access to the benefits of renewable energy through community solar projects.

The measure was read the second time.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute House Bill No. 2248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds and declares that stimulating local investment in community solar projects continues to be an important part of a state energy strategy by helping to increase energy independence from fossil

fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature finds that while previous community solar programs were successful in stimulating these benefits, the programs failed to provide an adequate framework for low-income participation and long-term market certainty. The legislature finds that the vast majority of Washingtonians still do not have access to the benefits of solar energy. The legislature intends to stimulate the deployment of community solar projects for the benefit of all Washingtonians by funding the renewable energy production incentive program for community solar projects and by creating opportunities for broader participation, especially by low-income households and low-income service providers. As of December 2019, the state is thirteen megawatts short of the one hundred fifteen megawatts of solar photovoltaic capacity established as a goal under RCW 82.16.155. The legislature therefore intends to provide an incentive sufficient to promote installation of community solar projects through June 30, 2031, at which point the legislature expects to review the effectiveness of enhancing access to community solar projects.

(2) The legislature finds that participation of low-income customers in community solar projects is consistent with the goals and intent of the energy assistance provisions of chapter 19.405 RCW, the Washington clean energy transformation act, when this participation achieves a reduction in energy burden for the customers.

(3) The legislature also finds that offering energy assistance through renewable energy programs, including community solar, at a discount to low-income customers is consistent with the goal and intent of RCW 80.28.068.

Sec. 2. RCW 82.16.130 and 2017 3rd sp.s. c 36 s 4 are each amended to read as follows:

(1) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to:

(a) Incentive payments made in any fiscal year under RCW 82.16.120 and 82.16.165; and

(b) Any fees a utility is allowed to recover pursuant to RCW 82.16.165(5).

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the ~~((businesses'))~~ business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for the following:

(a) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(b) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest must be assessed at the rate

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under RCW 82.16.165(20), if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under RCW 82.16.120 expires June 30, 2020. Credits may not be claimed after June 30, 2021.

(7)(a) The right to earn tax credits for incentive payments made under RCW 82.16.165 for the following expires June 30, 2029:

(i) Renewable energy systems, other than community solar projects, that are certified for an incentive payment as of June 30, 2020; and

(ii) Community solar and shared commercial projects that are under precertification status under RCW 82.16.165(7)(b) as of June 30, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by December 31, 2021.

(b) Credits may not be claimed after June 30, 2030.

(8) This section expires June 30, 2031.

NEW SECTION. Sec. 3. A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, a light and power business is allowed a credit against taxes due under this chapter in an amount equal to incentive payments made in any fiscal year under section 7 of this act.

(2) The credits must be taken in a form and manner as required by the department. The credit taken under this section for the fiscal year may not exceed one and one-half percent of the business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, for incentive payments made for community solar projects that submit an application for precertification under section 7 of this act on or after July 1, 2020, and that are certified for an incentive payment in accordance with the terms of that precertification by June 30, 2031.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits.

(4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under section 7 of this act, the amount of tax against which credit was claimed for the excess payments is immediately due and payable. The department may deduct amounts from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department must assess interest but not penalties on the taxes against which the credit was claimed. Interest may be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid.

(b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 7 of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits for incentive payments made under section 7 of this act expires June 30, 2034. Credits may not be claimed under this section after June 30, 2035.

(7) This section expires June 30, 2036.

Sec. 4. RCW 82.16.160 and 2017 3rd sp.s. c 36 s 5 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 82.16.165(~~(--82.16.170--)~~) and 82.16.175 unless the context clearly requires otherwise.

((4)) (a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in RCW 82.16.165 and 82.16.170.

((2)) (b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a person's eligibility to receive annual incentive payments from the person's utility for the program term.

((3)) (c) "Commercial-scale system" means a renewable energy system or systems other than a community solar project or a shared commercial solar project with a combined nameplate capacity greater than twelve kilowatts that meets the applicable system eligibility requirements established in RCW 82.16.165.

((4)) (d) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.170.

((5)) (e) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

((6)) (f) "Customer-owner" means the owner of a residential-scale or commercial-scale renewable energy system, where such owner is not a utility and such owner is a customer of the utility and either owns the premises where the renewable energy system is installed or occupies the premises.

((7)) (g) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

((8)) (h) "Governing body" has the same meaning as provided in RCW 19.280.020.

((9)) (i) "Person" means any individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

((40)) (j) "Program term" means: ((a)) (i) For community solar projects that are certified under RCW 82.16.165, eight years or until cumulative incentive payments for electricity produced by the project reach fifty percent of the total system price, including applicable sales tax, whichever occurs first; and ((b)) (ii) for other renewable energy systems, including shared commercial solar projects, eight years or until cumulative incentive payments for electricity produced by a system reach fifty percent of the total system price, including applicable sales tax, whichever occurs first.

((11)) (k) "Renewable energy system" means a solar energy system, including a community solar project, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

((12)) (l) "Residential-scale system" means a renewable energy system or systems located at a single situs with combined nameplate capacity of twelve kilowatts or less that meets the applicable system eligibility requirements established in RCW 82.16.165.

((13)) (m) "Shared commercial solar project" means a solar energy system, owned or administered by an electric utility, with a combined nameplate capacity of greater than one megawatt and

not more than five megawatts and meets the applicable eligibility requirements established in RCW 82.16.165 and 82.16.175.

(2) This section expires June 30, 2031.

Sec. 5. RCW 82.16.165 and 2017 3rd sp.s. c 36 s 6 are each amended to read as follows:

(1) Beginning July 1, 2017, and through June 30, 2020, the following persons may submit a one-time application to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of a renewable energy system in the state of Washington to remit an annual production incentive for each kilowatt-hour of alternating current electricity generated by the renewable energy system:

(a) The utility's customer who is the customer-owner of a residential-scale or commercial-scale renewable energy system;

(b) An administrator of a community solar project meeting the eligibility requirements outlined in RCW 82.16.170(2) and applies for certification on behalf of each of the project participants; or

(c) A utility or a business under contract with a utility that administers a shared commercial solar project that meets the eligibility requirements in RCW 82.16.175 and applies for certification on behalf of each of the project participants.

(2) No person, business, or household is eligible to receive incentive payments provided under subsection (1) of this section of more than five thousand dollars per year for residential systems or community solar projects, twenty-five thousand dollars per year for commercial-scale systems, or thirty-five thousand dollars per year for shared commercial solar projects.

(3)(a) No new certification may be issued under this section to an applicant who submits a request for or receives an annual incentive payment for a renewable energy system that was certified under RCW 82.16.120, or for a renewable energy system served by a utility that has elected not to participate in the incentive program, as provided in subsection (4) of this section.

(b) The Washington State University extension energy program may issue a new certification for an additional system installed at a situs with a previously certified system so long as the new system meets the requirements of this section and its production can be measured separately from the previously certified system.

(c) The Washington State University extension energy program may issue a recertification for a residential-scale or commercial-scale system if a customer makes investments resulting in an expansion of the system's nameplate capacity. Such recertification expires on the same day as the original certification for the residential-scale or commercial-scale system and applies to the entire system the incentive rates and program rules in effect as of the date of the recertification.

(4) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the production incentive program by providing notice in writing to the Washington State University extension energy program to cease issuing new certifications for renewable energy systems that would be served by that utility.

(c) Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for certification of renewable energy systems that would be served by that utility.

(d) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site

that customers of that utility are no longer eligible to receive new certifications under the program.

(e) A utility's termination of participation does not affect the utility's obligation to continue to make annual incentive payments for electricity generated by systems that were certified prior to the effective date of the notice. The Washington State University extension energy program must continue to process and issue certifications for renewable energy systems that were received by the Washington State University extension energy program before the effective date of the notice of termination.

(f) A utility that has terminated participation in the program may resume participation upon filing notice with the Washington State University extension energy program.

(5)(a) The Washington State University extension energy program may certify a renewable energy system that is connected to equipment capable of measuring the electricity production of the system and interconnecting with the utility's system in a manner that allows the utility, or the customer at the utility's option, to measure and report to the Washington State University extension energy program the total amount of electricity produced by the renewable energy system.

(b) The Washington State University extension energy program must establish a reporting and fee-for-service system to accept electricity production data from the utility or the customer that is not reported electronically and with the reporting entity selected at the utility's option as described in subsection (19) of this section. The fee-for-service agreement must allow for electronic reporting or reporting by mail, may be specific to individual utilities, and must recover only the program's costs of obtaining the electricity production data and incorporating it into an electronic format. A statement of the amount due for the fee-for-service must be provided to the utility by the Washington State University extension energy program with the report provided to the utility pursuant to subsection (20)(a) of this section. The utility may determine how to assess and remit the fee, and the utility may be allowed a credit for fees paid under this subsection (5) against taxes due, as provided in RCW 82.16.130(1).

(6) The Washington State University extension energy program may issue a certification authorizing annual incentive payments up to the following annual dollar limits:

(a) For community solar projects, five thousand dollars per project participant;

(b) For residential-scale systems, five thousand dollars;

(c) For commercial-scale systems, twenty-five thousand dollars; and

(d) For shared commercial solar projects, up to thirty-five thousand dollars a year per participant, as determined by the terms of subsection (15) of this section.

(7)(a) To obtain certification for the incentive payment provided under subsection (1) of this section by June 30, 2020, for renewable energy systems other than community solar projects, or by December 31, 2021, for community solar and shared commercial projects, a person must submit to the Washington State University extension energy program an application, including:

(i) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 entitling the applicant to receive annual incentive payments for electricity generated by the renewable energy system at the same meter location;

(ii) A signed statement of the total price, including applicable sales tax, paid by the applicant for the renewable energy system;

(iii) System operation data including global positioning system coordinates, tilt, estimated shading, and azimuth;

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(iv) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels, administering the program, tracking progress toward achieving the limits on program participation established in RCW 82.16.130, or facilitating the review of the performance of the tax preferences by the joint legislative audit and review committee, as described in RCW 82.16.155; and

(v)(A) Except as provided in (a)(v)(B) of this subsection (7), the date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number;

(B) The Washington State University extension energy program may waive the requirement in (a)(v)(A) of this subsection (7), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends the certification, for a term or terms of thirty days, due to extenuating circumstances; and

(b)(i) Prior to obtaining certification under this subsection, a community solar project or shared commercial solar project must apply for precertification against the remaining funds available for incentive payments under subsection (13)(d) of this section in order to be guaranteed an incentive payment under subsection (1) of this section. Community solar and shared commercial projects that are under precertification status under this subsection (7) as of June 30, 2020, may not apply for precertification for the incentive payment provided under section 7 of this act for that same project;

(ii) A project applicant of a community solar project or shared commercial solar project must complete an application for certification with the Washington State University extension energy program within less than ~~((one year))~~ two years to retain the precertification status described in this subsection. If a community solar or shared commercial project application is in precertification status as of June 30, 2020, the project applicant must continue in that status until either it is certified by the Washington State University extension energy program or its precertification expires; and

(iii) The Washington State University extension energy program may design a reservation or precertification system for an applicant of a residential-scale or commercial-scale renewable energy system.

(8) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(9) Within thirty days of receipt of ~~((the))~~ an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the situs of the renewable energy system, by mail or electronically, whether certification has been granted. The certification notice must state the rate to be paid per kilowatt-hour of electricity generated by the renewable energy system, as provided in subsection (12) of this section, subject to any applicable cap on total annual payment provided in subsection (6) of this section.

(10) Certification is valid for the program term and entitles the applicant or, in the case of a community solar project or shared commercial solar project, the participant, to receive incentive payments for electricity generated from the date the renewable

energy system commences operation, or the date the system is certified, whichever date is later. For purposes of this subsection, the Washington State University extension energy program must define when a renewable energy system commences operation and provide notice of such date to the recipient and the utility serving the situs of the system. Certification may not be retroactively changed except to correct later discovered errors that were made during the original application or certification process.

(11)(a) System certification follows the system if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The renewable energy system is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(ii) The new owner provides an executed interconnection agreement with the utility serving the premises.

(b) In the event that a community solar project participant terminates their participation in a community solar project, the system certification follows the system and participation may be transferred to a new participant. The administrator of a community solar project must provide notice to the Washington State University extension energy program of any changes or transfers in project participation.

(12) The Washington State University extension energy program must determine the total incentive rate for ~~((a new renewable energy system certification by adding to the base rate any applicable made-in-Washington bonus rate))~~ renewable energy systems, other than a community solar project, certified through June 30, 2020, and for community solar and shared commercial projects precertified as of June 30, 2020, and certified through December 31, 2021, as provided in this subsection. A made-in-Washington bonus rate is provided for a renewable energy system or a community solar project certified through June 30, 2019, with solar modules made in Washington or with a wind turbine or tower that is made in Washington. Both the base rates and bonus rate vary, depending on the fiscal year in which the system is certified and the type of renewable energy system being certified, as provided in the following table:

Fiscal year of system certification	Base rate - residential-scale	Base rate - commercial-scale	Base rate - community solar	Base rate - shared commercial solar	Made in Washington bonus
2018	\$0.16	\$0.06	\$0.16	\$0.06	\$0.05
2019	\$0.14	\$0.04	\$0.14	\$0.04	\$0.04
2020	\$0.12	\$0.02	\$0.12	\$0.02	(((\$0.03))
2021	(((\$0.10))	(((\$0.02))	\$0.10	(((\$0.02))	(((\$0.02))

(13) The Washington State University extension energy program must cease to issue new certifications:

(a) For community solar projects and shared commercial solar projects in any fiscal year for which the Washington State University extension energy program estimates that fifty percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to community solar projects and shared commercial solar projects combined;

(b) For commercial-scale systems in any fiscal year for which the Washington State University extension energy program estimates that twenty-five percent of the remaining funds for credit available to a utility for renewable energy systems certified under this section as of July 1, 2017, have been allocated to commercial-scale systems;

(c) For any renewable energy system served by a utility, if certification is likely to result in incentive payments by that

utility, including payments made under RCW 82.16.120, exceeding the utility's available funds for credit under RCW 82.16.130; and

(d) For any renewable energy system, if certification is likely to result in total incentive payments under this section exceeding one hundred ten million dollars.

(14) If the Washington State University extension energy program ceases issuing new certifications during a fiscal year or biennium as provided in subsection (13) of this section, in the following fiscal year or biennium, or when additional funds are available for credit such that the thresholds described in subsection (13) of this section are no longer exceeded, the Washington State University extension energy program must resume issuing new certifications using a method of awarding certifications that results in equitable and orderly allocation of benefits to applicants.

(15) A customer who is a participant in a shared commercial solar project may not receive incentive payments associated with the project greater than the difference between the levelized cost of energy output of the system over its production life and the retail rate for the rate class to which the customer belongs. The levelized cost of the output of the energy must be determined by the utility that administers the shared commercial solar project and must be disclosed, along with an explanation of the limitations on incentive payments contained in this subsection (15), in the contractual agreement with the shared commercial solar project participants.

(16) In order to begin to receive annual incentive payments, a person who has been issued a certification for the incentive as provided in subsection (9) of this section must obtain an executed interconnection agreement with the utility serving the situs of the renewable energy system.

(17) The Washington State University extension energy program must establish a list of equipment that is eligible for the bonus rates described in subsection (12) of this section. The Washington State University extension energy program must, in consultation with the department of commerce, develop technical specifications and guidelines to ensure consistent and predictable determination of eligibility. A solar module is made in Washington for purposes of receiving the bonus rate only if the lamination of the module takes place in Washington. A wind turbine is made in Washington only if it is powered by a turbine or built with a tower manufactured in Washington.

(18) The manufacturer of a renewable energy system component subject to a bonus rate under subsection (12) of this section may apply to the Washington State University extension energy program to receive a determination of eligibility for such bonus rates. The Washington State University extension energy program must publish a list of components that have been certified as eligible for such bonus rates. The Washington State University extension energy program may assess an equipment certification fee to recover its costs. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) Annually, the utility must report electronically to the Washington State University extension energy program the amount of gross kilowatt-hours generated by each renewable energy system since the prior annual report. For the purposes of this section, to report electronically means to submit statistical or factual information in alphanumeric form through a web site established by the Washington State University extension energy program or in a list, table, spreadsheet, or other nonnarrative format that can be digitally transmitted or processed. The utility may instead opt to report by mail or require program participants to report individually, but if the utility exercises one or more of these options it must negotiate with the Washington State

University extension energy program the fee-for-service arrangement described in subsection (5)(b) of this section.

(20)(a) The Washington State University extension energy program must calculate for the year and provide to the utility the amount of the incentive payment due to each participant and the total amount of credit against tax due available to the utility under RCW 82.16.130 that has been allocated as annual incentive payments. Upon notice to the Washington State University extension energy program, a utility may opt to directly perform this calculation and provide its results to the Washington State University extension energy program.

(b) If the Washington State University extension energy program identifies an abnormal production claim, it must notify the utility, the department of revenue, and the applicant, and must recommend withholding payment until the applicant has demonstrated that the production claim is accurate and valid. The utility is not liable to the customer for withholding payments pursuant to such recommendation unless and until the Washington State University extension energy program notifies the utility to resume incentive payments.

(21)(a) The utility must issue the incentive payment within ninety days of receipt of the information required under subsection (20)(a) of this section from the Washington State University extension energy program. The utility must resume the incentive payments withheld under subsection (20)(b) of this section within thirty days of receiving notice from the Washington State University extension energy program that the claim has been demonstrated accurate and valid and payment should be resumed.

(b) A utility is not liable for incentive payments to a customer-owner if the utility has disconnected the customer due to a violation of a customer service agreement, such as nonpayment of the customer's bill, or a violation of an interconnection agreement.

(22) Beginning January 1, 2018, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for renewable energy systems, including estimated system sizes, costs, and annual energy production and incentive yields for various system types; and

(b) An estimate of the amount of credit that has not yet been allocated for incentive payments under each utility's credit limit and remains available for new renewable energy system certifications.

(23) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received. The Washington State University extension energy program may direct a utility to cease issuing incentive payments if the records are not made available for examination upon request. A utility receiving such a directive is not liable to the applicant for any incentive payments or other damages for ceasing payments pursuant to the directive.

(24) The nonpower attributes of the renewable energy system belong to the utility customer who owns or hosts the system or, in the case of a community solar project or a shared commercial solar project, the participant, and can be kept, sold, or transferred at the utility customer's discretion unless, in the case of a utility-owned community solar or shared commercial solar project, a contract between the customer and the utility clearly specifies that the attributes will be retained by the utility.

(25) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

available online by the Washington State University extension energy program.

(26) No certification may be issued under this section by the Washington State University extension energy program for any renewable energy system, other than a community solar project, after June 30, ((2021)) 2020. No certification may be issued under this section for any community solar or shared commercial project after December 31, 2021.

(27) The Washington State University extension energy program must collect a one-time fee for applications submitted under subsection (1) of this section of one hundred twenty-five dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. The Washington State University extension energy program must administer and budget for the program established in RCW 82.16.120, this section, and RCW 82.16.170 in a manner that ensures its administrative costs through June 30, 2022, are completely met by the revenues from this fee. If the Washington State University extension energy program determines that the fee authorized in this subsection is insufficient to cover the administrative costs through June 30, 2022, the Washington State University extension energy program must report to the legislature on costs incurred and fees collected and demonstrate why a different fee amount or funding mechanism should be authorized.

(28) The Washington State University extension energy program may, through a public process, develop any program requirements, policies, and processes necessary for the administration or implementation of this section, RCW 82.16.120, 82.16.155, and 82.16.170. The department is authorized, in consultation with the Washington State University extension energy program, to adopt any rules necessary for administration or implementation of the program established under this section and RCW 82.16.170.

(29) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(30)(a) By November 1, 2019, and in compliance with RCW 43.01.036, the Washington State University extension energy program must submit a report to the legislature that includes the following:

(i) The number and types of renewable energy systems that have been certified under this section as of July 1, 2019, both statewide and per participating utility;

(ii) The number of utilities that are approaching or have reached the credit limit established under RCW 82.16.130(2) or the thresholds established under subsection (13) of this section;

(iii) The share of renewable energy systems by type that contribute to each utility's threshold under subsection (13) of this section;

(iv) An assessment of the deployment of community solar projects in the state, including but not limited to the following:

(A) An evaluation of whether or not community solar projects are being deployed in low-income and moderate-income communities, as those terms are defined in RCW 43.63A.510, including a description of any barriers to project deployment in these communities;

(B) A description of the share of community solar projects by administrator type that contribute to each utility's threshold under subsection (13)(a) of this section; and

(C) A description of any barriers to participation by nonprofits and local housing authorities in the incentive program established under this section and under RCW 82.16.170;

(v) The total dollar amount of incentive payments that have been made to participants in the incentive program established under this section to date; and

(vi) The total number of megawatts of solar photovoltaic capacity installed to date by participants in the incentive program established under this section.

(b) By December 31, 2019, the legislature must review the report submitted under (a) of this subsection and determine whether the credit limit established under RCW 82.16.130(2) should be increased to two percent of a light and power business's taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or two hundred fifty thousand dollars, whichever is greater, in order to achieve the legislative intent under section 1, chapter 36, Laws of 2017 3rd sp. sess.

(31) This section expires June 30, 2031.

NEW SECTION. Sec. 6. A new section is added to chapter 82.16 RCW to read as follows:

(1) The definitions in this section apply throughout this section and section 7 of this act unless the context clearly requires otherwise.

(a) "Administrator" means the utility, nonprofit, or other local housing authority that organizes and administers a community solar project as provided in section 7 of this act and RCW 82.16.170.

(b) "Certification" means the authorization issued by the Washington State University extension energy program establishing a community solar project administrator's eligibility to receive a low-income community solar incentive payment from the electric utility serving the site of the community solar project, on behalf of, and for the purpose of providing direct benefits to, its low-income subscribers, low-income service provider subscribers, and tribal and public agency subscribers.

(c) "Community solar project" means a solar energy system that:

(i) Has an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts;

(ii) Has, at minimum, either two subscribers or one low-income service provider subscriber; and

(iii) Meets the applicable eligibility requirements in section 7 of this act and RCW 82.16.170.

(d) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(e) "Electric utility" or "utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(f) "Energy assistance" has the same meaning as provided in RCW 19.405.020.

(g) "Energy burden" has the same meaning as provided in RCW 19.405.020.

(h) "Governing body" has the same meaning as provided in RCW 19.280.020.

(i) "Low-income" has the same meaning as provided in RCW 19.405.020.

(j) "Low-income service provider" includes, but is not limited to, a local community action agency or local community service agency designated by the department of commerce under chapter 43.63A RCW, local housing authority, tribal housing authority, low-income tribal housing program, affordable housing provider, food bank, or other nonprofit organization that provides services to low-income households.

(k) "Multifamily residential building" means a building containing more than two sleeping units or dwelling units where occupants are primarily permanent in nature.

(l) "Person" means an individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(m) "Public agency" means any political subdivision of the state including, but not limited to, municipal and county governments, special purpose districts, and local housing authorities, but does not include state agencies.

(n)(i) Except as otherwise provided in (n)(ii) of this subsection, "qualifying subscriber" means a low-income subscriber, low-income service provider subscriber, tribal agency subscriber, or public agency subscriber.

(ii) For tribal agency subscribers and public agency subscribers, only the portion of their subscription to a community solar project that is demonstrated to benefit low-income beneficiaries, including low-income service providers and services provided to low-income citizens or households, is to be considered a qualifying subscriber.

(o) "Subscriber" means a retail electric customer of an electric utility who owns or is the beneficiary of one or more units of a community solar project directly interconnected with that same utility.

(p) "Subscription" means an agreement between a subscriber and the administrator of a community solar project.

(2) This section expires June 30, 2036.

NEW SECTION. Sec. 7. A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2020, through June 30, 2031, an administrator of a community solar project meeting the eligibility requirements described in this section and RCW 82.16.170(3) may submit an application to the Washington State University extension energy program to receive a precertification for a community solar project. Projects with precertification applications approved by the Washington State University extension energy program have two years to complete their projects and apply for certification. By certifying qualified projects pursuant to the requirements of this section and RCW 82.16.170(3), the Washington State University extension energy program authorizes the utility serving the site of a community solar project in the state of Washington to remit a one-time low-income community solar incentive payment to the community solar project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(2) A one-time low-income community solar incentive payment remitted to a community solar project administrator for a project certified under this section equals the sum of the following:

(a) An amount, not to exceed twenty thousand dollars per community solar project, equal to the community solar project's administrative costs related to the administrative start-up of the project for qualifying subscribers; and

(b) An amount that does not exceed one hundred percent of the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers.

(3) No new certification may be issued under this section to an applicant who receives an annual incentive payment for a community solar project that was certified under RCW 82.16.120 or 82.16.165, or for a community solar project served by a utility that has elected not to participate in the incentive program provided in this section.

(4) Community solar projects that are under precertification status under RCW 82.16.165 as of June 30, 2020, may not apply for precertification of that same project for the one-time low-income community solar incentive payment provided in this section.

(5)(a) In addition to the one-time low-income community solar incentive payment under subsection (2) of this section, a participating utility must also provide the following compensation for the generation of electricity from the certified project:

(i) For a community solar project that has an alternating current nameplate capacity greater than twelve kilowatts but no greater than one hundred kilowatts, and that is connected behind the electric service meter, compensation must be determined in accordance with RCW 80.60.020 and provided to the metered customer receiving service at the situs of the meter.

(ii) For all other community solar projects, compensation must be determined at a value set by the participating utility and paid to the administrator or subscribers according to the agreement between the project and the utility.

(iii) An administrator may deduct ongoing administrative costs from compensation provided from power generation, provided those costs are identified in the subscription agreement.

(b) If the utility provides compensation for the generation of electricity to the administrator, the administrator of a community solar project must provide that compensation to the project subscribers. For ten years after certification, and by March 1st of each year following certification, the provider of compensation for the generation of electricity to the subscriber, whether the utility or the administrator, but not both, must provide the Washington State University extension energy program with signed statements of the following for the preceding year:

(i) The energy production for the period for which compensation is to be provided;

(ii) Each subscriber's units of the project;

(iii) The amount disbursed to each subscriber for the period; and

(iv) The date and amount disbursed to each subscriber.

(6) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing by January 1st of each year.

(b) The utility may terminate its voluntary participation in the program by providing notice in writing to the Washington State University extension energy program to cease accepting new applications for precertification for community solar projects that would be served by that utility. Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for precertification for community solar projects that would be served by that utility.

(c) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that community solar project customers of that utility are no longer eligible to receive new certifications under the program.

(d) A utility that has terminated participation in the program may resume participation upon filing a notice with the Washington State University extension energy program.

(7)(a) The Washington State University extension energy program may issue certifications authorizing incentive payments under this section in a total statewide amount not to exceed twenty million dollars, and subject to the following biennial dollar limits:

(i) For fiscal year 2021, three hundred thousand dollars; and

(ii) For each biennium beginning on or after July 1, 2021, five million dollars.

(b) The Washington State University extension energy program will attempt to equitably distribute incentive funds throughout the state. Considerations for equitable fund distribution, based on precertification applications received from

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

administrators served by utilities voluntarily participating in the program, may include measures to reserve or allocate available funds based on the proportion of public utility taxes collected, the proportion of the state's low-income customers served by each utility based on low-income home energy assistance program data at the department of commerce, and measures to achieve an equitable geographic distribution of community solar installations and a diversity of administrative models for community solar projects. If an equitable distribution of funds is not feasible due to a lack of precertification applications, the Washington State University extension energy program may allocate funds based on (a) of this subsection on a first-come, first-served basis.

(c) The Washington State University extension energy program shall regularly publish and update guidelines for how it will manage the allocation of available funding, based on the evaluation of applications and the factors specified in (b) of this subsection.

(8)(a) Prior to obtaining certification under this section, the administrator of a community solar project must apply for precertification against the funds available for incentive payments under subsection (7) of this section in order to be guaranteed an incentive payment under this section. The application for precertification must include, at a minimum:

(i) A demonstration of how the project will deliver continuing direct benefits to low-income subscribers. A direct benefit can include credit for the power generation for the community solar project, from sales of renewable energy credits, or other mechanisms that lower the energy burden of a low-income subscriber; and

(ii) Any other information the Washington State University extension energy program deems necessary in determining eligibility for precertification.

(b) The administrator of a community solar project must complete an application for certification in accordance with the requirements of subsection (9) of this section within less than two years of being approved for precertification status. The administrator must submit a project update to the Washington State University extension energy program after one year in precertification status.

(9) To obtain certification for the one-time community solar incentive payment provided under this section, a project administrator must submit to the Washington State University extension energy program an application, including, at a minimum:

(a) A signed statement that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 or the Washington State University extension energy program under RCW 82.16.165 entitling the applicant to receive annual incentive payments for electricity generated by the community solar project at the same meter location;

(b) A signed statement of the costs paid by the administrator related to administering the project for qualifying subscribers;

(c) A signed statement of the total project costs, including the proportional cost of the share of the community solar project that provides direct benefits to qualifying subscribers;

(d) A signed statement describing the amount of the upfront incentive and the timing, method, and distribution of estimated benefits to qualifying subscribers. The statement must describe any estimated energy burden reduction associated with the direct benefits.

(e) Available system operation data, such as global positioning system coordinates, tilt, estimated shading, and azimuth;

(f) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program;

(g)(i) Except as provided in (g)(ii) of this subsection (9), the date that the community solar project received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number or other documentation deemed acceptable by the Washington State University extension energy program;

(ii) The Washington State University extension energy program may waive the requirement in (g)(i) of this subsection (9), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eight days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends certification, for a term or terms of thirty days, due to extenuating circumstances;

(h) Confirmation of the number of qualifying subscribers; and

(i) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels or administering the program.

(10) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(11)(a) The Washington State University extension energy program must review each project for which an application for certification is submitted in accordance with subsection (8) of this section for reasonable cost and financial structure, with a targeted cost of three dollars per watt of installed system capacity that is designated for a community solar project's qualifying subscribers. The Washington State University extension energy program may approve an application for a project that costs more or less than three dollars per watt of installed system capacity based on a review of the project, documents submitted by the project applicant, and available data. Project cost evaluations must exclude costs associated with energy storage systems. Applicants may petition the Washington State University extension energy program to approve a higher cost per watt for unusual circumstances, except that such costs may not include costs associated with energy storage systems.

(b) The Washington State University extension energy program may review the cost per watt target under (a) of this subsection prior to each fiscal biennium and is authorized to determine a new cost per watt target.

(12)(a) Within thirty days of receipt of an application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the site of the community solar project, by mail or electronically, whether certification has been granted. The certification notice must state the total dollar amount of the low-income community solar incentive payment for which the applicant is eligible under this section.

(b) Within sixty days of receipt of a notification under (a) of this subsection, the utility serving the site of the community solar project must remit the applicable one-time low-income community solar incentive payment to the project administrator, who accepts the payment on behalf of, and for the purpose of providing direct benefits to, the project's qualifying subscribers.

(13)(a) Certification follows the community solar project if the following conditions are met using procedures established by the Washington State University extension energy program:

(i) The community solar project is transferred to a new owner who notifies the Washington State University extension energy program of the transfer;

(ii) The new owner provides an executed interconnection agreement with the utility serving the site of the community solar project; and

(iii) The new owner agrees to provide equivalent ongoing benefits to qualifying subscribers as the current owner.

(b) In the event that a qualifying subscriber terminates their participation in a community solar project, the system certification follows the project and participation must be transferred to a new qualifying subscriber.

(14) Beginning January 1, 2021, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for community solar projects; and

(b) An estimate of the amount of credit that has not yet been allocated for low-income community solar incentive payments under each utility's credit limit and that remains available for new community solar project certifications in the state.

(15) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received.

(16) The nonpower attributes of the community solar project belong to the individual subscribers, and must be kept, sold, or transferred at a subscriber's discretion, unless a contract between the subscriber and administrator clearly specifies that the attributes will be transferred to the administrator. If the nonpower attributes are sold or transferred, the utility to which the project is interconnected has the first right of refusal to procure the nonpower attributes at their fair market value.

(17) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(18) The Washington State University extension energy program must collect a one-time fee for precertification applications submitted under this section of five hundred dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(19) The Washington State University extension energy program may, through a public process, develop program requirements, policies, and processes necessary for the administration or implementation of this section.

(20) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

(21) No certification may be issued under this section by the Washington State University extension energy program for a community solar project after June 30, 2033.

(22) This section expires June 30, 2036.

Sec. 8. RCW 82.16.170 and 2017 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The purpose of community solar programs is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2017, a community solar administrator may organize and administer a community solar project as provided in this section.

(2) ((A)) In order to receive certification for the incentive payment provided under RCW 82.16.165(1) by December 31, 2021, a community solar project must have a direct current

nameplate capacity that is no more than one thousand kilowatts and must have at least ten participants or one participant for every ten kilowatts of direct current nameplate capacity, whichever is greater. A community solar project that has a direct current nameplate capacity greater than five hundred kilowatts must be subject to a standard interconnection agreement with the utility serving the situs of the community solar project. Except for community solar projects authorized under subsection ((9)) (10) of this section, each participant must be a customer of the utility providing service at the situs of the community solar project.

(3) In order to receive certification for the incentive payment provided under section 7 of this act beginning July 1, 2020, a community solar project must meet the following requirements:

(a) The administrator of the community solar project must be a utility, nonprofit, or other local housing authority. The administrator of the community solar project must apply for precertification under section 7 of this act on or after July 1, 2020;

(b) The community solar project must have an alternating current nameplate capacity that is greater than twelve kilowatts but no greater than one hundred ninety-nine kilowatts, and must have at least two subscribers or one low-income service provider subscriber;

(c) The administrator of the community solar project must provide a verified list of qualifying subscribers;

(d) Verification that an individual household subscriber meets the definition of low-income must be provided to the administrator by an entity with authority to maintain the confidentiality of the income status of the low-income subscriber. If the providing entity incurs costs to verify a subscriber's income status, the administrator must provide reimbursement of those costs;

(e) Except for community solar projects authorized under subsection (10) of this section, each subscriber must be a customer of the utility providing service at the site of the community solar project;

(f) In the event that a low-income subscriber in a community solar project certified under section 7 of this act moves from the household premises of the subscriber's current subscription to another, the subscriber may continue the subscription, provided that the new household premises is served by the utility providing service at the site of the community solar project. In the event that a subscriber is no longer served by that utility or the subscriber terminates participation in a community solar project certified under section 7 of this act, the certification follows the system and participation may be transferred by the administrator to a new qualifying subscriber;

(g) The administrator must include in the application for precertification a project prospectus that demonstrates how the administrator intends to provide direct benefits to qualifying subscribers for the duration of their subscription to the community solar project; and

(h) The length of the subscription term for low-income subscribers must be the same length as for other subscribers, if applicable.

(4) The administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

((4)) (5) The administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

~~((5))~~ (6) The administrator of a community solar project must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:

- (a) Ownership information;
- (b) Contact information for technical management questions;
- (c) Business address;
- (d) Project design details, including project location, output capacity, equipment list, and interconnection information; and
- (e) Subscription information, including rates, fees, terms, and conditions.

~~((6))~~ (7) The administrator of a community solar project must provide the information required in subsection ~~((5))~~ (6) of this section to the Washington State University extension energy program at the time it submits the applications allowed under RCW 82.16.165(1) and section 7 of this act.

~~((7))~~ (8) The administrator of a community solar project must provide each project participant with a disclosure form containing all material terms and conditions of participation in the project, including but not limited to the following:

- (a) Plain language disclosure of the terms under which the project participant's share of any incentive payment will be calculated by the Washington State University extension energy program ~~((over the life of the contract))~~;
- (b) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;
- (c) All recurring and nonrecurring charges;
- (d) A description of the billing and payment procedures;
- (e) A description of any compensation to be paid in the event of project underperformance;
- (f) Current production projections and a description of the methodology used to develop the projections;
- (g) Contact information for questions and complaints; and
- (h) Any other terms and conditions of the services provided by the administrator.

~~((8))~~ (9) A utility may not adopt rates, terms, conditions, or standards that unduly or unreasonably discriminate between utility-administered community solar projects and those administered by another entity.

~~((9))~~ (10) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2017, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

~~((10))~~ (11) The Washington utilities and transportation commission must publish, without disclosing proprietary information, a list of the following:

- (a) Entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and
- (b) Community solar projects and related programs and services offered by investor-owned utilities.

~~((11))~~ (12) If a consumer-owned utility opts to provide a community solar program or contracts with a nonutility administrator to offer a community solar program, the governing body of the consumer-owned utility must publish, without disclosing proprietary information, a list of the nonutility

administrators contracted by the utility as part of its community solar program.

~~((12))~~ (13) Except for parties engaged in actions and transactions regulated under laws administered by other authorities and exempted under RCW 19.86.170, a violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((13))~~ (14) Nothing in this section may be construed as intending to preclude persons from investing in or possessing an ownership interest in a community solar project, or from applying for and receiving federal investment tax credits.

(15) This section expires June 30, 2036.

Sec. 9. RCW 82.16.110 and 2011 c 179 s 2 are each amended to read as follows:

(1) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1))~~ (a) "Administrator" means an owner and assignee of a community solar project as defined in ~~((subsection (2)(a)(i)))~~ (b)(i)(A) of this ~~((section))~~ subsection that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such administrative tasks on behalf of the other owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

~~((2)(a))~~ (b)(i) "Community solar project" means:

~~((1))~~ (A) A solar energy system that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business;

~~((1))~~ (B) A utility-owned solar energy system that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project; or

~~((1))~~ (C) A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120.

~~((1))~~ (ii) For the purposes of "community solar project" as defined in ~~((a))~~ (b)(i) of this subsection:

~~((1))~~ (A) "Company" means an entity that is:

~~((1))~~ (I) A limited liability company; ~~((1))~~ (II) a cooperative formed under chapter 23.86 RCW; or ~~((1))~~ (III) a mutual corporation or association formed under chapter 24.06 RCW; and

~~((1))~~ (II) Not a "utility" as defined in this subsection ~~((2)(b))~~ (1)(b)(ii); and

~~((1))~~ (B) "Nonprofit organization" means an organization exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

~~((444))~~ (C) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

~~((33))~~ (c) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility-owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt-hours of annual sales or a gas distribution business.

~~((44))~~ (d) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((55))~~ (e) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~((66))~~ (f) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((77))~~ (g) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((88))~~ (h) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((99))~~ (i) "Solar inverter" means the device used to convert direct current to alternating current in a solar energy system.

~~((400))~~ (j) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

~~((444))~~ (k) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(2) This section expires June 30, 2031.

Sec. 10. RCW 82.16.120 and 2017 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, and ending June 30, 2017, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(b) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(i))~~ (1)(b)(i)(A), the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110~~((2)(a)(iii))~~ (1)(b)(i)(C), the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the information described in (c) of this subsection.

(b) The department may not accept certifications submitted to the department under (a) of this subsection after September 30, 2017.

(c) The certification must include:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110~~((2)(a)(i))~~ (1)(b)(i)(A), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110~~((2)(a)(iii))~~ (1)(b)(i)(C), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state;

(E) A stirling converter manufactured in Washington state; or

(F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction.

(d) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(3)(a) By August 1st of each year through August 1, 2017, the application for the incentive must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110~~((2)(a)(i))~~ (1)(b)(i)(A), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110~~((2)(a)(iii))~~ (1)(b)(i)(C), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure.

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and must add thereto interest on the amount. Interest is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirling converter manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110((2)(a)(i)) (1)(b)(i)(A)), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive

in proportion to the contribution, up to five thousand dollars per year.

(6) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(7) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(8) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2017, except as provided in subsections (10) through (12) of this section.

(9) Beginning October 1, 2017, program management, technical review, and tracking responsibilities of the department under this section are transferred to the Washington State University extension energy program. At the earliest date practicable and no later than September 30, 2017, the department must transfer all records necessary for the administration of the remaining incentive payments due under this section to the Washington State University extension energy program.

(10) Participants in the renewable energy investment cost recovery program under this section will continue to receive payments for electricity produced through June 30, 2020, at the same rates their utility paid to participants for electricity produced between July 1, 2015, and June 30, 2016.

(11) In order to continue to receive the incentive payment allowed under subsection (4) of this section, a person or community solar project administrator who has, by September 30, 2017, submitted a complete certification to the department under subsection (2) of this section must apply to the Washington State University extension energy program by April 30, 2018, for a certification authorizing the utility serving the situs of the renewable energy system to annually remit the incentive payment allowed under subsection (4) of this section for each kilowatt-hour generated by the renewable energy system through June 30, 2020.

(12)(a) The Washington State University extension energy program must establish an application process and form by which to collect the system operation data described in RCW 82.16.165(7)(a)(iii) from each person or community solar project administrator applying for a certification under subsection (11) of this section. The Washington State University extension energy program must notify any applicant that providing this data is a condition of certification and that any certification issued pursuant to this section is void as of June 30, 2018, if the applicant has failed to provide the data by that date.

(b) Beginning July 1, 2018, the Washington State University extension energy program must, in a form and manner that is consistent with the roles and processes established under RCW 82.16.165 (19) and (20), calculate for the year and provide to the utility the amount of the incentive payment due to each participant under subsection (11) of this section.

(13) This section expires June 30, 2031.

Sec. 11. RCW 82.16.150 and 2010 c 202 s 5 are each amended to read as follows:

(1) Owners of a community solar project as defined in RCW 82.16.110((2)(a)(i) and (iii)) (1)(b)(i)(A) and (C) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may

be made in such application or certification. Should a light and power business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

(2) This section expires June 30, 2031.

Sec. 12. RCW 82.16.155 and 2017 3rd sp.s. c 36 s 2 are each amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference and incentives created under ~~((RCW 82.16.130 and))~~ sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preference and incentives. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preference created under ~~((RCW 82.16.130))~~ section 4, chapter 36, Laws of 2017 3rd sp. sess., and incentive payments authorized in section 6, chapter 36, Laws of 2017 3rd sp. sess. as intended to:

(a) Induce participating utilities to make incentive payments to utility customers who invest in renewable energy systems; and

(b) By inducing utilities, nonprofit organizations, and utility customers to acquire and install renewable energy systems, retain jobs in the clean energy sector and create additional jobs.

(3) The legislature's public policy objectives are to:

(a) Increase energy independence from fossil fuels; and

(b) Promote economic development through increasing and improving investment in, development of, and use of clean energy technology in Washington; and

(c) Increase the number of jobs in and enhance the sustainability of the clean energy technology industry in Washington.

(4) It is the legislature's intent to provide the incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ~~((and RCW 82.16.130))~~ in order to ensure the sustainable job growth and vitality of the state's renewable energy sector. The purpose of the incentive is to reduce the costs associated with installing and operating solar energy systems by persons or entities receiving the incentive.

(5) As part of its 2021 tax preference reviews, the joint legislative audit and review committee must review the tax preferences and incentives in sections 4 and 6, chapter 36, Laws of 2017 3rd sp. sess. ~~((and RCW 82.16.130.))~~ The legislature intends for the legislative auditor to determine that the incentive has achieved its desired outcomes if the following objectives are achieved:

(a) Installation of one hundred fifteen megawatts of solar photovoltaic capacity by participants in the incentive program between July 1, 2017, and June 30, 2021; and

(b) Growth of solar-related employment from 2015 levels, as evidenced by:

(i) An increased per capita rate of solar energy-related jobs in Washington, which may be determined by consulting a relevant trade association in the state; or

(ii) Achievement of an improved national ranking for solar energy-related employment and per capita solar energy-related employment, as reported in a nationally recognized report.

(6) In order to obtain the data necessary to perform the review, the joint legislative audit and review committee may refer to data collected by the Washington State University extension energy program and may obtain employment data from the employment security department.

(7) The Washington State University extension energy program must collect, through the application process, data from persons claiming the tax credit under ~~((RCW 82.16.130))~~ section 4, chapter 36, Laws of 2017 3rd sp. sess. and persons receiving the incentive payments created in ~~((RCW 82.16.165))~~ section 6,

chapter 36, Laws of 2017 3rd sp. sess., as necessary, and may collect data from other interested persons as necessary to report on the performance of chapter 36, Laws of 2017 3rd sp. sess.

(8) All recipients of tax credits or incentive payments awarded under this chapter must provide data necessary to evaluate the tax preference performance objectives in this section as requested by the Washington State University extension energy program or the joint legislative audit and review committee. Failure to comply may result in the loss of a tax credit award or incentive payment in the following year.

(9) This section expires June 30, 2031.

NEW SECTION. Sec. 13. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 82.16.130, 82.16.160, 82.16.165, 82.16.170, 82.16.110, 82.16.120, 82.16.150, and 82.16.155; adding new sections to chapter 82.16 RCW; creating new sections; providing expiration dates; and declaring an emergency."

MOTION

Senator Lovelett moved that the following floor amendment no. 1373 by Senator Lovelett be adopted:

On page 17, line 21, after "(a)" insert "(i)"

On page 17, line 21, after "nonprofit," insert "tribal housing authority as provided in (a)(ii) of this subsection."

On page 17, after line 23, insert the following:

"(ii) A tribal housing authority may only administer a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members."

On page 23, line 21, after "hundred" strike "eight" and insert "eighty"

On page 26, line 28, after "nonprofit," insert "tribal housing authority that administers a community solar project on tribal lands or lands held in trust for a federally recognized tribe by the United States for subscribers who are tribal members."

Senator Lovelett spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1373 by Senator Lovelett on page 17, line 21 to the committee striking amendment.

The motion by Senator Lovelett carried and floor amendment no. 1373 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 2248.

The motion by Senator Lovelett carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Braun, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2248 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2248 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Holy, Honeyford, Padden, Schoesler, Short, Walsh and Wilson, L.

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2903, by Representatives Chapman, Stokesbary, Chambers, Gildon, Tharinger and Senn

Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 2903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2903.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2903 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Frockt

Absent: Senators Carlyle and Dhingra

Excused: Senator Rivers

HOUSE BILL NO. 2903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2943, by Representatives Robinson, Chapman and Tharinger

Providing a business and occupation tax preference for behavioral health administrative services organizations.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 2943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and O'Ban spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senators Dhingra and Frockt were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2943.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2943 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

HOUSE BILL NO. 2943, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6231, by Senators Kuderer, Darneille, Dhingra, Hunt, Mullet, Wilson and C.

Providing a limited property tax exemption for the construction of accessory dwelling units.

MOTIONS

On motion of Senator Kuderer, Second Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Second Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6231.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa, Honeyford, Padden and Wagoner

SECOND SUBSTITUTE SENATE BILL NO. 6231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, and without objection, the rules were suspended and the Committee on Rules was relieved of further consideration of the measures in the Committee's X file listed on the document entitled "*Bill Dispositions, 3/11/2020*" and the following measures were placed on the Second Reading Calendar: House Bill No. 1983,, concerning natural resource management activities; House Bill No. 2242,, concerning travel trailers; and House Joint Memorial No. 4016., requesting to commence proceedings in naming state route number 902 the Gold Star Memorial Highway.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1368,

SUBSTITUTE HOUSE BILL NO. 2632,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,

SECOND SUBSTITUTE HOUSE BILL NO. 2737,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 12:06 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:09 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Jason R. Hamilton, Senate Gubernatorial Appointment No. 9364, be confirmed as a member of the Board of Pilotage Commissioners.

Senator King spoke in favor of the motion.

APPOINTMENT OF JASON R. HAMILTON

The President declared the question before the Senate to be the confirmation of Jason R. Hamilton, Senate Gubernatorial Appointment No. 9364, as a member of the Board of Pilotage Commissioners.

The Secretary called the roll on the confirmation of Jason R. Hamilton, Senate Gubernatorial Appointment No. 9364, as a member of the Board of Pilotage Commissioners and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Ericksen and Warnick

Jason R. Hamilton, Senate Gubernatorial Appointment No. 9364, having received the constitutional majority was declared confirmed as a member of the Board of Pilotage Commissioners.

MOTION

On motion of Senator Honeyford, Senators Ericksen and Warnick were excused.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Payton O. Swinford, Senate Gubernatorial Appointment No. 9311, be confirmed as a member of the Washington Student Achievement Council.

Senators Wellman, Randall and Rolfes spoke in favor of passage of the motion.

APPOINTMENT OF PAYTON O. SWINFORD

The President declared the question before the Senate to be the confirmation of Payton O. Swinford, Senate Gubernatorial Appointment No. 9311, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of Payton O. Swinford, Senate Gubernatorial Appointment No. 9311, as a member of the Washington Student Achievement Council and the

FIFTY NINTH DAY, MARCH 11, 2020

appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

Payton O. Swinford, Senate Gubernatorial Appointment No. 9311, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
SECOND SUBSTITUTE HOUSE BILL NO. 1191,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1521,
ENGROSSED HOUSE BILL NO. 1552,
HOUSE BILL NO. 1590,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1783,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
SECOND SUBSTITUTE HOUSE BILL NO. 1888,
HOUSE BILL NO. 2051,
HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2302,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342,
SUBSTITUTE HOUSE BILL NO. 2374,
SUBSTITUTE HOUSE BILL NO. 2393,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2409,
HOUSE BILL NO. 2412,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2456,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2464,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2528,
SUBSTITUTE HOUSE BILL NO. 2543,
HOUSE BILL NO. 2545,
ENGROSSED HOUSE BILL NO. 2584,
HOUSE BILL NO. 2587,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2622,
HOUSE BILL NO. 2640,
HOUSE BILL NO. 2641,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2691,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713,

2020 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2794,

SUBSTITUTE HOUSE BILL NO. 2889,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
SENATE BILL NO. 6049,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6141,
SUBSTITUTE SENATE BILL NO. 6191,

ENGROSSED SENATE BILL NO. 6313,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6440,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6473,
SUBSTITUTE SENATE BILL NO. 6632,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Rolfes moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1661.

The President declared the question before the Senate to be motion by Senator Rolfes that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1661.

The motion by Senator Rolfes carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1661 by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended and Second Substitute House Bill No. 1661 was returned to second reading for the purposes of amendment.

MOTION

Senator Rolfes moved that the following striking floor amendment no. 1377 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated

strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

Sec. 2. RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(=) and ~~((28B.10.423))~~ this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420(=) and ~~((28B.10.423))~~ this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office

of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

~~((4)(a) ((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~((b)))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((c)))~~ ~~((b))~~ Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d)))~~ ~~((c)(i))~~ Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.28 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

((ii)) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

((iii)) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

~~((d))~~ Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ~~((initial))~~ actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may~~((=~~

~~((i)) Adopt))~~, by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature~~((=~~

~~((ii)) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility)).~~

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

Sec. 3. RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

Sec. 4. RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the

council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((40))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((44))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

Sec. 5. RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6)(a)(i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

NEW SECTION. Sec. 6. A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4)(a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

Sec. 7. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the

department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation

future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 8. This act takes effect July 1, 2020."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1377 by Senator Liias to Second Substitute House Bill No. 1661.

The motion by Senator Rolfes carried and striking floor amendment no. 1377 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Second Substitute House Bill No. 1661 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1661 as amended by the Senate.

ROLL CALL

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1661 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

SECOND SUBSTITUTE HOUSE BILL NO. 1661 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6478. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6478-S2 AMH ENTE H5428.1 and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.010 and 2019 c 343 s 2 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the head of the household or married to the head of the household.

(3) The department shall adopt regulations to apply the sixty-month time limit to households in which a parent is in the home and ineligible for temporary assistance for needy families. Any regulations shall be consistent with federal funding requirements.

(4) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(5)(a) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(i) By reason of hardship, including ~~((if the recipient is a homeless person as described in RCW 43.185C.010))~~ when the recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42

U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(ii) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193.

(b) Policies related to circumstances under which a recipient will be exempted from the application of subsection (1) or (3) of this section shall treat adults receiving benefits on their own behalf, and parents receiving benefits on behalf of their child similarly, unless required otherwise under federal law.

(6) The department shall not exempt a recipient and his or her family from the application of subsection (1) or (3) of this section until after the recipient has received fifty-two months of assistance under this chapter.

(7) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in sanction status. If necessary, the department shall extend the household's basic food certification until the end of the transition period.

NEW SECTION. Sec. 2. A new section is added to chapter 74.08A RCW to read as follows:

(1) Annually by December 31st, the department must report to the governor and the appropriate policy and fiscal committees of the legislature disaggregated data identifying the race of individuals whose temporary assistance for needy families benefits were reduced or terminated during the preceding year due to:

(a) Sanction as described in RCW 74.08A.260; or

(b) Reaching the sixty-month time limit under RCW 74.08A.010.

(2) If the disaggregated data for terminated or sanctioned individuals shows a disproportionate representation of any racial group that has experienced historic disparities or discrimination, the department must describe steps it is taking to address and remedy the racial disproportionality.

NEW SECTION. Sec. 3. Section 1 of this act takes effect July 1, 2021."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6478.

Senator Nguyen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6478.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6478 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6478, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6478, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 6478, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6641. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6641-S.E AMH CODY H5425.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.155.020 and 2004 c 38 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory committee" means the sex offender treatment providers advisory committee established under section 5 of this act.

(2) "Certified sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW.

((2)) (3) "Certified affiliate sex offender treatment provider" means ((a licensed, certified, or registered health professional)) an individual who is a licensed psychologist, licensed marriage and family therapist, licensed social worker, licensed mental health counselor, or psychiatrist as defined in RCW 71.05.020, who is certified as an affiliate to examine and treat sex offenders pursuant to chapters 9.94A and 13.40 RCW and sexually violent predators under chapter 71.09 RCW under the supervision of a ((certified sex offender treatment provider)) qualified supervisor.

((3)) (4) "Department" means the department of health.

((4)) (5)(a) "Qualified supervisor" means:

(i) A person who meets the requirements for certification as a sex offender treatment provider;

(ii) A person who meets a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field; or

(iii) A person who meets a lifetime experience threshold of at least two years of full-time work in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services and who continues to maintain professional involvement in the field.

(b) A qualified supervisor not credentialed by the department as a sex offender treatment provider must sign and submit to the department an attestation form provided by the department stating under penalty of perjury that the qualified supervisor has met the requisite education, training, or experience requirements and that the qualified supervisor is able to substantiate the qualified supervisor's claim to have met the requirements for education, training, or experience.

(6) "Secretary" means the secretary of health.

((5)) (7) "Sex offender treatment provider" or "affiliate sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

Sec. 2. RCW 18.155.030 and 2004 c 38 s 4 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider or certified affiliate sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ((certified sex offender treatment provider)) qualified supervisor, may perform or provide the following services:

(a) ~~((Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;~~

~~((b)))~~ Treatment or evaluation of convicted level III sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated level III juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW; or

((c)) (b) Except as provided under subsection (3) of this section, treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider, or certified affiliate sex offender treatment provider who has completed at least fifty percent of the required hours under the supervision of a ((certified sex offender treatment provider)) qualified supervisor, may not perform or provide treatment of sexually violent predators under subsection (2)((c)) (b) of this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(4) Certified sex offender treatment providers and certified affiliate sex offender treatment providers may perform or provide the following service: Treatment or evaluation of convicted level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile level I and level II sex offenders who are sentenced and ordered into treatment pursuant to chapter 13.40 RCW.

(5) Employees of state-run facilities or state-run treatment programs are not required to be a certified sex offender treatment provider or a certified affiliate sex offender treatment provider to do the work described in this section as part of their job duties if not pursuing certification under this chapter.

(6) Individuals credentialed by the department of health as a certified sex offender treatment provider or a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

18.155.020 (2) and (3), provided the underlying license or credential remains active and in good standing.

Sec. 3. RCW 18.155.075 and 2006 c 134 s 2 are each amended to read as follows:

(1) The department shall issue an affiliate certificate to any applicant who meets the following requirements:

((4)) (a) Successful completion of an educational program approved by the secretary or successful completion of alternate training which meets the criteria of the secretary;

((2)) (b) Successful completion of an examination administered or approved by the secretary;

((3)) (c) Proof of supervision by a ~~((certified sex offender treatment provider))~~ qualified supervisor;

((4)) (d) Not having engaged in unprofessional conduct or being unable to practice with reasonable skill and safety as a result of a physical or mental impairment;

((5)) (e) Not convicted of a sex offense, as defined in RCW 9.94A.030 or convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; and

((6)) (f) Other requirements as may be established by the secretary that impact the competence of the sex offender treatment provider.

(2) Individuals credentialed by the department of health as a certified affiliate sex offender treatment provider prior to the effective date of this section are considered to have met the requirement of holding an underlying health license or credential described in RCW 18.155.020(3), provided the underlying license or credential remains active and in good standing.

Sec. 4. RCW 18.155.080 and 2004 c 38 s 7 are each amended to read as follows:

The secretary shall establish standards and procedures for approval of the following:

(1) Educational programs and alternate training, which must consider credit for experience obtained through work in a state-run facility or state-run treatment program in Washington or in another state or territory of the United States where the applicant demonstrates having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(2) Examination procedures;

(3)(a) Certifying applicants who have a comparable certification in another jurisdiction, who must be allowed to receive consideration of certification if:

(i) They hold or have held within the past thirty-six months a credential in good standing from another state or territory of the United States that the secretary, with advice from the advisory committee, deems to be substantially equivalent to sex offender treatment provider certification in Washington; or

(ii) They meet a lifetime experience threshold of having provided at least two thousand hours of direct sex offender specific treatment and assessment services, or two years full-time experience working in a state-run facility or state-run treatment program providing direct sex offender specific treatment and assessment services, and continue to maintain professional involvement in the field;

(b) Nothing in (a) of this subsection prohibits the secretary from requiring background checks as a condition of receiving a credential;

(4) Application method and forms;

(5) Requirements for renewals of certificates;

(6) Requirements of certified sex offender treatment providers and certified affiliate sex offender treatment providers who seek inactive status;

(7) Other rules, policies, administrative procedures, and administrative requirements as appropriate to carry out the purposes of this chapter.

(8) In construing the requirements of this section, the applicant may sign attestation forms under penalty of perjury indicating that the applicant has participated in the required training and that the applicant is able to substantiate the applicant's claim to have met the requirements for hours of training if such substantiation is requested. Substantiation may include letters of recommendation from experts in the field with personal knowledge of the applicant's qualifications and experience to treat sex offenders in the community.

(9) Employees of a state-run facility or state-run treatment program may obtain the necessary experience to qualify for this certification through their work and do not need to be certified as an affiliate sex offender treatment provider to obtain the necessary experience requirements upon demonstrating proof of supervision by a qualified supervisor.

NEW SECTION. Sec. 5. A new section is added to chapter 18.155 RCW to read as follows:

(1) The sex offender treatment providers advisory committee is established to advise the secretary concerning the administration of this chapter.

(2) The secretary shall appoint the members of the advisory committee, which shall consist of the following persons:

(a) One superior court judge;

(b) Three sex offender treatment providers;

(c) One mental health practitioner who specializes in treating victims of sexual assault;

(d) One defense attorney with experience in representing persons charged with sexual offenses;

(e) One representative from a statewide association representing prosecuting attorneys;

(f) The secretary of the department of social and health services or the secretary's designee;

(g) The secretary of the department of corrections or the secretary's designee; and

(h) The secretary of the department of children, youth, and families or the secretary's designee.

(3) The advisory committee shall be a permanent body. The members shall serve staggered six-year terms, to be set by the secretary. No person other than the members representing the departments of social and health services, children, youth, and families, and corrections may serve more than two consecutive terms.

(4) The secretary may remove any member of the advisory committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(5) The advisory committee shall provide advice to the secretary concerning:

(a) Certification procedures under this chapter and their implementation;

(b) Standards maintained under RCW 18.155.080, and advice on individual applications for certification;

(c) Issues pertaining to maintaining a healthy workforce of certified sex offender treatment providers to meet the needs of the state of Washington. In considering workforce issues, the advisory committee must evaluate options for reducing or eliminating some or all of the certification-related fees, including the feasibility of requiring that the cost of regulation of persons certified under this chapter be borne by the professions that are

identified as eligible to be an underlying credential for certification; and

(d) Recommendations for reform of regulatory or administrative practices of the department, the department of social and health services, or the department of corrections that are within the purview and expertise of the advisory committee. The advisory committee may submit recommendations requiring statutory reform to the office of the governor, the secretary of the senate, and the chief clerk of the house of representatives.

(6) Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The advisory committee shall elect officers as deemed necessary to administer its duties. A simple majority of the advisory committee members currently serving shall constitute a quorum of the advisory committee.

(8) Members of the advisory committee shall be residents of the state of Washington.

(9) Members of the advisory committee who are sex offender treatment providers must have a minimum of five years of extensive work experience in treating sex offenders to qualify for appointment to the advisory committee. The sex offender treatment providers on the advisory committee must be certified under this chapter.

(10) The advisory committee shall meet at times as necessary to conduct advisory committee business.

NEW SECTION. Sec. 6. A new section is added to chapter 71.09 RCW to read as follows:

To facilitate the equitable geographic distribution of conditional releases under this chapter, the department shall notify the secretary of health, or the secretary's designee, whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment services to persons on conditional release under this chapter, in which case the secretary of health shall waive any fees for the initial issue, renewal, and reissuance of a credential for the provider under chapter 18.155 RCW. An underserved county is any county identified by the department as having an inadequate supply of qualified sex offender treatment providers to achieve equitable geographic distribution of conditional releases under this chapter.

Sec. 7. RCW 18.155.040 and 2004 c 38 s 5 are each amended to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 (~~(and)~~), 43.70.280, and section 6 of this act;

(2) To establish forms necessary to administer this chapter;

(3) To issue a certificate or an affiliate certificate to any applicant who has met the education, training, and examination requirements for certification or an affiliate certification and deny a certificate to applicants who do not meet the minimum qualifications for certification or affiliate certification. Proceedings concerning the denial of certificates based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To hire clerical, administrative, and investigative staff as needed to implement and administer this chapter and to hire individuals including those certified under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter;

(5) To maintain the official department record of all applicants and certifications;

(6) To conduct a hearing on an appeal of a denial of a certificate on the applicant's failure to meet the minimum qualifications for certification. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(7) To issue subpoenas, statements of charges, statements of intent to deny certificates, and orders and to delegate in writing to a designee the authority to issue subpoenas, statements of charges, and statements of intent to deny certificates;

(8) To determine the minimum education, work experience, and training requirements for certification or affiliate certification, including but not limited to approval of educational programs;

(9) To prepare and administer or approve the preparation and administration of examinations for certification;

(10) To establish by rule the procedure for appeal of an examination failure;

(11) To adopt rules implementing a continuing competency program;

(12) To adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. Sec. 8. The following sections are decodified:

(1) RCW 18.155.900 (Index, part headings not law—1990 c 3);

(2) RCW 18.155.901 (Severability—1990 c 3); and

(3) RCW 18.155.902 (Effective dates—Application—1990 c 3)."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641.

Senators O'Ban and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6641 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Erickson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute House Bill No. 2322

FIFTY NINTH DAY, MARCH 11, 2020

March 11, 2020

2020 REGULAR SESSION

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 2322, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2019-2021 FISCAL BIENNIUM**GENERAL GOVERNMENT AGENCIES—OPERATING**

Sec. 101. 2019 c 416 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ~~(((\$1,403,000))~~
\$1,419,000

Multimodal Transportation Account—State Appropriation
\$300,000

Puget Sound Ferry Operations Account—State Appropriation
~~(((\$116,000))~~
\$121,000

TOTAL APPROPRIATION \$1,819,000
\$1,840,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the office of financial management, in direct coordination with the office of state treasurer, to evaluate, coordinate, and assist in efforts by state agencies in developing cost recovery mechanisms for credit card and other financial transaction fees currently paid from state funds. This may include disbursing interagency reimbursements for the implementation costs incurred by the affected agencies. As part of the first phase of this effort, the office of financial management, with the assistance of relevant agencies, must develop implementation plans and take all necessary steps to ensure that the actual cost-recovery mechanisms will be in place by January 1, 2020, for the vehicles and drivers programs of the department of licensing. By November 1, 2019, the office of financial management must provide a report to the joint transportation committee on the phase 1 implementation plan and options to expand similar cost recovery mechanisms to other state agencies and programs, including the ferries division.

Sec. 102. 2019 c 416 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ~~(((\$1,357,000))~~
\$1,359,000

Sec. 103. 2019 c 416 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation ~~(((\$5,228,000))~~
\$6,040,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,125,000 of the pilotage account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(a) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account; and

(b) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

(2) The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2019, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

Sec. 104. 2019 c 416 s 109 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation ~~(((\$2,861,000))~~
\$3,082,000

Sec. 105. 2019 c 416 s 110 (uncodified) is amended to read as follows:

FOR THE SENATE

Motor Vehicle Account—State Appropriation ~~(((\$2,998,000))~~
\$2,999,000

NEW SECTION. Sec. 106. A new section is added to 2019 c 416 (uncodified) to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

Motor Vehicle Account—State Appropriation \$250,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely for the University of Washington, Foster School of Business' Consulting and Business Development Center to conduct an analysis of workforce development needs of the Washington state ferries. Plan development should consider the findings from the 2019 Washington state ferries overtime report, including data trend analysis and insight gathered from discussions with Washington state ferries staff and unions. The report of the study findings and recommendations is due to the transportation committees of the legislature by January 11, 2021. The study must include, but is not limited to, the following:

(1) A description of the current workforce, including demographic composition, use of relief and temporary employees, and the numbers of management and supervisory staff compared to line workers;

(2) An analysis of vacancies by job class and collective bargaining unit, the causes of vacancies, and projections of how these dynamics may change going forward;

(3) An analysis of current strategies for filling vacancies, including the use of overtime, relief staff, on-call staff, hiring of additional or new employees, and a comparison of these strategies to determine which may be more cost-effective;

(4) An inventory of mandatory training and certification requirements as compared to training provided currently to state ferries employees;

(5) An analysis of the role of federal requirements and collective bargaining agreements in determining staffing levels, as well as current practices in workforce management and development;

(6) An analysis of barriers to implementing changes in workforce management or innovative approaches to workforce development; and

(7) Findings and recommendations regarding recruitment methods and needs, strategies on how to recruit and conduct outreach to underrepresented communities throughout the state, management of overtime and leave usage, ratio of management employees to line employees as compared to industry and public

sector standards, and adequacy of training budgets to meet workforce development needs.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2019 c 416 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account—State	Appropriation ((\$4,588,000)) \$4,675,000
Highway	Safety	Account—Federal	Appropriation ((\$27,035,000)) \$27,051,000
Highway	Safety	Account—Private/Local	Appropriation \$118,000
School Zone Safety Account—State			Appropriation \$850,000
TOTAL APPROPRIATION			\$32,591,000 \$32,694,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 54 ((~~Substitute Senate Bill No. 5710~~)), Laws of 2019 (Cooper Jones Active Transportation Safety Council). If chapter 54 ((~~Substitute Senate Bill No. 5710~~)), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, ((2019)) 2020.

(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall ((~~plainly mark the locations~~)) install two signs facing opposite directions within two hundred feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used ((by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws violations are being detected by automated vehicle noise enforcement cameras that record both audio and video)) that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must ((~~provide periodic notice by mail to its residents~~)) post information on the city web site and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within fourteen days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (2); and

(vii) By June 30, 2021, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(3) The Washington traffic safety commission may oversee a demonstration project in one county, coordinating with a public transportation benefit area (PTBA) and the department of transportation, to test the feasibility and accuracy of the use of automated enforcement technology for high occupancy vehicle (HOV) lane passenger compliance. All costs associated with the demonstration project must be borne by the participating public transportation benefit area. Any photograph, microphotograph, or electronic images of a driver or passengers are for the exclusive use of the PTBA in the determination of whether an HOV passenger violation has occurred to test the feasibility and accuracy of automated enforcement under this subsection and are not open to the public and may not be used in a court in a pending action or proceeding. All photographs, microphotographs, and electronic images must be destroyed after determining a passenger count and no later than the completion of the demonstration project. No warnings or notices of infraction may be issued under the demonstration project.

For purposes of the demonstration project, an automated enforcement technology device may record an image of a driver and passenger of a motor vehicle. The county and PTBA must erect signs marking the locations where the automated enforcement for HOV passenger requirements is occurring.

The PTBA, in consultation with the Washington traffic safety commission, must provide a report to the transportation committees of the legislature with the number of violations detected during the demonstration project, whether the technology used was accurate and any recommendations for future use of automated enforcement technology for HOV lane enforcement by June 30, 2021.

(4)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 (automated traffic safety cameras) or chapter . . . (Substitute Senate Bill No. 5789), Laws of 2020 (automated traffic safety cameras) to provide the transportation committees of the legislature with the following information by June 30, 2021:

(i) The number of warnings and infractions issued to first-time violators under the pilot program;

(ii) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(iii) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(b) If neither chapter . . . (Engrossed Substitute House Bill No. 1793), Laws of 2020 nor chapter . . . (Substitute Senate Bill No.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

5789), Laws of 2020 is enacted by June 30, 2020, the conditions of this subsection (4) have no force and effect.

Sec. 202. 2019 c 416 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	\$1,137,000
Motor Vehicle Account—State Appropriation	(\$2,803,000)
	<u>\$2,920,000</u>
County Arterial Preservation Account—State Appropriation	\$1,677,000
TOTAL APPROPRIATION	<u>\$5,617,000</u>
	<u>\$5,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$58,000 of the motor vehicle account—state appropriation is provided solely for succession planning and training.

Sec. 203. 2019 c 416 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	(\$4,526,000)
	<u>\$3,854,000</u>

Sec. 204. 2019 c 416 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation	(\$1,938,000)
	<u>\$2,187,000</u>
Multimodal Transportation Account—State Appropriation	(\$750,000)
	<u>\$917,000</u>
Highway Safety Account—State Appropriation	\$275,000
TOTAL APPROPRIATION	<u>\$2,963,000</u>
	<u>\$3,379,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the motor vehicle account—state appropriation and \$50,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a comprehensive assessment of statewide transportation needs and priorities, and existing and potential transportation funding mechanisms to address those needs and priorities. The assessment must include: (a) Recommendations on the critical state and local transportation projects, programs, and services needed to achieve an efficient, effective, statewide transportation system over the next ten years; (b) a comprehensive menu of funding options for the legislature to consider to address the identified transportation system investments; ~~(and)~~ (c) recommendations on whether a revision to the statewide transportation policy goals in RCW 47.04.280 is warranted in light of the recommendations and options identified in (a) and (b) of this subsection; and (d) an analysis of the economic impacts of a range of future transportation investments. The assessment must be submitted to the transportation committees of the legislature by June 30, 2020. Starting July 1, 2020, and concluding by December 31, 2020, a committee-appointed commission or panel shall review the assessment and make final recommendations to the legislature for consideration during the 2021 legislative session on a realistic, achievable plan for funding transportation programs, projects, and services over the next ten years including a timeline for legislative action on funding the identified transportation system needs shortfall.

(2)(a) ~~(\$450,000)~~ \$382,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct an analysis of the electrification of public fleets in Washington state. The study must include the following:

(i) An inventory of existing public fleets for the state of Washington, counties, a sampling of cities, and public transit agencies. The inventory must differentiate among battery and fuel cell electric vehicles, hybrid vehicles, gasoline powered vehicles, and any other functional categories. Three cities from each of the following population ranges must be selected for the analysis:

- (A) Population up to and including twenty-five thousand;
- (B) Population greater than twenty-five thousand and up to and including fifty thousand;
- (C) Population greater than fifty thousand and up to and including one hundred thousand;
- (D) Population greater than one hundred thousand;

(ii) A review of currently available battery and fuel cell electric vehicle alternatives to the vehicle types most commonly used by the state, counties, cities, and public transit agencies. The review must include:

(A) The average vehicle cost differential among the commercially available fuel options;

(B) A cost benefit analysis of the conversion of different vehicle classes; and

(C) Recommendations for the types of vehicles that should be excluded from consideration due to insufficient alternatives, unreliable technology, or excessive cost;

(iii) The projected costs of achieving substantial conversion to battery and/or fuel cell electric fleets by 2025, 2030, and 2035 for the state, counties, cities, and public transit agencies. This cost estimate must include:

(A) Vehicle acquisition costs, charging and refueling infrastructure costs, and other associated costs;

(B) Financial constraints of each type of entity to transition to an electric vehicle fleet; and

(C) Any other identified barriers to transitioning to a battery and/or fuel cell electric vehicle fleet;

(iv) Identification and analysis of financing mechanisms that could be used to finance the transition of publicly owned vehicles to battery and fuel cell electric vehicles. These mechanisms include, but are not limited to: Energy or carbon savings performance contracting, utility grants and rebates, revolving loan funds, state grant programs, private third-party financing, fleet management services, leasing, vehicle use optimization, and vehicle to grid technology; and

(v) The predicted number and location profile of electric vehicle fueling stations needed statewide to provide fueling for the fleets of the state, counties, cities, and public transit agencies.

(b) In developing and implementing the study, the joint transportation committee must solicit input from representatives of the department of enterprise services, the department of transportation, the department of licensing, the department of commerce, the Washington state association of counties, the association of Washington cities, the Washington state transit association, transit agencies, and others as deemed appropriate.

(c) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of an east-west intercity passenger rail system. The study must include the following elements:

- (i) Projections of potential ridership;
- (ii) Review of relevant planning studies;

(iii) Establishment of an advisory group and associated meetings;

(iv) Development of a Stampede Pass corridor alignment to maximize ridership, revenue, and rationale, considering service to population centers: Auburn, Cle Elum, Yakima, Tri-Cities, Ellensburg, Toppenish, and Spokane;

(v) Assessment of current infrastructure conditions, including station stop locations;

(vi) Identification of equipment needs; and

(vii) Identification of operator options.

(b) A report of the study findings and recommendations is due to the transportation committees of the legislature by June 30, 2020.

(4)(a) \$275,000 of the highway safety fund—state appropriation is for a study of vehicle subagents in Washington state. The study must consider and include recommendations, as necessary, on the following:

(i) The relevant statutes, rules, and/or regulations authorizing vehicle subagents and any changes made to the relevant statutes, rules, and/or regulations;

(ii) The current process of selecting and authorizing a vehicle subagent, including the change of ownership process and the identification of any barriers to entry into the vehicle subagent market;

(iii) The annual business expenditures borne by each of the vehicle subagent businesses since fiscal year 2010 and identification of any materials, including office equipment and supplies, provided by the department of licensing to each vehicle subagent since fiscal year 2010. To accomplish this task, each vehicle subagent must provide expenditure data to the joint transportation committee for the purposes of this study;

(iv) The oversight provided by the county auditors and/or the department of licensing over the vehicle subagent businesses;

(v) The history of service fees, how increases to the service fee rate are made, and how the requested fee increase is determined;

(vi) The online vehicle registration renewal process and any potential improvements to the online process;

(vii) The department of licensing's ability to provide more vehicle licensing services directly, particularly taking into account the increase in online vehicle renewal transactions;

(viii) The potential expansion of services that can be performed by vehicle subagents; and

(ix) The process by which the geographic locations of vehicle subagents are determined.

(b) In conducting the study, the joint transportation committee must consult with the department of licensing, a representative of county auditors, and a representative of vehicle subagents.

(c) The joint transportation committee may collect any data from the department of licensing, county auditors, and vehicle subagents that is necessary to conduct the study.

(d) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by September 30, 2020.

(5)(a) \$235,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to oversee a consultant study on rail safety governance best practices, by class of rail where applicable, and recommendations for the implementation of these best practices in Washington state. The study must assess rail safety governance for passenger and freight rail, including rail transit services, and must consider recommendations made by the national transportation safety board in its 2017 Amtrak passenger train 501 derailment accident report that are relevant to rail safety governance.

(b) The study must include the following components:

(i)(A) An assessment of rail safety oversight in Washington state that includes: (I) The rail safety oversight roles of federal,

state, regional, and local agencies, including the extent to which federal and state laws govern these roles and the extent to which these roles would be modified should the suspended federal rules in 49 C.F.R. Part 270 take effect; (II) federal, state, regional, and local agency organizational structures and processes utilized to conduct rail safety oversight; and (III) coordination activities by federal, state, regional, and local agencies in conducting rail safety oversight;

(B) An examination of rail safety governance best practices by other states for the items identified in (a) of this subsection; and

(C) Recommendations for the implementation of best practices for rail safety governance in Washington state.

(ii) The study must address the extent to which additional safety oversight of rail project design and construction is used in other states and would be a recommended best practice for Washington state.

(c) The joint transportation committee shall consult with the Washington state department of transportation, the Washington state utilities and transportation commission, sound transit, the national transportation safety board, Amtrak, the federal railroad administration, BNSF railway company, one or more representatives of short line railroads, one or more representatives of labor, and other entities with rail safety expertise as necessary.

(d) The joint transportation committee must issue a report of its findings and recommendations on rail safety governance to the transportation committees of the legislature by January 6, 2021.

(6)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study of the feasibility of a private auto ferry between the state of Washington and British Columbia, Canada. The study must include the following elements:

(i) Expected impacts to ridership, revenue, and expenditures for Washington state ferries;

(ii) Expected impacts to ferry service provided to the San Juan Islands;

(iii) Possible terminal locations on Fidalgo Island;

(iv) Economic impacts to the Anacortes area if ferry service between the area and Vancouver Island ceases;

(v) Economic impacts to the San Juan Islands if ferry service or ferry tourism is reduced;

(vi) Expected impacts to family wage jobs in the marine industry for Washingtonians;

(vii) Expected impacts to ferry fares between the state of Washington and British Columbia, Canada;

(viii) Legal analysis of all state, federal, or Canadian laws or rules, including the Jones act and rules of the board of pilotage commissioners, that may apply to initiation of private service or cessation of state service; and

(ix) Options for encouraging private auto ferry service between the state of Washington and Vancouver Island, Canada.

(b) In conducting the study, the joint transportation committee must consult with the department of transportation, a representative of San Juan county, a representative of the city of Anacortes, a representative of the inland boatman's union, a representative of Puget Sound pilots, a representative of the port of Anacortes, a representative of the economic development alliance of Skagit county, and interested private ferry operators in Washington state.

(c) A report of the study findings and options is due to the transportation committees of the legislature by February 15, 2021.

Sec. 205. 2019 c 416 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation ((~~\$2,893,000~~))

\$2,324,000

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

((Multimodal Transportation Account—State Appropriation	(\$112,000))
Interstate 405 and state Route Number 167 Express Toll Lanes	
((Operations))	
Account—State Appropriation	(((\$250,000))
	\$410,000
State Route Number 520 Corridor Account—State	
Appropriation	\$271,000
Tacoma Narrows Toll Bridge Account—State Appropriation	
	\$158,000
Alaskan Way Viaduct Replacement Project	
Account—State Appropriation	\$136,000
TOTAL APPROPRIATION	\$3,255,000
	\$3,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall report at least once every three months to the steering committee with updates on report development for the completed road usage charge pilot project until the final report is submitted. The commission shall also report to the steering committee on any other activities undertaken in accordance with this subsection (1) as necessary to keep it apprised of new developments and to obtain input on its efforts. The final report on the road usage charge pilot project is due to the transportation committees of the legislature by January 1, 2020, and should include recommendations for necessary next steps to consider impacts to communities of color, low-income households, vulnerable populations, and displaced communities. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b)(i) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal surface transportation system funding alternatives grant program, applying toll credits for meeting match requirements. One or more grant applications ~~((may))~~ shall be developed that ~~((, at a minimum,))~~ propose to:

~~((i))~~(A) ~~((Update the recommended road usage charge operational concepts and business case presented to the road usage charge steering committee to reflect a range of scenarios regarding fleet electrification and use of shared vehicles. The operational concepts must include technological or system features necessary to ensure collection of the road usage charge from electric vehicles and fleets of shared and/or autonomous vehicles, if applicable. The business case must assess a range of gross revenue impacts to a road usage charge and fuel taxes resulting from changes to total vehicle miles traveled under scenarios with varying degrees of shared, autonomous, and/or electric vehicle adoption rates;~~

~~((B) Develop a detailed plan for phasing in the implementation of road usage charges for vehicles operated in Washington, incorporating any updates to road usage charge policy recommendations made in (a) and (b)(i)(A) of this subsection and including consideration of methods for reducing the cost of collections for a road usage charge system in Washington state; and~~

~~((C) Examine the allocation of current gas tax revenues and possible frameworks for the allocation of road usage charge revenues that could be used to evaluate policy choices once road usage charge revenues comprise a significant share of state revenues for transportation purposes.)) Create a framework for modeling the effects of a road usage charge on passenger and~~

light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, and transportation network companies on a road usage charge system;

(B) Identify and measure potential disparate impacts of a road usage charge on designated populations, including communities of color, low-income households, vulnerable populations, and displaced communities;

(C) Incorporate emerging approaches to mileage reporting, such as in-vehicle telematics, improved smartphone apps, and use of private businesses to provide odometer verification and mileage reporting services, into a road usage charge system;

(D) Conduct a series of facilitated work sessions with other states and private sector firms to identify opportunities to reduce the cost of collections for a road usage charge;

(E) Develop a road usage charge phase-in plan that incorporates findings from (b)(i)(A) through (D) of this subsection;

(F) Carry out a limited scale demonstration to test new mileage reporting methods; equity policies; cost reduction techniques; and collecting a road usage charge from passenger and light-duty vehicles including, but not limited to, plug-in electric vehicles, autonomous vehicles, state fleets, transportation network companies, and other new mobility services; and

(G) Produce a final report with recommendations and a recommended roadmap that details how a road usage charge could be appropriately scaled to fit state circumstances and that includes a framework for evaluating policy choices related to the use of road usage charge revenue.

(ii) A year-end report on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2020, and by January 1, 2021.

(c) \$150,000 of the motor vehicle account—state appropriation is provided solely for analysis of potential impacts of a road usage charge on communities of color, low-income households, vulnerable populations, and displaced communities. The analysis must include an assessment of potential mitigation measures to address these potential impacts. These funds must be held in unallotted status during the 2019-2021 fiscal biennium, and may only be used after the commission has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal surface transportation system funding alternatives grant program under (b) of this subsection without successfully securing federal funding for the further study of a road usage charge. A year-end update on the status of this effort, if undertaken prior to the end of calendar year 2020, must be provided to the governor's office and the transportation committees of the legislature by January 1, 2021.

(2)(a) \$250,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for the transportation commission to conduct a study, applicable to the Interstate 405 express toll lanes, of discounted tolls and other similar programs for low-income drivers that are provided by other states, countries, or other entities and how such a program could be implemented in the state of Washington. The transportation commission may contract with a consultant to conduct all or a portion of this study.

(b) In conducting this study, the transportation commission shall consult with both the department of transportation and the department of social and health services.

(c) The transportation commission shall, at a minimum, consider the following issues when conducting the study of discounted tolls and other similar programs for low-income drivers:

(i) The benefits, requirements, and any potential detriments to the users of a program;

(ii) The most cost-effective way to implement a program given existing financial commitments, shared cost requirements across facilities, and technical requirements to execute and maintain a program;

(iii) The implications of a program for tolling policies, revenues, costs, operations, and enforcement; and

(iv) Any implications to tolled facilities based on the type of tolling implemented on a particular facility.

(d) The transportation commission shall provide a report detailing the findings of this study and recommendations for implementing a discounted toll or other appropriate program in the state of Washington to the transportation committees of the legislature by June 30, 2021.

(3) \$160,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$271,000 of the state route number 520 corridor account—state appropriation, \$158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$136,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(4) The legislature requests that the commission commence proceedings to name state route number 165 as The Glacier Highway to commemorate the significance of glaciers to the state of Washington.

Sec. 206. 2019 c 416 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation
~~((\$813,000))~~
\$772,000

Sec. 207. 2019 c 416 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
~~((\$508,503,000))~~
\$501,294,000

State Patrol Highway Account—Federal Appropriation
~~((\$16,069,000))~~
\$16,081,000

State Patrol Highway Account—Private/Local Appropriation
~~((\$4,257,000))~~
\$4,258,000

Highway Safety Account—State Appropriation \$1,188,000

Ignition Interlock Device Revolving Account—State Appropriation \$7,010,000

Multimodal Transportation Account—State Appropriation \$286,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation \$1,182,000

State Route Number 520 Corridor Account—State Appropriation \$1,988,000

Tacoma Narrows Toll Bridge Account—State Appropriation \$1,158,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation \$996,000

TOTAL APPROPRIATION \$537,313,000

\$535,441,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the

department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,424,000 of the state patrol highway account—state appropriation is provided solely to enter into an agreement for upgraded land mobile software, hardware, and equipment.

(4) \$2,582,000 of the state patrol highway account—state appropriation is provided solely for the replacement of radios and other related equipment.

(5) \$343,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification.

(6) ~~((\$514,000))~~ \$2,342,000 of the state patrol highway account—state appropriation is provided solely ~~((for additional staff))~~ to address the increase in the number of toxicology cases from impaired driving and death investigations.

(7) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2019, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2017, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July 1, 2017, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 ~~((of this act))~~, chapter 416, Laws of 2019.

(8) \$18,000 of the state patrol highway account—state appropriation is provided solely for the license investigation unit to procure an additional license plate reader and related costs.

(9) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(10) \$4,210,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2021.

(11) \$65,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497)))~~, Laws of 2019 (immigrants in the workplace). If chapter 440 ~~((Engrossed Second Substitute Senate Bill No. 5497)))~~, Laws of

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(12)(a) The Washington state patrol must report quarterly to the house and senate transportation committees on the status of recruitment and retention activities as follows:

- (i) A summary of recruitment and retention strategies;
- (ii) The number of transportation funded staff vacancies by major category;
- (iii) The number of applicants for each of the positions by these categories;
- (iv) The composition of workforce; and
- (v) Other relevant outcome measures with comparative information with recent comparable months in prior years.

(b) By January 1, 2020, the Washington state patrol must submit to the transportation committees of the legislature and the governor a workforce diversity plan. The plan must identify ongoing, and both short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(13) \$1,182,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$1,988,000 of the state route number 520 corridor account—state appropriation, \$1,158,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$996,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(14) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of Senate Bill No. 6218, Laws of 2020 (Washington state patrol retirement definition of salary), which reflects an increase in the Washington state patrol retirement system pension contribution rate of 0.15 percent for changes to the definition of salary. If Senate Bill No. 6218, Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(15) The Washington state patrol is directed to terminate its "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" with the city of Shelton, executed on June 12, 2017, subject to the city of Shelton's consent to terminate the agreement. The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension. Therefore, the legislature determines that under the public policy of this state, reimbursement by any other entity is not required, notwithstanding any prior condition regarding contributions of other entities that Washington state patrol was required to satisfy prior to expenditure of the funds for construction of the extension, and that the Washington state patrol shall terminate the agreement.

(16) \$975,000 of the state patrol highway account—state appropriation is provided solely for communications officers at the King county public safety answering point.

(17) \$830,000 of the state patrol highway account—state appropriation is provided solely for information technology security enhancements.

(18) \$150,000 of the state patrol highway account is provided solely for the Washington state patrol to work with the department of enterprise services and office of minority and women's business enterprises to contract for a workforce diversity strategic action plan. The successful consultant must have demonstrated expertise in workforce diversity research and an established record of assisting organizations in implementing diversity initiatives. The plan must include:

(a) Current and past employment data on the composition of the state patrol workforce generally and of its protective service workers;

(b) Research into the reasons for underrepresentation of minorities and women in the state patrol workforce;

(c) Research on best practices for recruiting across the state and from communities historically underrepresented in the Washington state patrol workforce;

(d) Case studies of law enforcement and other agencies that have successfully diversified their workforce; and

(e) A strategic plan with recommendations that will address disparities in the Washington state patrol employment ranks in both commissioned and noncommissioned personnel, with a focus on executive, command, and supervisory employees.

Sec. 208. 2019 c 416 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	\$34,000
Motorcycle Safety Education Account—State Appropriation	(\$5,044,000))
	\$5,052,000
State Wildlife Account—State Appropriation	(\$536,000))
	\$511,000
Highway Safety Account—State Appropriation	(\$243,189,000))
	\$242,965,000
Highway Safety Account—Federal Appropriation	\$1,294,000
Motor Vehicle Account—State Appropriation	(\$77,219,000))
	\$71,447,000
Motor Vehicle Account—Federal Appropriation	\$186,000
Motor Vehicle Account—Private/Local Appropriation	(\$2,858,000))
	\$10,008,000
Ignition Interlock Device Revolving Account—State Appropriation	(\$6,143,000))
	\$5,779,000
Department of Licensing Services Account—State Appropriation	(\$8,012,000))
	\$7,696,000
License Plate Technology Account—State Appropriation	\$4,250,000
Abandoned Recreational Vehicle Account—State Appropriation	\$2,925,000
Limousine Carriers Account—State Appropriation	\$113,000
Electric Vehicle Account—State Appropriation	\$264,000
DOL Technology Improvement & Data Management Account—State Appropriation	\$2,250,000
Agency Financial Transaction Account—State Appropriation	\$11,903,000
TOTAL APPROPRIATION	\$365,770,000
	\$366,677,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$139,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter

65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 (motorcycle safety). If chapter 65 (~~((Substitute House Bill No. 1116))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

(2) (~~(\$404,000 of the highway safety account—state appropriation is provided solely for a new driver testing system at the department. Pursuant to RCW 43.135.055 and 46.82.310, the department is authorized to increase driver training school license application and renewal fees in fiscal years 2020 and 2021, as necessary to fully support the cost of activities related to administration of the driver training school program, including the cost of the new driver testing system described in this subsection.~~

(3)) \$25,000 of the motorcycle safety education account—state appropriation, \$4,000 of the state wildlife account—state appropriation, \$1,708,000 of the highway safety account—state appropriation, \$576,000 of the motor vehicle account—state appropriation, \$22,000 of the ignition interlock device revolving account—state appropriation, and \$28,000 of the department of licensing services account—state appropriation are provided solely for the department to fund the appropriate staff(~~(—other than data stewards,)~~) and necessary equipment and software for data management, data analytics, and data compliance activities. The department must, in consultation with the office of the chief information officer, construct a framework with goals for providing better data stewardship and a plan to achieve those goals. The department must provide the framework and plan to the transportation committees of the legislature by December 31, 2019, and an update by May 1, 2020. (~~(Appropriations provided for the data stewardship and privacy project described in this subsection are subject to the conditions, limitations, and review provided in section 701 of this act.~~

(4)) (3) Appropriations provided for the cloud continuity of operations project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

((6)) (4) \$24,028,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

((8)) (5) \$507,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (vehicle service fees) or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If neither chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 or chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 are enacted by June 30, 2019, the amount provided in this subsection lapses.

((10)) (6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 (San Juan Islands license plate). If chapter 177 (~~((Engrossed House Bill No. 1996))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((11)) (7) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 (Seattle Storm license plate). If chapter 384 (~~((House Bill No. 2062))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((13)) (8) \$65,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 (immigrants in the workplace). If chapter 440 (~~((Engrossed Second Substitute Senate Bill No. 5497))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((14)) (9) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$11,903,000 in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions beginning January 1, 2020. At the direction of the office of financial management, the department must develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department must notify the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in section 717 (~~(of this act)~~), chapter 416, Laws of 2019 on a quarterly basis.

((18)) (10) \$1,281,000 of the department of licensing service account—state appropriation is provided solely for savings from the implementation of chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 (vehicle service fees). If chapter 417 (~~((Engrossed House Bill No. 1789))~~), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection lapses.

((19)) (11) \$2,650,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account.

((20)) (12) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 (Gold Star license plate). If chapter 210 (~~((Substitute House Bill No. 1197))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((21)) (13) \$31,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 (snow bikes). If chapter 262 (~~((Substitute House Bill No. 1436))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((22)) (14) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 (Purple Heart license plate). If chapter 139 (~~((House Bill No. 2058))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((23)) (15) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 (vehicle and vessel owner information). If chapter 278 (~~((Engrossed House Bill No. 2067))~~), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.

((25)) (16) \$600,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health

FIFTY NINTH DAY, MARCH 11, 2020

services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

~~((26))~~ (17) The department must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

~~((30))~~ (18) \$91,000 of the highway safety account—state appropriation is provided solely for the department's costs related to the one Washington project.

~~((31)–\$974,000)~~ (19) \$1,674,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally-responsive fashion.

(20) Due to the passage of chapter 1 (Initiative Measure No. 976), Laws of 2020, the department, working with the office of financial management, shall provide a monthly report on the number of registrations involved and differences between actual collections and collections if the initiative was not subject to a temporary injunction as of December 5, 2019.

(21) The appropriations in this section assume full cost recovery for the administration and collection of a motor vehicle excise tax on behalf of any regional transit authority pursuant to section 706 of this act.

(22) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1255), Laws of 2020 (Patches pal special license plate). If chapter . . . (Substitute House Bill No. 1255), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(23) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 (Washington wine special license plate). If chapter . . . (Engrossed Second Substitute House Bill No. 2050), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(24) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 (Mt. St. Helens special license plate). If chapter . . . (Engrossed Substitute House Bill No. 2085), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(25) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2187), Laws of 2020 (women veterans special license plate) or chapter . . . (Senate Bill No. 6433), Laws of 2020 (women veterans special license plate). If neither chapter . . . (Substitute House Bill No. 2187), Laws of 2020 nor chapter . . .

2020 REGULAR SESSION

. . . (Senate Bill No. 6433), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(26) \$107,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 (military veterans commercial driver's license waivers) or chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 (military veterans commercial driver's license waivers). If neither chapter . . . (Engrossed House Bill No. 2188), Laws of 2020 nor chapter . . . (Second Substitute Senate Bill No. 5544), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(27) \$50,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2353), Laws of 2020 (fire trailer registrations). If chapter . . . (Substitute House Bill No. 2353), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(28) \$114,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2607), Laws of 2020 (homeless youth identicards) or chapter . . . (Senate Bill No. 6304), Laws of 2020 (homeless youth identicards). If neither chapter . . . (Substitute House Bill No. 2607), Laws of 2020 nor chapter . . . (Senate Bill No. 6304), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(29) \$24,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2669), Laws of 2020 (Seattle national hockey league special license plate) or chapter . . . (Senate Bill No. 6562), Laws of 2020 (Seattle national hockey league special license plate). If neither chapter . . . (House Bill No. 2669), Laws of 2020 nor chapter . . . (Senate Bill No. 6562), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(30) \$14,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 (off-road vehicle enforcement) or chapter . . . (Senate Bill No. 6115), Laws of 2020 (off-road vehicle enforcement). If neither chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 nor chapter . . . (Senate Bill No. 6115), Laws of 2020 is enacted by June 30, 2020, the amount provided in this subsection lapses.

(31) \$105,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2491), Laws of 2020 (tribal vehicles compact) or chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact). If neither chapter . . . (House Bill No. 2491), Laws of 2020 nor chapter . . . (Senate Bill No. 6251), Laws of 2020 (tribal vehicles compact) is enacted by June 30, 2020, the amount provided in this subsection lapses.

(32) \$57,000 of the state wildlife account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 (state wildlife account). If chapter . . . (Substitute Senate Bill No. 6072), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(33) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 (apples special license plate). If chapter . . . (Engrossed Senate Bill No. 6032), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(34) \$19,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020

(stolen vehicle check). If chapter . . . (Engrossed Substitute Senate Bill No. 5591), Laws of 2020 is not enacted by June 30, 2020, the amount provided in this subsection lapses.

(35) Within the amounts appropriated in this section, the department shall relocate, or finish relocating, the licensing service offices in Lacey, Tacoma, and Bellevue-Redmond and make emergency repairs to the licensing service office in Vancouver.

(36) \$40,000 of the department of licensing services account—state appropriation is provided solely for the department to report to the governor and chairs of the transportation committees of the legislature by December 1, 2020, with a proposed plan to allow the registered owner of a vehicle, or the registered owner's authorized representative, to voluntarily enter into either a quarterly or monthly payment plan with the department to pay vehicle fees or taxes due at the time of application for renewal vehicle registration. The plan must include: (a) An analysis of the administrative costs associated with allowing the payment plans; (b) the estimated revenue impact by fund or account, including impacts to local governments; and (c) the recommended method to achieve the greatest level of customer payment compliance.

(37)(a) Within available resources, and in collaboration with the department of revenue, the department of licensing shall evaluate the effectiveness of chapter 218, Laws of 2017, in improving compliance with state laws relating to the registration of off-road vehicles, including the payment of retail sales and use tax. The department of licensing shall recommend any statutory, administrative, or other changes needed to optimize and further strengthen the compliance, including an implementation timeline and corresponding resource requirements. Among its recommendations, the department of licensing must address potential changes to the process under RCW 46.93.210 by which the department notifies persons whose vehicles may not be properly registered in the state. The department shall submit a report to the governor and the transportation committees of the legislature by December 15, 2020.

(b) If chapter . . . (Engrossed Substitute House Bill No. 2723), Laws of 2020 is enacted by June 30, 2020, this subsection has no force and effect.

Sec. 209. 2019 c 416 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

(High Occupancy Toll Lanes Operations Account—State Appropriation—	\$3,774,000
Motor Vehicle Account—State Appropriation—	\$513,000))
State Route Number 520 Corridor Account—State Appropriation	((\$43,773,000)) \$59,059,000
State Route Number 520 Civil Penalties Account—State Appropriation	\$4,145,000
Tacoma Narrows Toll Bridge Account—State Appropriation	((\$27,807,000)) \$33,806,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	((\$20,061,000)) \$21,616,000
Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations)) Account—State Appropriation	((\$18,329,000)) \$27,457,000
TOTAL APPROPRIATION	\$118,402,000 \$146,083,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$11,034,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3)(a) ~~((~~\$71,000)) \$2,114,000 of the ~~((high occupancy))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation, ~~((~~\$1,238,000)) \$4,920,000 of the state route number 520 corridor account—state appropriation, ~~((~~\$532,000)) \$2,116,000 of the Tacoma Narrows toll bridge account—state appropriation, ~~((~~\$460,000 of the Interstate 405 express toll lanes operations account—state appropriation,)) and ~~((~~\$699,000)) \$2,776,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to finish implementing a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

information officer on an ongoing basis during system implementation.

(4) The department shall make detailed quarterly reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and ~~((high occupancy))~~ express toll lane systems, and an itemized depiction of the use of that revenue.

(5) ~~(((\$17,517,000))~~ \$24,735,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation is provided solely for operational costs related to the express toll lane facility.

(6) In calendar year 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2019-2021 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) ~~(((\$19,362,000))~~ \$18,840,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are

not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) ~~(((\$256,000))~~ \$608,000 of the ~~((high occupancy toll lanes operations account—state appropriation and \$352,000 of the))~~ Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation are provided solely for increased levels of service from the Washington state patrol for enforcement of toll lane violations on the ~~((state route number 167 high occupancy toll lanes and the))~~ Interstate 405 and state route number 167 express toll lanes. The department shall compile monthly data on the number of Washington state patrol enforcement hours on each facility and the percentage of time during peak hours that speeds are at or above forty-five miles per hour on each facility. The department shall provide this data in a report to the transportation committees of the legislature on at least a calendar quarterly basis.

(9) The department shall develop an ongoing cost allocation method to assign appropriate costs to each of the toll funds for services provided by each Washington state department of transportation program and all relevant transportation agencies, including the Washington state patrol and the transportation commission. This method should update the toll cost allocation method used in the 2020 supplemental transportation appropriations act. By December 1, 2020, a report with the recommended method and any changes or potential impacts to toll rates shall be submitted to the transportation committees of the legislature and the office of financial management.

Sec. 210. 2019 c 416 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State			
			\$1,460,000
Motor	Vehicle	Account—State	Appropriation
			(((\$94,993,000))
			<u>\$96,331,000</u>
Puget Sound Ferry Operations Account—State			
			Appropriation
			\$263,000
Multimodal Transportation Account—State			
			Appropriation
			\$2,878,000
Transportation 2003 Account (Nickel Account)—State			
			Appropriation
			\$1,460,000
TOTAL APPROPRIATION			<u>\$101,054,000</u>
			<u>\$102,392,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,114,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly. The department shall provide a report to the transportation committees of the legislature by December 31, 2019, detailing the project

timeline as of July 1, 2019, an updated project timeline if necessary, expenditures made to date for the purposes of this project, and expenditures projected through the remainder of the project timeline.

(2) ~~(((\$198,000))~~ \$1,375,000 of the motor vehicle account—state appropriation is provided solely for the department's cost related to the one Washington project.

(3) \$21,500,000 of the motor vehicle account—state appropriation is provided solely for the activities of the information technology program in developing and maintaining information systems that support the operations and program delivery of the department, ensuring compliance with section 701 of this act, and the requirements of the office of the chief information officer under RCW 43.88.092 to evaluate and prioritize any new financial and capital systems replacement or modernization project and any other information technology project. During the 2019-2021 fiscal biennium, the department ~~((is prohibited from using))~~ may use the distributed direct program support or ~~((any))~~ other cost allocation method to fund ~~((any))~~ a new ~~((financial and))~~ capital systems replacement or modernization project ~~((without having the project evaluated and prioritized by the office of the chief information officer and submitting)).~~ The department shall submit a decision package for implementation of a new capital systems replacement project to the governor and the transportation committees of the legislature as part of the normal budget process for the 2021-2023 biennium.

Sec. 211. 2019 c 416 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State	Appropriation
	(((\$33,149,000))
	<u>\$34,807,000</u>
State Route Number 520 Corridor Account—State	Appropriation
	\$34,000
TOTAL APPROPRIATION	<u>\$33,183,000</u>
	<u>\$34,841,000</u>

Sec. 212. 2019 c 416 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation	(((\$7,635,000))
	<u>\$7,743,000</u>
Aeronautics Account—Federal Appropriation	(((\$2,542,000))
	<u>\$3,043,000</u>
Aeronautics Account—Private/Local Appropriation	\$60,000
TOTAL APPROPRIATION	<u>\$10,237,000</u>
	<u>\$10,846,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$2,751,000))~~ \$2,862,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) ~~(((\$468,000))~~ \$268,000 of the aeronautics account—state appropriation is provided solely for one FTE dedicated to planning aviation emergency services and addressing emerging aeronautics requirements~~((and for the implementation of chapter . . . (House Bill No. 1397), Laws of 2019 (electric aircraft work group)), which extends the electric aircraft work group past its current expiration and allows WSDOT to employ a consultant to assist with the work group. If chapter . . . (House Bill No. 1397), Laws of 2019 is not enacted by June 30, 2019, \$200,000 of the amount in this subsection lapses.))~~

(3) \$200,000 of the aeronautics account—state appropriation is provided solely for the department to convene an electric aircraft work group to study the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The chair of the work group may be a consultant specializing in aeronautics. The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The study must include, but is not limited to:

(i) Infrastructure requirements necessary to facilitate electric aircraft operations at airports;

(ii) Potential economic and public benefits including, but not limited to, the direct and indirect impact on the number of manufacturing and service jobs and the wages from those jobs in Washington state;

(iii) Potential incentives for industry in the manufacturing and operation of electric aircraft for regional air travel;

(iv) Educational and workforce requirements for manufacturing and maintaining electric aircraft;

(v) Demand and forecast for electric aircraft use to include expected timeline of the aircraft entering the market given federal aviation administration certification requirements;

(vi) Identification of up to six airports in Washington state that may benefit from a pilot program once an electrically propelled aircraft for commercial use becomes available; and

(vii) Recommendations to further the advancement of the electrification of aircraft for regional commercial use within Washington state, including specific, ~~((measureable))~~ measurable goals for the years 2030, 2040, and 2050 that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(c) The work group must submit a report and accompanying recommendations to the transportation committees of the legislature by November 15, 2020.

~~((If chapter . . . (House Bill No. 1397), Laws of 2019 is enacted by June 30, 2019, the amount provided in this subsection ((3) lapses.))~~

(4) ~~(((\$150,000))~~ \$350,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 396 ~~((Substitute Senate Bill No. 5370))~~, Laws of 2019 (aviation coordinating commission). ~~((If chapter 396 (Substitute Senate Bill No. 5370), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(5) Within amounts appropriated in this section, the aviation division of the department shall assist and consult with the department of revenue in their efforts to update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department of revenue, in consultation with the aviation division of the Washington state department of transportation, is tasked with developing and recommending a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department of revenue is directed to submit a report, including the recommended methodology, to the fiscal committees of the house of representatives and the senate by January 11, 2021.

Sec. 213. 2019 c 416 s 213 (uncodified) is amended to read as follows:

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT—PROGRAM H**

Motor Vehicle Account—State	Appropriation
	(((\$59,801,000))
	<u>\$59,788,000</u>
Motor Vehicle Account—Federal Appropriation	\$500,000
Multimodal Transportation Account—State	Appropriation
	\$258,000
TOTAL APPROPRIATION	<u>\$60,559,000</u>
	<u>\$60,546,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) \$1,600,000 of the motor vehicle account—state appropriation is provided solely for real estate services activities. Consistent with RCW 47.12.120 and during the 2019-2021 fiscal biennium, when initiating, extending, or renewing any rent or lease agreements with a regional transit authority, consideration of value must be equivalent to one hundred percent of economic or market rent.

(4)(a) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to:

(i) Determine the real property owned by the state of Washington and under the jurisdiction of the department in King county that is surplus property located in an area encompassing

south of Dearborn Street in Seattle, south of Newcastle, west of SR 515, and north of South 216th to SR 515; and

(ii) Use any remaining funds after (a)(i) of this subsection is completed to identify additional real property across the state owned by the state of Washington and under the jurisdiction of the department that is surplus property.

(b) The department shall provide a report to the transportation committees of the legislature describing the properties it has identified as surplus property under (a) of this subsection by October 1, 2020.

Sec. 214. 2019 c 416 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State	Appropriation	\$670,000
Electric Vehicle Account—State	Appropriation	\$2,000,000
Multimodal Transportation Account—State	Appropriation	\$1,634,000
TOTAL APPROPRIATION		<u>\$4,304,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2) \$350,000 of the multimodal transportation account—state appropriation is provided solely for the department to execute a transit oriented development pilot project at Kingsgate park and ride in Kirkland intended to be completed by December 31, 2023. The purpose of the pilot project is to demonstrate how appropriate department properties may be used to provide multiple public benefits such as affordable and market rate housing, commercial development, and institutional facilities in addition to transportation purposes. To accomplish the pilot project, the department is authorized to exercise all legal and administrative powers authorized in statute that may include, but is not limited to, the transfer, lease, or sale of some or all of the property to another governmental agency, public development authority, or nonprofit developer approved by the department and partner agencies. The department may also partner with sound transit, King county, the city of Kirkland, and any other federal, regional, or local jurisdiction on any policy changes necessary from those jurisdictions to facilitate the pilot project. By December 1, 2019, the department must report to the legislature on any legislative actions necessary to facilitate the pilot project and future transit oriented development projects.

(3) \$2,000,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042)))~~, Laws of 2019 (advancing green transportation adoption). ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(4) \$1,200,000 of the multimodal transportation account—state appropriation is provided solely for the pilot program established under chapter 287 ~~((Engrossed Second Substitute House Bill No. 2042)))~~, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(5) \$84,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the department of commerce for the purpose of conducting a study as described in chapter 287 (~~((Engrossed Second Substitute House Bill No. 2042)))~~, Laws of 2019 (advancing green transportation adoption) to identify opportunities to reduce barriers to electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. (~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~)

(6) Building on the information and experience gained from the transit oriented development project at the Kingsgate park and ride, the department must identify a pilot park and ride with future public-private partnership development potential in Pierce county and report back to the transportation committees of the legislature by June 30, 2021, with a proposal for moving forward with a pilot project.

Sec. 215. 2019 c 416 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State	Appropriation
	(((\$495,228,000)))
	<u>\$486,514,000</u>
Motor Vehicle Account—Federal Appropriation	\$7,000,000
State Route Number 520 Corridor Account—State Appropriation	\$4,447,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$1,549,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	(((\$9,533,000)))
	<u>\$9,537,000</u>
Interstate 405 and State Route Number 167 Express Toll Lanes (((Operations))) Account—State Appropriation	(((\$1,370,000)))
	<u>\$4,528,000</u>
TOTAL APPROPRIATION	<u>\$519,127,000</u>
	<u>\$513,575,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$6,170,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways. Plan and reporting requirements as required in chapter 435 (~~((Senate Bill No. 5505)))~~, Laws of 2019 (Local Stormwater Charges) shall be consistent with the January 2012 findings of the Joint Transportation Committee Report for Effective Cost Recovery Structure for WSDOT, Jurisdictions, and Efficiencies in Stormwater Management.

(b) Pursuant to RCW 90.03.525(3), the department and the utilities imposing charges to the department shall negotiate with the goal of agreeing to rates such that the total charges to the department for the 2019-2021 fiscal biennium do not exceed the amount provided in this subsection. The department shall report to the transportation committees of the legislature on the amount of funds requested, the funds granted, and the strategies used to keep costs down, by January 17, 2021. If chapter 435 (~~((Senate Bill No. 5505)))~~, Laws of 2019 (local stormwater charges) is enacted by June 30, 2019, this subsection (1)(b) does not take effect.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,549,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) (~~(((\$1,370,000)))~~) \$2,050,000 of the Interstate 405 and state route number 167 express toll lanes (~~((operations)))~~ account—state appropriation is provided solely to maintain the Interstate 405 and state route number 167 express toll lanes between Lynnwood and Bellevue, and Renton and the southernmost point of the express toll lanes. These funds must be used in accordance with RCW 47.56.830(3).

(5) \$2,478,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for maintenance for the 2019-2021 fiscal biennium only on the Interstate 405 roadway between Renton and Bellevue.

(6) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(~~((6)))~~ (7) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019. The department must contract out or hire a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(~~((7)))~~ (8) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(~~((8)))~~ (9) The department must commence a pilot program for the 2019-2021 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2020, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

Sec. 216. 2019 c 416 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State	Appropriation
	(((\$70,681,000)))
	<u>\$76,211,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	\$250,000

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

State Route Number 520 Corridor Account—State Appropriation	\$53,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$31,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$26,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$32,000
TOTAL APPROPRIATION	\$72,981,000
	\$78,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2019-2021 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive

device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

~~((4))~~ (e) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for ~~((high occupancy))~~ express toll lanes.

(3) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(4) The department must make signage for low-height bridges a high priority.

(5) \$32,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$53,000 of the state route number 520 corridor account—state appropriation, \$31,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$26,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the traffic operations program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 217. 2019 c 416 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State Appropriation	(\$38,782,000))
	\$38,251,000
Motor Vehicle Account—Federal Appropriation	\$1,380,000
Motor Vehicle Account—Private/Local Appropriation	\$500,000
Multimodal Transportation Account—State Appropriation	\$1,129,000
State Route Number 520 Corridor Account—State Appropriation	\$199,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$116,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$100,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$119,000
TOTAL APPROPRIATION	\$41,791,000
	\$41,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1st each year. If moneys are provided in the omnibus operating appropriations act for a career connected learning grant program, defined in chapter . . . (Substitute House Bill No. 1336), Laws of 2019, or otherwise, the amount provided in this subsection lapses.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for a user-centered and mobile-compatible web site redesign using estimated web site ad revenues.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Whatcom county, and to continue the existing pilot information campaign in Spokane county. The reason for the geographic selection of Spokane and Whatcom counties is based on the high utilization of studded tires in these jurisdictions. The public information campaigns must primarily focus on making the consumer aware of the safety implications for other drivers, road deterioration, financial impact for taxpayers, and, secondarily, the alternatives to studded tires. The Whatcom county pilot media-based public information campaign must begin by September 1, 2020. By January 14, 2021, the department must provide the transportation committees of the legislature an update on the Spokane and Whatcom county pilot media-based public information campaigns.

~~(4) (\$138,000 of the motor vehicle account state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 (concerning environmental health disparities). If chapter . . . (Second Substitute Senate Bill No. 5489), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses))~~ \$119,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$199,000 of the state route number 520 corridor account—state appropriation, \$116,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$100,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation management and support program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

Sec. 218. 2019 c 416 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

((High Occupancy)) Interstate 405 and State Route Number 167 Express Toll Lanes ((Operations))			
Account—State Appropriation			
			(((\$3,000,000))
			<u>\$3,123,000</u>
Motor	Vehicle	Account—State	Appropriation
			(((\$29,403,000))
			<u>\$26,587,000</u>
Motor	Vehicle	Account—Federal	Appropriation
			(((\$29,485,000))
			<u>\$35,385,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation
			(((\$800,000))
			<u>\$1,200,000</u>
Multimodal Transportation		Account—State	Appropriation
			<u>\$710,000</u>
Multimodal Transportation		Account—Federal	Appropriation
			<u>\$2,809,000</u>
Multimodal Transportation		Account—Private/Local	Appropriation
			<u>\$100,000</u>
State Route Number 520 Corridor		Account—State	Appropriation
			<u>\$763,000</u>
Tacoma Narrows Toll Bridge		Account—State	Appropriation
			<u>\$121,000</u>

Alaskan Way Viaduct Replacement Project Account—

State Appropriation	<u>\$104,000</u>
TOTAL APPROPRIATION	<u>\$66,307,000</u>
	<u>\$70,902,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the motor vehicle account—state appropriation is provided solely for completion of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(2) The study on state route number 518 referenced in section 218(5), chapter 297, Laws of 2018 must be submitted to the transportation committees of the legislature by November 30, 2019.

(3) \$100,000 of the motor vehicle account—state appropriation is provided solely to complete the Tacoma mall direct access feasibility study.

(4) \$4,600,000 of the motor vehicle account—federal appropriation is provided solely to complete the road usage charge pilot project overseen by the transportation commission using the remaining unspent amount of the federal grant award. The purpose of the road usage charge pilot project is to explore the viability of a road usage charge as a possible replacement for the gas tax.

~~(5) \$3,000,000 of the ((high occupancy)) Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation is provided solely for updating the state route number 167 master plan. If ((neither)) chapter 421 ((Engrossed Substitute Senate Bill No. 5825)), Laws of 2019 (addressing tolling) ((nor chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))) is not enacted by June 30, 2019, the amount provided in this subsection lapses.~~

(6) \$123,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$207,000 of the state route number 520 corridor account—state appropriation, \$121,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$104,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation planning, data, and research program's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(7) By December 31, 2020, the department shall provide to the governor and the transportation committees of the legislature a report examining the feasibility of doing performance-based evaluations for projects. The department must incorporate feedback from stakeholder groups, including traditionally underserved and historically disadvantaged populations, and the report shall include the project evaluation procedures that would be used for the performance-based evaluation.

(8) \$556,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature and the governor by December 1, 2021.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(9) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects, provided that the department may not expend any amounts provided in this section on a long-range plan or corridor scenario analysis for I-5 from Tumwater to Marysville. This is not intended to reference or impact: The existing I-5 corridor from Mounts road to Tumwater design and operations alternatives analysis; design studies related to HOV lanes or operations; or where it is necessary to continue design and operations analysis related to projects already under development.

Sec. 219. 2019 c 416 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State	Appropriation
	((71,996,000))
	<u>\$79,474,000</u>
Multimodal Transportation Account—State	Appropriation
	((2,491,000))
	<u>\$2,833,000</u>
<u>Interstate 405 and State Route Number 167 Express</u>	
Toll Lanes Account—State	Appropriation
	<u>\$122,000</u>
State Route Number 520 Corridor Account—State	Appropriation
	<u>\$205,000</u>
Tacoma Narrows Toll Bridge Account—State	Appropriation
	<u>\$120,000</u>
Alaskan Way Viaduct Replacement Project Account—State	Appropriation
	<u>\$102,000</u>
TOTAL APPROPRIATION	<u>\$74,487,000</u>
	<u>\$82,856,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((Prior to entering into))~~ Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds five million dollars, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) Beginning October 1, 2019, and quarterly thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) \$122,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$205,000 of the state route number 520 corridor account—state appropriation, \$120,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$102,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the charges from other agencies' program's proportional share of supporting tolling operations for the respective tolling facilities.

(5) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 220. 2019 c 416 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State	Appropriation
	<u>\$784,000</u>
Regional Mobility Grant Program Account—State	Appropriation
	((96,630,000))
	<u>\$88,698,000</u>
Rural Mobility Grant Program Account—State	Appropriation
	<u>\$32,223,000</u>
Multimodal Transportation Account—State	Appropriation
	((128,554,000))
	<u>\$122,355,000</u>
Multimodal Transportation Account—Federal	Appropriation
	<u>\$3,574,000</u>
Multimodal Transportation Account—Local	Appropriation
	<u>\$100,000</u>
TOTAL APPROPRIATION	<u>\$261,865,000</u>
	<u>\$247,734,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((62,679,000))~~ \$62,698,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$10,000,000 of the amount in this subsection lapses.))~~ Of this amount:

(a) ~~((14,278,000))~~ \$14,297,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$2,278,000 of the amount in this subsection lapses.))~~

(b) \$48,401,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2017 as reported in the "Summary of Public Transportation - 2017" published by the department of transportation. No transit agency may receive more

than thirty percent of these distributions. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$7,722,000 of the amount in this subsection lapses.))~~

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) ~~(((\$10,290,000))~~ \$10,539,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) ~~(((\$18,951,000))~~ \$27,483,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Public Transportation Program (V).

(5)(a) ~~(((\$77,679,000))~~ \$61,215,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2019, and December 15, 2020, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2021-2023 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2019-2021 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport

utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$7,670,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount:

(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to continue a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall update the transportation committees of the legislature on the impact of the program by January 31, 2020, and may adopt rules to administer the program.

(b) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(c) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for a first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8) Except as provided otherwise in this subsection, ~~(((\$28,048,000))~~ \$33,370,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(9) ~~(\$2,000,000))~~ \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Mason Transit Park & Ride Development (G2000042); or

(iv) Pierce Transit - SR 7 Express Service (~~((G2000046))~~) (G2000045).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(12) \$750,000 of the multimodal transportation account—state appropriation is provided solely for Intercity Transit for the Dash shuttle program.

(13)(a) \$485,000 of the multimodal transportation account—state appropriation is provided solely for King county for:

(i) An expanded pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during these school districts' summer vacations. In order to be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer; and

(ii) Providing administrative support to other interested school districts in King county to prepare for implementing similar programs for their students.

(b) King county must provide a report to the department and the transportation committees of the legislature by December 15, 2021, regarding:

(i) The annual student usage of the pilot program;

(ii) Available ridership data;

(iii) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King county school districts;

(iv) A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for free and reduced-price lunches;

(v) Opportunities for subsidized ORCA cards or local grant or matching funds; and

(vi) Any additional information that would help determine if the pilot program should be extended or expanded.

(14) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287 ~~((Engrossed~~

~~Second Substitute House Bill No. 2042))), Laws of 2019 (advancing green transportation adoption). ((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 is not enacted by June 30, 2019, the amount provided in this subsection lapses.))~~

(15) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. ~~((If chapter 287 (Engrossed Second Substitute House Bill No. 2042), Laws of 2019 (advancing green transportation adoption) is not enacted by June 30, 2019, \$375,000 of the amount provided in this subsection lapses.))~~

(16) As a short-term solution, appropriation authority for the public transportation program in this section is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels. It is the intent of the legislature that no public transportation grants or projects be eliminated or substantially delayed as a result of revenue reductions.

(17) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) No allotment modifications may be made to amounts provided solely for the special needs transportation grant program;

(b) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(c) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(d) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(e) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

(18)(a) The Washington state department of transportation public transportation division, working with the Thurston regional planning council, shall provide state agency management, the office of financial management, and the transportation committees of the legislature with results of their regional mobility grant program demonstration project I-5/US 101 Practical Solutions: State Capitol Campus Transportation Demand Management – Mobile Work. This includes reporting after the 2020 legislative session on the measurable results of an early pilot initiative, "Telework Tuesday," beginning in January 2020.

(b) Capitol campus state agency management is directed to fully participate in this work, which aims to reduce greenhouse gases, require less office space and parking investments; provide low cost congestion relief on I-5 during peak periods, US 101, and the local transportation network; and improve retention and recruitment of public employees. The agencies should actively: Encourage employees qualified to telework to participate in this

program and increase the number of employees who qualify for mobile work and schedule shifts.

(c) If measurable success is achieved, the capitol campus state agencies shall provide options to expand the project to other jurisdictions concentrated with large employers. Expansion and encouragement of telework will help reduce demand on the transportation system, reduce traffic during peak hours, and reduce greenhouse gas emissions.

Sec. 221. 2019 c 416 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Motor Vehicle Account—State Appropriation	\$250,000
Puget Sound Ferry Operations Account—State Appropriation	(((\$540,746,000))
	<u>\$545,997,000</u>
Puget Sound Ferry Operations Account—Federal Appropriation	\$7,932,000
Puget Sound Ferry Operations Account—Private/Local Appropriation	\$121,000
TOTAL APPROPRIATION	<u>\$549,049,000</u>
	<u>\$554,300,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2019-2021 supplemental and 2021-2023 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2019-2021 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) ~~(((\$76,261,000))~~ \$73,161,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2019-2021 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 ~~((of this act)), chapter 416, Laws of 2019.~~ The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$650,000 of the Puget sound ferry operations account—state appropriation is provided solely for increased staffing at Washington ferry terminals to meet increased workload and customer expectations. Within the amount provided in this subsection, the department shall contract with uniformed officers for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(5) \$254,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a dedicated inventory logistics manager on a one-time basis.

(6) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related

to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(7) By January 1, 2020, the ferries division must submit a workforce plan for reducing overtime due to shortages of staff available to fill vacant crew positions. The plan must include numbers of crew positions being filled by staff working overtime, strategies for filling these positions with straight time employees, progress toward implementing those strategies, and a forecast for when overtime expenditures will return to historical averages.

(8) \$160,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a ferry fleet baseline noise study, conducted by a consultant, for the purpose of establishing plans and data-driven goals to reduce ferry noise when Southern resident orca whales are present. In addition, the study must establish prioritized strategies to address vessels serving routes with the greatest exposure to orca whale movements.

(9)(a) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the Washington state transportation center, to develop a plan for service on the triangle route with a goal of providing maximum sailings moving the most passengers to all stops in the least travel time, including waits between sailings, within budget and resource constraints.

(b) The Washington state transportation center must use new traffic management models and scheduling tools to examine proposed improvements for the triangle route. The department shall report to the standing transportation committees of the legislature by January 15, 2021. The report must include:

(i) Implementation and status of data collection, modeling, scheduling, capital investments, and procedural improvements to allow Washington state ferries to schedule more sailings to and from all stops on the triangle route with minimum time between sailings;

(ii) Recommendations for emergency boat allocations, regular schedule policies, and emergency schedule policies based on all customers alternative travel options to ensure that any dock with no road access is prioritized in scheduling and scheduled service is provided based on population size, demographics, and local medical services;

(iii) Triangle route pilot economic analysis of Washington state ferries fare revenue and fuel cost impact of offering additional, better spaced sailings;

(iv) Results of an economic analysis of the return on investment of potentially acquiring and using traffic control infrastructure, technology, walk on loading bridges, and Good-to-Go and ORCA replacement of current fare sales, validation, collections, accounting, and all associated labor and benefits costs that can be saved via those capital investments; and

(v) Recommendation on policies, procedures, or agency interpretations of statute that may be adopted to mitigate any delays or disruptions to scheduled sailings.

~~((c) If at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection (9) lapses.))~~

(10) \$15,139,000 of the Puget Sound ferry operations account—state appropriation is provided solely for training. Of the amount provided in this subsection:

(a) \$2,500,000 is for training for new employees.

(b) \$160,000 is for electronic chart display and information system training.

(c) \$379,000 is for marine evacuation slide training.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(11) \$1,600,000 of the Puget Sound ferry operations account—state appropriation is provided solely for naval architecture staff support for the marine maintenance program.

(12) \$336,000 of the Puget Sound ferry operations account—state appropriation is provided solely for inspections of fall restraint systems.

(13) \$4,361,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime expenses incurred by engine and deck crew members.

(14) \$1,200,000 of the Puget Sound ferry operations account—state appropriation is provided solely for familiarization for new assignments of engine crew and terminal staff.

(15) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to develop a plan for upgrading a second vessel to meet the international convention for the safety of life at sea standards. The plan must identify the option with the lowest impacts to sailing schedules.

Sec. 222. 2019 c 416 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State Appropriation	(\$75,576,000))
	<u>\$70,244,000</u>
Multimodal Transportation Account—Private/Local Appropriation	\$717,000
Multimodal Transportation Account—Federal Appropriation	\$500,000
TOTAL APPROPRIATION	<u>\$76,793,000</u>
	<u>\$71,461,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a)(i) \$224,000 of the multimodal transportation account—state appropriation and \$671,000 of the multimodal transportation account—private/local appropriation are provided solely for continued analysis of the ultra high-speed ground transportation corridor in a new study, with participation from Washington, Oregon, and British Columbia. No funds may be expended until the department is in receipt of \$671,000 in private/local funding provided solely for this purpose.

(ii) The ultra high-speed ground transportation corridor advisory group must include legislative membership.

(iii) "Ultra high-speed" means a maximum testing speed of at least two hundred fifty miles per hour.

(b) The study must consist of the following:

(i) Development of proposed corridor governance, general powers, operating structure, legal instruments, and contracting requirements, in the context of the roles of relevant jurisdictions, including federal, state, provincial, and local governments;

~~(ii) ((An assessment of current laws in state and provincial jurisdictions and identification of any proposed changes to laws, regulations, and/or agreements that are needed to proceed with development))~~ Development of a long-term funding and financing strategy for project initiation, development, construction, and program administration of the high-speed corridor, building on the funding and financing chapter of the 2019 business case analysis and aligned with the recommendations of (b)(i) of this subsection; and

~~(iii) Development of ((general recommendations for the authorization needed to advance the development of the corridor))~~ recommendations for a department-led ultra-high speed corridor engagement plan for policy leadership from elected officials.

(c) This study must build on the results of the 2018 Washington state ultra high-speed ground transportation business case analysis and the 2019 Washington state ultra high-speed ground

transportation study findings report. The department shall consult with the transportation committees of the legislature regarding all issues related to proposed corridor governance.

~~((e))~~ (d) The development work referenced in (b) of this subsection is intended to identify and make recommendations related to specific entities, including interjurisdictional entities, policies, and processes required for the purposes of furthering preliminary analysis efforts for the ultra high-speed ground transportation corridor. This development work is not intended to authorize one or more entities to assume decision making authority for the design, construction, or operation of an ultra high-speed rail corridor.

~~((d))~~ (e) By December 1, 2020, the department shall provide to the governor and the transportation committees of the legislature a report of the study's findings regarding the three elements noted in this subsection. As applicable, the report should also be sent to the executive and legislative branches of government in the state of Oregon and appropriate government bodies in the province of British Columbia.

(2) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

Sec. 223. 2019 c 416 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	(\$12,190,000))
	<u>\$12,187,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multise Roadway Safety Account—State Appropriation	(\$132,000))
	<u>\$450,000</u>
Multimodal Transportation Account—State Appropriation	\$350,000
TOTAL APPROPRIATION	<u>\$15,239,000</u>
	<u>\$15,554,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the multimodal transportation account—state appropriation is provided solely for a study by the Puget Sound regional council of new passenger ferry service to better connect communities throughout the twelve county Puget Sound region. The study must assess potential new routes, identify future terminal locations, and provide recommendations to accelerate the electrification of the ferry fleet. The study must identify future passenger only demand throughout Western Washington, analyze potential routes and terminal locations on Puget Sound, Lake Washington, and Lake Union with an emphasis on preserving waterfront opportunities in public ownership and opportunities for partnership. The study must determine whether and when the passenger ferry service achieves a net reduction in carbon emissions including an analysis of the emissions of modes that passengers would otherwise have used. The study must estimate capital and operating costs for routes and terminals. The study must include early and continuous outreach with all interested

stakeholders and a report to the legislature and all interested parties by January 31, 2021.

(2) \$1,142,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, with priority given to barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of county-owned barriers that need correction, and provide, where possible, preliminary costs estimates for each barrier correction. The study must provide recommendations on:

(i) How to prioritize county-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and

(ii) How future state six-year construction plans should incorporate county-owned barriers;

(b) Update the local agency guidelines manual, including exploring alternatives within the local agency guidelines manual on county priorities;

(c) Study the current state of county transportation funding, identify emerging issues, and identify potential future alternative transportation fuel funding sources to meet current and future needs.

(3) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less;

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (b) of this subsection may receive more than sixty thousand dollars in total grants.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2019 c 416 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation
(((\$18,094,000))
\$23,015,000

Highway Safety Account—State Appropriation \$81,000

Motor Vehicle Account—State Appropriation \$4,907,000

Freight Mobility Multimodal Account—State Appropriation
(((\$21,220,000))
\$4,992,000

Motor Vehicle Account—Federal Appropriation
(((\$2,250,000))
\$1,899,000

Freight Mobility Multimodal Account—Private/Local
Appropriation (((\$1,320,000))
\$1,250,000

TOTAL APPROPRIATION \$42,884,000
\$36,144,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2019-3 as developed April 27, 2019;)) 2020-3 as developed March 11, 2020, Conference FMSIB Project List.

(2) Until directed by the legislature, the board may not initiate a new call for projects. By January 1, 2020, the board must report to the legislature on alternative proposals to revise its project award and obligation process, which result in lower reappropriations.

(3) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the freight mobility strategic investment board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(4) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities.

Sec. 302. 2019 c 416 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
(((\$65,996,000))
\$62,884,000

Motor Vehicle Account—State Appropriation \$1,456,000

County Arterial Preservation Account—State Appropriation
\$39,590,000

TOTAL APPROPRIATION \$107,042,000
\$103,930,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the county road administration board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

Sec. 303. 2019 c 416 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State
Appropriation \$5,890,000

Transportation Improvement Account—State Appropriation
(((\$228,510,000))
\$224,568,000

Complete Streets Grant Program Account—State
Appropriation (((\$14,670,000))
\$10,200,000

TOTAL APPROPRIATION \$249,070,000
\$240,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,315,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a survey of all cities that are not currently eligible for the Relight Washington Program to determine demand for the program regardless of the current eligibility criteria. The transportation improvement board shall report the results of the survey to the governor and the transportation committees of the legislature by August 1, 2020.

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for the transportation improvement board's capital grant programs is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

Sec. 304. 2019 c 416 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITIES—PROGRAM D—(DEPARTMENT OF
TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor	Vehicle	Account—State	Appropriation
			((\$50,990,000))
			<u>\$51,187,000</u>
Connecting	Washington	Account—State	Appropriation
			((\$42,497,000))
			<u>\$51,523,000</u>
TOTAL APPROPRIATION			<u>\$93,487,000</u>
			<u>\$102,710,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$42,497,000~~)) \$51,523,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2)(a) ((~~\$43,100,000~~)) \$43,297,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology signing a not less than twenty-year agreement to pay a share of any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

(3) \$1,565,000 from the motor vehicle account—state appropriation is provided solely for furniture for the renovated Northwest Region Headquarters at Dayton Avenue. The department must efficiently furnish the renovated building. ((~~The amount provided in this subsection is the maximum the department may spend on furniture for this facility.~~))

Sec. 305. 2019 c 416 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
IMPROVEMENTS—PROGRAM I**

((High Occupancy Toll Lanes Operations Account—State Appropriation			
			<u>\$7,000,000</u>)
Transportation Partnership	Account—State	Appropriation	
			((\$325,275,000))
			<u>\$385,619,000</u>
Motor	Vehicle	Account—State	Appropriation
			((\$92,504,000))
			<u>\$102,543,000</u>
Motor	Vehicle	Account—Federal	Appropriation
			((\$154,337,000))
			<u>\$151,857,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation
			((\$26,839,000))
			<u>\$70,404,000</u>
Connecting	Washington	Account—State	Appropriation
			((\$2,137,381,000))
			<u>\$2,355,205,000</u>
Special	Category C	Account—State	Appropriation
			((\$81,000,000))
			<u>\$36,134,000</u>
Multimodal Transportation	Account—State	Appropriation	
			((\$5,408,000))
			<u>\$3,853,000</u>
Alaskan Way Viaduct Replacement Project	Account—State	Appropriation	
			<u>\$77,956,000</u>

Transportation 2003 Account (Nickel Account)—State
Appropriation ((~~\$21,819,000~~))
\$10,429,000

Interstate 405 and State Route Number 167 Express

Toll Lanes ((~~Operations~~)) Account—State Appropriation
((~~\$48,036,000~~))
\$90,027,000

TOTAL APPROPRIATION \$2,977,555,000
\$3,284,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2019-4~~)) 2020-1 as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2019-2~~)) 2020-2 ALL PROJECTS as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to ((~~\$1,519,899,000~~)) \$1,835,325,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to ((~~\$75,274,000~~)) \$24,910,000 in proceeds from the sale of bonds authorized in RCW ((~~47.10.861~~)) 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~\$150,232,000~~)) \$162,658,000 in proceeds from the sale of bonds authorized in RCW ((~~47.10.812~~)) 47.10.873.

(7) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$77,956,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) ((~~The multimodal transportation account—state appropriation includes up to \$5,408,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.~~

((~~\$90,464,000~~)) \$168,757,000 of the transportation partnership account—state appropriation, ((~~\$7,006,000~~)) \$19,790,000 of the motor vehicle account—private/local appropriation, ((~~\$3,383,000~~)) \$3,384,000 of the transportation 2003 account (nickel account)—state appropriation, \$77,956,000 of the Alaskan Way viaduct replacement project account—state

appropriation, and \$1,838,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that the \$25,000,000 increase in funding provided in the 2021-2023 fiscal biennium be covered by any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project. The legislature intends that the \$25,000,000 of the transportation partnership account—state funds be repaid when those damages are recovered.

~~((40))~~ (9) \$3,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((41) \$164,000,000)~~ (10) \$168,655,000 of the connecting Washington account—state appropriation ~~((is))~~, \$1,052,000 of the special category C account—state appropriation, and \$738,000 of the motor vehicle account—private/local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R).

~~((12(a) \$22,195,000 of the transportation partnership account—state appropriation, \$12,805,000 of the transportation 2003 account (nickel account) state appropriation, and \$48,000,000))~~ (11) \$82,991,000 of the Interstate 405 and state route number 167 express toll lanes ~~((operations))~~ account—state appropriation ~~((are))~~ is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. ~~((The transportation partnership account—state appropriation and transportation 2003 account (nickel account) state appropriation are a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 Widening project (8B11002) due to savings and will fund right of way and construction for an additional phase of this I-405 project.~~

~~(b) If sufficient bonding authority to complete this project is not provided within chapter 421 (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 (addressing tolling) or chapter 421 (House Bill No. 2132), Laws of 2019 (addressing tolling), or within a bond authorization act referencing chapter . . . (Engrossed Substitute Senate Bill No. 5825), Laws of 2019 or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019, \$21,000,000 of the Interstate 405 express toll lanes operations account—state appropriation provided in this subsection lapses, and it is the intent of the legislature to reduce the Interstate 405 express toll lanes operations account—state appropriation in the 2021-2023 biennium to \$5,000,000, and in the 2023-2025 biennium to \$0 on the list referenced in subsection (2) of this section.~~

~~((13))~~ (12)(a) ~~(((\$395,822,000))~~ \$422,099,000 of the connecting Washington account—state appropriation ~~((—\$60,000 of the motor vehicle account—state appropriation,))~~ and ~~(((\$342,000))~~ \$456,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Recognizing that the department of transportation requires full possession of parcel number 1-23190 to complete the Montlake Phase of the West End project, the department is directed to:

(i) Work with the operator of the Montlake boulevard market located on parcel number 1-23190 to negotiate a lease allowing continued operations up to January 1, 2020. After that time, the department shall identify an area in the vicinity of the Montlake property for a temporary market or other food service to be

provided during the period of project construction. Should the current operator elect not to participate in providing that temporary service, the department shall then develop an outreach plan with the city to solicit community input on the food services provided, and then advertise the opportunity to other potential vendors. Further, the department shall work with the city of Seattle and existing permit processes to facilitate vendor access to and use of the area in the vicinity of the Montlake property.

(ii) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), WSDOT shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) \$60,000 of the motor vehicle account—state appropriation is provided solely for grants to nonprofit organizations located in a city with a population exceeding six hundred thousand persons and that empower artists through equitable access to vital expertise, opportunities, and business services. Funds may be used only for the purpose of preserving, commemorating, and sharing the history of the city of Seattle's freeway protests and making the history of activism around the promotion of more integrated transportation and land use planning accessible to current and future generations through the preservation of Bent 2 of the R. H. Thompson freeway ramp.

~~((44))~~ (13) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((45) \$265,100,000)~~ (14) \$310,469,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

(c) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(d) It is the legislature's intent that the department shall construct a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the base project is fully funded, the funds must first be applied toward the completion of these two full single-point urban interchanges.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound

FIFTY NINTH DAY, MARCH 11, 2020

Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

(f) The department shall explore the development of a multiuse trail for bicyclists, pedestrians, skateboarders, and similar users along the SR 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park.

(g) If sufficient bonding authority to complete this project is not provided within chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825))), Laws of 2019 (addressing tolling) ((or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))), or within a bond authorization act referencing chapter 421 ((Engrossed Substitute Senate Bill No. 5825))), Laws of 2019 ((or chapter . . . (House Bill No. 2132), Laws of 2019,)) by June 30, 2019, it is the intent of the legislature to return the Puget Sound Gateway project (M00600R) to its previously identified construction schedule by moving \$128,900,000 in connecting Washington account—state appropriation back to the 2027-2029 biennium from the 2023-2025 biennium on the list referenced in subsection (2) of this section. If sufficient bonding authority is provided, it is the intent of the legislature to advance the project to allow for earlier completion and inflationary savings.~~

~~((46))~~ (15) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((48) \$950,000)~~ (16) \$1,029,000 of the transportation partnership account—state appropriation is provided solely for the U.S. 2 Trestle IJR project (L1000158).

~~((49))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((20))~~ (18) Any advisory group that the department convenes during the 2019-2021 fiscal biennium must consider the interests of the entire state of Washington.

~~((24))~~ (19) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2021, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((22))~~ (20)(a) ~~((For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:~~

~~(i) I-82 Yakima Union Gap Economic Development Improvements (T21100R);~~

~~(ii) I-5 Federal Way Triangle Vicinity Improvements (T20400R); or~~

~~(iii) SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) (NPARADI).~~

~~(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(e))~~ For connecting Washington projects that have already begun and are eligible for the authority granted in section 601 of this act, the department shall prioritize advancing the following projects if expected reappropriations become available:

(i) SR 14/I-205 to SE 164th Ave - Auxiliary Lanes (L2000102);

(ii) SR 305 Construction - Safety Improvements (N30500R);

(iii) SR 14/Bingen Underpass (L2220062);

(iv) I-405/NE 132nd Interchange - Totem Lake (L1000110);

(v) US Hwy 2 Safety (N00200R);

(vi) US-12/Walla Walla Corridor Improvements (T20900R);

(vii) I-5 JBLM Corridor Improvements (M00100R);

(viii) I-5/Slater Road Interchange - Improvements (L1000099);

(ix) SR 510/Yelm Loop Phase 2 (T32700R); or

(x) SR 520/124th St Interchange (Design and Right of Way) (L1000098).

~~((4))~~ (b) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.

(c) The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

~~((23))~~ (21) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((24))~~ (22)(a) \$17,500,000 of the motor vehicle account—state appropriation is provided solely for staffing of a project office to replace the Interstate 5 bridge across the Columbia river (G2000088). If at least a \$9,000,000 transfer is not authorized in section 406(29) ~~((of this act))~~, chapter 416, Laws of 2019, then

\$9,000,000 of the motor vehicle account—state appropriation lapses.

(b) Of the amount provided in this subsection, \$7,780,000 of the motor vehicle account—state appropriation must be placed in unallotted status by the office of financial management until the department develops a detailed plan for the work of this project office in consultation with the chairs and ranking members of the transportation committees of the legislature. The director of the office of financial management shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(c) The work of this project office includes, but is not limited to, the reevaluation of the purpose and need identified for the project previously known as the Columbia river crossing, the reevaluation of permits and development of a finance plan, the reengagement of key stakeholders and the public, and the reevaluation of scope, schedule, and budget for a reinvigorated bistate effort for replacement of the Interstate 5 Columbia river bridge. When reevaluating the finance plan for the project, the department shall assume that some costs of the new facility may be covered by tolls. The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(d) Within the amount provided in this subsection, the department must implement chapter 137 (~~((Engrossed Substitute House Bill No. 1994)))~~, Laws of 2019 (projects of statewide significance).

(e) The department shall have as a goal to:

(i) Reengage project stakeholders and reevaluate the purpose and need and environmental permits by July 1, 2020;

(ii) Develop a finance plan by December 1, 2020; and

(iii) Have made significant progress toward beginning the supplemental environmental impact statement process by June 30, 2021. The department shall aim to provide a progress report on these activities to the governor and the transportation committees of the legislature by December 1, 2019, and a final report to the governor and the transportation committees of the legislature by December 1, 2020.

~~((25)) (23) \$17,500,000 of the motor vehicle account—state appropriation is provided solely to begin the pre-design phase on the I-5/Columbia River Bridge project (G2000088) (if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

~~((26)) (24)(a) ((36,500,000)) \$191,360,000 of the connecting Washington account—state appropriation, ((44,961,000)) \$47,655,000 of the motor vehicle account—federal appropriation, \$11,179,000 of the motor vehicle account—private/local appropriation, \$6,100,000 of the motor vehicle account—state appropriation, and ((18,539,000)) \$18,706,000 of the transportation partnership account—state appropriation are provided solely for the Fish Passage Barrier project (0B14001) with the intent of fully complying with the court injunction by 2030.~~

(b) Of the amounts provided in this subsection, \$320,000 of the connecting Washington account—state appropriation is provided solely to remove the fish passage barrier on state route number 6 that interfaces with Boistfort Valley water utilities near milepost 46.6.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach to maximize habitat gain by replacing both state and local culverts. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, ability to leverage investments by others, presence of other barriers, project readiness, other transportation projects in the area, and transportation impacts.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) It is the intent of the legislature that for the amount listed for the 2021-2023 biennium for the Fish Passage Barrier project (0B14001) on the LEAP list referenced in subsection (1) of this section, that accrued practical design savings deposited in the transportation future funding program account be used to help fund the cost of fully complying with the court injunction by 2030.

((27) \$14,750,000) (25)(a) The Washington state department of transportation is directed to pursue compliance with the U.S. v. Washington permanent injunction by delivering culvert corrections within the injunction area guided by the principle of providing the greatest fisheries habitat gain at the earliest time and considering the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert condition, other transportation projects in the area, and transportation impacts.

(b) The department and Brian Abbott fish barrier removal board, while providing the opportunity for stakeholders, tribes, and government agencies to give input on a statewide culvert remediation plan, must provide updates on the development of the statewide culvert remediation plan to the capital budget, ways and means, and transportation committees of the legislature by November 1, 2020, and March 15, 2021. The first update must include a project timeline and plan to ensure that all state agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(26) \$16,649,000 of the connecting Washington account—state appropriation, \$373,000 of the motor vehicle account—state appropriation, and \$6,000,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard – Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project in LEAP Transportation Document ((2019-1)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, Program – Highway Improvements (I).

((28)) (27)(a) ((7,060,000)) \$6,799,000 of the motor vehicle account—federal appropriation, ((72,000)) \$31,000 of the motor vehicle account—state appropriation, ((3,580,000)) \$3,812,000 of the transportation partnership account—state appropriation, and \$7,000,000 of the ((high occupancy)) Interstate 405 and state route number 167 express toll lanes ((operations)) account—state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

(b) If sufficient bonding authority to complete this project is not provided within chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825)))~~, Laws of 2019 (addressing tolling) (~~((or chapter -- (House Bill No. 2132), Laws of 2019 (addressing tolling)))~~), or within a bond authorization act referencing chapter 421 (~~((Engrossed Substitute Senate Bill No. 5825)))~~, Laws of 2019

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

((or chapter . . . (House Bill No. 2132), Laws of 2019,)) by June 30, 2019, it is the intent of the legislature to remove the \$100,000,000 in toll funding from this project on the list referenced in subsection (2) of this section.

((29)) (28) For the I-405/North 8th Street Direct Access Ramp in Renton project (L1000280), if sufficient bonding authority to begin this project is not provided within chapter 421 ((Engrossed Substitute Senate Bill No. 5825)), Laws of 2019 (addressing tolling) ((or chapter . . . (House Bill No. 2132), Laws of 2019 (addressing tolling))), or within a bond authorization act referencing chapter 421 ((Engrossed Substitute Senate Bill No. 5825)), Laws of 2019 ((or chapter . . . (House Bill No. 2132), Laws of 2019, by June 30, 2019)), it is the intent of the legislature to remove the project from the list referenced in subsection (2) of this section.

((30) \$7,900,000) (29) \$7,985,000 of the Special Category C account—state appropriation and \$1,000,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

((31) \$2,250,000) (30) \$2,250,000 of the motor vehicle account—state appropriation is provided solely for the I-5 Corridor from Mounts Road to Tumwater project (L1000231) for completing a National and State Environmental Policy Act (NEPA/SEPA) analysis to identify mid- and long-term environmental impacts associated with future improvements along the I-5 corridor from Tumwater to DuPont.

((32) \$1,290,000) (31) \$622,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((33) \$12,800,000) (32) \$12,916,000 of the motor vehicle account—state appropriation is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((34)) (33) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the US 101/Morse Creek Safety Barrier project (L1000247)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((35)) (34) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No.

5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((36) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the I-5/Rush Road Interchange Improvements project (L1000223); however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(35) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(36) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Multimodal transportation account—state, transportation partnership account—state, connecting Washington account—state, and special category C account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 306. 2019 c 416 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State	Appropriation
	(((\$1,744,000))
	\$2,971,000
Transportation Partnership Account—State	Appropriation
	(((\$23,706,000))
	\$20,248,000
Motor Vehicle Account—State	Appropriation
	(((\$74,885,000))
	\$82,447,000
Motor Vehicle Account—Federal	Appropriation
	(((\$454,758,000))
	\$490,744,000
Motor Vehicle Account—Private/Local	Appropriation
	(((\$5,159,000))
	\$7,408,000
State Route Number 520 Corridor	Account—State
Appropriation	(((\$544,000))

	<u>\$326,000</u>
Connecting Washington Account—State Appropriation	(\$189,771,000)
	<u>\$204,630,000</u>
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$7,906,000)
	<u>\$8,350,000</u>
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$10,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation	<u>\$3,018,000</u>
Transportation 2003 Account (Nickel Account)—State Appropriation	(\$9,617,000)
	<u>\$17,892,000</u>
TOTAL APPROPRIATION	<u>\$768,100,000</u>
	<u>\$838,044,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2019-4)) 2020-1 as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2019-2~~)) 2020-2 ALL PROJECTS as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (OBI4001).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) ((~~\$25,036,000~~)) \$26,683,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

((~~\$2,500,000~~)) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(7) ((~~\$22,729,000~~)) \$21,289,000 of the motor vehicle account—federal appropriation and ((~~\$553,000~~)) \$840,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient (L1000068). These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its annual agency budget request.

(8) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(9) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2019-2021 fiscal biennium, the department must add dug-in reflectors.

((~~10~~))((~~a~~)) ~~For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the SR 4/Abernathy Creek Br Replace Bridge project (400411A).~~

~~(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.~~

~~(c) To the extent practicable, the department shall use the flexibility and authority granted in this section and in section 601 of this act to minimize the amount of reappropriations needed each biennium.~~

((~~11~~)) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 307. 2019 c 416 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation ~~(((\$7,311,000))~~
\$7,746,000

Motor Vehicle Account—Federal Appropriation
~~(((\$5,331,000))~~
\$6,137,000

Motor Vehicle Account—Private/Local Appropriation
~~(((\$500,000))~~
\$579,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation \$100,000

TOTAL APPROPRIATION \$13,142,000

\$14,562,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338) ~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses))~~.

(2) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

Sec. 308. 2019 c 416 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
WASHINGTON STATE FERRIES CONSTRUCTION—
PROGRAM W**

Puget Sound Capital Construction Account—State
Appropriation ~~(((\$111,076,000))~~
\$116,253,000

Puget Sound Capital Construction Account—Federal
Appropriation ~~(((\$141,750,000))~~
\$198,688,000

Puget Sound Capital Construction Account—Private/Local
Appropriation ~~(((\$350,000))~~
\$4,779,000

Transportation Partnership Account—State Appropriation
~~(((\$4,936,000))~~
\$6,582,000

Connecting Washington Account—State Appropriation
~~(((\$92,766,000))~~
\$112,426,000

Capital Vessel Replacement Account—State Appropriation
~~(((\$99,000,000))~~
\$96,030,000

Transportation 2003 Account (Nickel Account)—State
Appropriation \$986,000

TOTAL APPROPRIATION \$449,878,000

\$535,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) March 11, 2020, Program - Washington State Ferries Capital Program (W).

(2) ~~(((\$1,461,000))~~ \$2,857,000 of the Puget Sound capital construction account—state appropriation, ~~(((\$59,650,000))~~ \$17,832,000 of the Puget Sound capital construction account—federal appropriation, and \$63,789,000 of the connecting Washington account—state appropriation, are provided solely for the Mukilteo ferry terminal (952515P). To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ~~(((\$73,089,000))~~ \$102,641,000 of the Puget Sound capital construction account—federal appropriation, ~~(((\$33,089,000))~~ \$47,819,000 of the connecting Washington account—state appropriation, and ~~(((\$8,778,000))~~ \$4,355,000 of the Puget Sound capital construction account—~~((state))~~ local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) ~~(((\$5,000,000))~~ \$5,357,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$2,300,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA acceptance project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6) \$495,000 of the Puget Sound capital construction account—state appropriation is provided solely for an electric ferry planning team (G2000087) to develop ten-year and twenty-year implementation plans to efficiently deploy hybrid-electric vessels, including a cost-benefit analysis of construction and operation of hybrid-electric vessels with and without charging infrastructure. The plan includes, but is not limited to, vessel technology and feasibility, vessel and terminal deployment schedules, project financing, and workforce requirements. The plan shall be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2020.

(7) \$35,000,000 of the Puget Sound capital construction account—state appropriation and ~~(((\$6,500,000))~~ \$8,000,000 of the Puget Sound capital construction account—federal appropriation are provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(8) \$400,000 of the Puget Sound capital construction account—state appropriation is provided solely for a request for proposals for a new maintenance management system (project L2000301) and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) ~~(((\$99,000,000))~~ \$96,030,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel. The vendor must present to the joint transportation committee and the office of financial management, by September 15, 2019, a list of options that will result in significant cost savings changes in terms of construction or the long-term maintenance and operations of the vessel. The vendor must allow for exercising the options without

a penalty. It is the intent of the legislature to provide an additional \$88,000,000 in funding in the 2021-23 biennium. ~~((Unless (a) chapter 431 (Engrossed Substitute House Bill No. 2161), Laws of 2019 (capital surcharge) or chapter . . . (Substitute Senate Bill No. 5992), Laws of 2019 (capital surcharge) is enacted by June 30, 2019, and (b) chapter 417 (Engrossed House Bill No. 1789), Laws of 2019 (service fees) or chapter . . . (Substitute Senate Bill No. 5419), Laws of 2019 (service fees) is enacted by June 30, 2019, the amount provided in this subsection lapses.))~~ The reduction provided in this subsection is an assumed underrun pursuant to subsection (11) of this section. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690.

(10) The capital vessel replacement account—state appropriation includes up to ~~(((\$99,000,000))~~ \$96,030,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(11) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(12) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Puget Sound capital construction account—state, transportation partnership account—state, and capital vessel replacement account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 309. 2019 c 416 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
RAIL—PROGRAM Y—CAPITAL**

Motor Vehicle Account—State Appropriation ~~(((\$1,750,000))~~
\$3,300,000

Essential Rail Assistance Account—State Appropriation	(((\$500,000)) <u>\$851,000</u>
Transportation Infrastructure Account—State Appropriation	\$7,554,000
Multimodal Transportation Account—State Appropriation	(((\$85,441,000)) <u>\$74,876,000</u>
Multimodal Transportation Account—Federal Appropriation	(((\$8,302,000)) <u>\$8,601,000</u>
Multimodal Transportation Account—Local Appropriation	\$336,000
TOTAL APPROPRIATION	<u>\$103,883,000</u> <u>\$95,518,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2019-2))~~ 2020-2 ALL PROJECTS as developed ~~((April 27, 2019))~~ March 11, 2020, Program - Rail Program (Y).

(2) \$7,136,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) ~~(((\$8,112,000))~~ \$7,782,000 of the multimodal transportation account—state appropriation, \$51,000 of the transportation infrastructure account—state appropriation, and \$135,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) ~~(((\$365,000))~~ \$716,000 of the essential rail assistance account—state appropriation ~~((=))~~ and \$82,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2020, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely as expenditure authority for any insurance proceeds received by the state for Passenger Rail Equipment Replacement (project 700010C.) The department must use this expenditure authority only to purchase ~~((new train sets))~~ replacement equipment that ~~((have))~~ has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) ~~(((\$600,000))~~ \$898,000 of the multimodal transportation account—federal appropriation and ~~(((\$6,000))~~ \$8,000 of the multimodal transportation account—state appropriation are provided solely for the Ridgefield Rail Overpass (project 725910A). Total costs for this project may not exceed \$909,000 across fiscal biennia.

(9)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147).

(b) At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(10) The multimodal transportation account—state appropriation includes up to ~~(((\$19,592,000))~~ \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(11) The department must report to the joint transportation committee on the progress made on freight rail investment bank projects and freight rail assistance projects funded during this biennium by January 1, 2020.

(12) \$1,500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad roadbed rehabilitation project (L1000233).

(13) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the Port of Moses Lake Northern Columbia Basin railroad feasibility study (L1000235).

(14) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Spokane airport transload facility project (L1000242).

(15) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the grade separation at Bell road project (L1000239)~~((; however, if at least \$50,000,000 is not~~

~~made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(16) \$750,000 of the motor vehicle account—state appropriation ~~((is))~~ and \$399,000 of the multimodal transportation account—state appropriation are provided solely for the rail crossing improvements at 6th Ave. and South 19th St. project (L2000289)~~((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).~~

(17) It is the intent of the legislature that no capital projects be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(18) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 310. 2019 c 416 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State	Appropriation	(((\$793,000))
		<u>\$1,276,000</u>
Highway Infrastructure Account—Federal	Appropriation	(((\$981,000))
		<u>\$1,337,000</u>
Transportation Partnership Account—State	Appropriation	(((\$750,000))
		<u>\$2,380,000</u>
Highway Safety Account—State	Appropriation	(((\$800,000))
		<u>\$1,314,000</u>
Motor Vehicle Account—State	Appropriation	(((\$30,878,000))
		<u>\$35,607,000</u>

Motor	Vehicle	Account—Federal	Appropriation ((\$33,813,000)) <u>\$41,420,000</u>
Motor	Vehicle	Account—Private/Local	Appropriation ((\$21,500,000)) <u>\$24,600,000</u>
Connecting	Washington	Account—State	Appropriation ((\$172,454,000)) <u>\$155,550,000</u>
Multimodal	Transportation	Account—State	Appropriation ((\$72,269,000)) <u>\$77,469,000</u>
TOTAL APPROPRIATION			<u>\$334,238,000</u> <u>\$340,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2019-2~~)) 2020-2 ALL PROJECTS as developed ((~~April 27, 2019~~)) March 11, 2020, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~\$5,940,000~~)) \$18,577,000 of the multimodal transportation account—state appropriation and ((~~\$750,000~~)) \$1,380,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ((~~\$6,690,000~~)) \$11,354,000 of the motor vehicle account—federal appropriation, ((~~\$2,320,000~~)) \$4,640,000 of the multimodal transportation account—state appropriation, and ((~~\$800,000~~)) \$1,314,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ((~~\$28,319,000~~)) \$37,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ((~~\$19,160,000~~)) \$23,926,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve

appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(6)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2021-2023 fiscal biennium, the department may, on a pilot basis, apply funding from a project in this section with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) ((~~East West Corridor Overpass and Bridge (L2000067);~~
- (ii) ~~41st Street Rucker Avenue Freight Corridor Phase 2 (L2000134);~~
- (iii) ~~Mottman Rd Pedestrian & Street Improvements (L1000089);~~
- (iv) ~~I-5/Port of Tacoma Road Interchange (L1000087);~~
- ((v)) ~~Complete SR 522 Improvements Kenmore (T10600R);~~
- ((vi)) (ii) SR 99 Revitalization in Edmonds (NEDMOND); or
- ((vii)) (iii) SR 523 145th Street (L1000148);

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2021-2023 fiscal biennium.

(c) To the extent practicable, the department shall use the flexibility and authority granted in this section to minimize the amount of reappropriations needed each biennium.

(7) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2019-2021 fiscal biennium.

(8)(a) \$15,213,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016.

(b) ((~~In advance of the expiration of the fixing America's surface transportation (FAST) act in 2020, the department must work with the Washington state freight advisory committee to agree on a framework for allocation of any new national highway freight funding that may be approved in a new federal surface transportation reauthorization act. The department and representatives of the advisory committee must report to the joint transportation committee by October 1, 2020, on the status of planning for allocating new funds for this program.~~)) The department shall convene a stakeholder group for the purpose of developing a recommendation for a Washington freight advisory committee. The recommendations must include, but are not limited to, defining the committee's purpose and goals, roles and responsibilities, reporting structure, and proposed activities. Stakeholders must include representation from, but not limited to, the trucking industry, the maritime industry, the rail industry, cities, tribal governments, counties, ports, and representatives from key industrial associations important to the state's economic vitality and other relevant public and private interests. In developing the recommendation, the stakeholder group must review practices used by other states. The proposed committee must conform with requirements of the fixing America's surface transportation act and other relevant federal legislation. The recommendations must include how the committee can address improving freight mobility including, but not limited to, addressing insufficient truck parking in Washington state, examining the link between preservation investments and freight

FIFTY NINTH DAY, MARCH 11, 2020

mobility, and enhancing freight logistics through the application of technology. The stakeholder group shall make recommendations to the governor and the transportation committees of the legislature by December 1, 2020.

(9) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the Beech Street Extension project (L1000222)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(10) \$3,900,000 of the motor vehicle account—state appropriation is provided solely for the Dupont-Steilacoom road improvements project (L1000224)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(11) \$650,000 of the motor vehicle account—state appropriation is provided solely for the SR 104/40th place northeast roundabout project (L1000244)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(12) \$860,000 of the multimodal transportation account—state appropriation is provided solely for the Clinton to Ken's corner trail project (L1000249).

(13) \$210,000 of the motor vehicle account—state appropriation is provided solely for the I-405/44th gateway signage and green-scaping improvements project (L1000250)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(14) ((\$750,000 of the multimodal transportation account—state appropriation is provided solely for the Edmonds waterfront connector project (L1000252).

((15))) \$650,000 of the motor vehicle account—state appropriation is provided solely for the Wallace Kneeland and Shelton springs road intersection improvements project (L1000260)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((((46))) (15) \$1,000,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for the complete 224th Phase two project (L1000270)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws

2020 REGULAR SESSION

of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)).

((((47))) (16) \$60,000 of the multimodal transportation account—state appropriation is provided solely for the installation of an updated meteorological station at the Colville airport (L1000279).

((((48))) (17)(a) \$700,000 of the motor vehicle account—state appropriation is provided solely for the Ballard-Interbay Regional Transportation system plan project (L1000281)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(b) Funding in this subsection is provided solely for the city of Seattle to develop a plan and report for the Ballard-Interbay Regional Transportation System project to improve mobility for people and freight. The plan must be developed in coordination and partnership with entities including but not limited to the city of Seattle, King county, the Port of Seattle, Sound Transit, the Washington state military department for the Seattle armory, and the Washington state department of transportation. The plan must examine replacement of the Ballard bridge and the Magnolia bridge, which was damaged in the 2001 Nisqually earthquake. The city must provide a report on the plan that includes recommendations to the Seattle city council, King county council, and the transportation committees of the legislature by November 1, 2020. The report must include recommendations on how to maintain the current and future capacities of the Magnolia and Ballard bridges, an overview and analysis of all plans between 2010 and 2020 that examine how to replace the Magnolia bridge, and recommendations on a timeline for constructing new Magnolia and Ballard bridges.

((((49))) (18) \$750,000 of the motor vehicle account—state appropriation is provided solely for the Mickelson Parkway project (L1000282)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((((20))) (19) \$300,000 of the motor vehicle account—state appropriation is provided solely for the South 314th Street Improvements project (L1000283)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((((21))) (20) \$250,000 of the motor vehicle account—state appropriation is provided solely for the Ridgefield South I-5 Access Planning project (L1000284)((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((((22))) (21) \$300,000 of the motor vehicle account—state appropriation is provided solely for the Washougal 32nd Street Underpass Design and Permitting project (L1000285)((;

however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((23)) (22) \$600,000 of the connecting Washington account—state appropriation, \$150,000 of the motor vehicle account—state appropriation, and (((\$50,000)) \$267,000 of the multimodal transportation account—state appropriation are provided solely for the Bingen Walnut Creek and Maple Railroad Crossing (L2000328))((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount in this subsection provided from the motor vehicle account—state appropriation lapses)).

((24)) (23) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the SR 303 Warren Avenue Bridge Pedestrian Improvements project (L2000339))((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((25)) (24) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for the 72nd/Washington Improvements in Yakima project (L2000341))((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

((26)) (25) \$650,000 of the motor vehicle account—state appropriation is provided solely for the 48th/Washington Improvements in Yakima project (L2000342))((; however, if at least \$50,000,000 is not made available, by means of transfer, deposit, appropriation, or other similar conveyance, to the motor vehicle account for stormwater-related activities through the enactment of chapter 422 (Engrossed Substitute Senate Bill No. 5993), Laws of 2019 (model toxics control program reform) by June 30, 2019, the amount provided in this subsection lapses)).

(26) It is the intent of the legislature that no capital projects will be eliminated or substantially delayed as a result of revenue reductions, but that as a short-term solution appropriation authority for this program is reduced to reflect anticipated underruns in this program, based on historical reappropriation levels.

(27) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an allotment modification, reductions in the appropriated amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this biennium;

(b) Allotment modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2019-2021 fiscal biennium in LEAP Transportation Document 2020-2 ALL PROJECTS as developed March 11, 2020;

(c) Allotment modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state and multimodal transportation account—state; and

(d) By December 1, 2020, the department must submit a report to the transportation committees of the legislature regarding the actions taken under this subsection.

Sec. 311. 2019 c 416 s 313 (uncodified) is amended to read as follows:

QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel ((and)) TPA, and connecting Washington projects charging to the nickel/TPA/CWA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2019 c 416 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Special Category C Account—State	Appropriation
	((376,000))
	<u>\$105,000</u>
Multimodal Transportation Account—State	Appropriation
	<u>\$125,000</u>
Transportation Partnership Account—State	Appropriation
	((1,636,000))
	<u>\$1,407,000</u>
Connecting Washington Account—State	Appropriation
	((7,599,000))
	<u>\$7,723,000</u>
Highway Bond Retirement Account—State	Appropriation
	((1,327,766,000))
	<u>\$1,378,835,000</u>
Ferry Bond Retirement Account—State	Appropriation
	((25,077,000))
	<u>\$25,078,000</u>
Transportation Improvement Board Bond Retirement Account—State	Appropriation
	((12,684,000))
	<u>\$12,452,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account—State	Appropriation
	((29,594,000))
	<u>\$31,253,000</u>
Toll Facility Bond Retirement Account—State	Appropriation
	((86,493,000))
	<u>\$86,483,000</u>
TOTAL APPROPRIATION	<u>\$1,491,340,000</u>
	<u>\$1,543,461,000</u>

Sec. 402. 2019 c 416 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Multimodal Transportation Account—State	Appropriation
	<u>\$25,000</u>
Transportation Partnership Account—State	Appropriation
	((327,000))
	<u>\$281,000</u>
Connecting Washington Account—State	Appropriation
	((1,520,000))
	<u>\$1,599,000</u>
Special Category C Account—State	Appropriation
	((75,000))
	<u>\$21,000</u>
TOTAL APPROPRIATION	<u>\$1,947,000</u>
	<u>\$1,926,000</u>

Sec. 403. 2019 c 416 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax distributions to cities and counties	((518,198,000))
	<u>\$508,276,000</u>

Sec. 404. 2019 c 416 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax refunds and statutory transfers	((2,188,945,000))
	<u>\$2,146,790,000</u>

Sec. 405. 2019 c 416 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:	
For motor vehicle fuel tax refunds and transfers	((220,426,000))
	<u>\$235,788,000</u>

Sec. 406. 2019 c 416 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) Highway Safety Account—State Appropriation:
For transfer to the Multimodal Transportation Account—State ~~((10,000,000))~~
\$54,000,000
- (2) Transportation Partnership Account—State Appropriation:
For transfer to the Motor Vehicle Account—State ~~((50,000,000))~~
\$45,000,000
- (3) Motor Vehicle Account—State Appropriation:
For transfer to the State Patrol Highway Account—State ~~((7,000,000))~~
\$57,000,000
- (4) Motor Vehicle Account—State Appropriation:
For transfer to the Freight Mobility Investment Account—State ~~((8,511,000))~~
\$8,070,000
- (5) Motor Vehicle Account—State Appropriation:
For transfer to the Rural Arterial Trust Account—State ~~((4,844,000))~~
\$1,732,000
- (6) Motor Vehicle Account—State Appropriation:
For transfer to the Transportation Improvement Account—State ~~((9,688,000))~~
\$5,067,000
- ~~(7) Highway Safety Account—State Appropriation:
For transfer to the State Patrol Highway Account—State~~ \$44,000,000
- ~~(8)) Motor Vehicle Account—State Appropriation:
For transfer to the Puget Sound Capital Construction Account—State~~ \$52,000,000
- ~~(8) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State~~ \$55,000,000
- ~~(9) Rural Mobility Grant Program Account—State~~ \$3,000,000
- ~~(10) State Route Number 520 Civil Penalties Account—State~~ \$1,434,000
- ~~(11) Capital Vessel Replacement Account—State~~ \$60,000,000
- ~~(11) Multimodal Transportation Account—State~~ \$60,000,000
- ~~Appropriation: For transfer to the Freight~~

~~Mobility Multimodal Account—State~~ ~~\$8,511,000~~)
 (12) ~~((Multimodal Transportation Account—State~~
~~Appropriation: For transfer to the Puget Sound~~
~~Capital Construction Account—State~~ ~~\$15,000,000~~
 (13) ~~Multimodal Transportation Account—State~~
~~Appropriation: For transfer to the Puget Sound~~
~~Ferry Operations Account—State~~ ~~\$45,000,000~~
 (14)) ~~Multimodal Transportation Account—State~~
~~Appropriation: For transfer to the Regional~~
~~Mobility Grant Program Account—State~~ ~~((27,679,000))~~
~~\$11,215,000~~
 ((45)) (13) Multimodal Transportation Account—State
 Appropriation: For transfer to the Rural
 Mobility Grant Program Account—State \$15,223,000
 ((46)) (14) Transportation 2003 Account (Nickel Account)—
 State Appropriation: For transfer to the Puget
 Sound Capital Construction Account—State ~~((20,000,000))~~
~~\$15,000,000~~
 ((47)) (15)(a) Alaskan Way Viaduct Replacement Project
 Account—State Appropriation: For transfer to the
 Motor Vehicle Account—State \$9,992,000
 (b) The transfer identified in this subsection is provided solely
 to repay in full the motor vehicle account—state appropriation
 loan from section 1005(21) ~~((of this act))~~, chapter 416, Laws of
 2019.
 ((48)) (16)(a) Transportation Partnership Account—State
 Appropriation: For transfer to the Alaskan Way Viaduct
 Replacement Project Account—State ~~((77,951,000))~~
~~\$77,956,000~~
 (b) The amount transferred in this subsection represents that
 portion of the up to \$200,000,000 in proceeds from the sale of
 bonds authorized in RCW 47.10.873, intended to be sold through
 the 2021-2023 fiscal biennium, used only for construction of the
 SR 99/Alaskan Way Viaduct Replacement project (809936Z),
 and that must be repaid from the Alaskan Way viaduct
 replacement project account consistent with RCW 47.56.864.
 ((49)) (17) Motor Vehicle Account—State Appropriation:
 For transfer to the County Arterial Preservation
 Account—State ~~((4,844,000))~~
~~\$4,829,000~~
 ((20)) (18)(a) General Fund Account—State Appropriation:
 For transfer to the State Patrol Highway
 Account—State \$625,000
 (b) The state treasurer shall transfer the funds only after
 receiving notification from the Washington state patrol under
 section 207(7) ~~((of this act))~~, chapter 416, Laws of 2019.
 ((24)) (19) Capital Vessel Replacement Account—State
 Appropriation: For transfer to the Transportation
 Partnership Account—State ~~((3,293,000))~~
~~\$2,312,000~~
 ((22)) (20)(a) Alaskan Way Viaduct Replacement Project
 Account—State Appropriation: For transfer to the
 Transportation Partnership Account—State ~~((19,262,000))~~
~~\$15,858,000~~
 (b) The amount transferred in this subsection represents
 repayment of debt service incurred for the construction of the SR
 99/Alaskan Way Viaduct Replacement project (809936Z).
 ((23)) (21) Tacoma Narrows Toll Bridge Account—State
 Appropriation: For transfer to the Motor
 Vehicle Account—State \$950,000
 ((24)) (22)(a) Tacoma Narrows Toll Bridge Account—State
 Appropriation:
 For transfer to the Motor Vehicle
 Account—State \$5,000,000
 (b) A transfer in the amount of \$5,000,000 was made from the
 Motor Vehicle Account to the Tacoma Narrows Toll Bridge

Account in April 2019. It is the intent of the legislature that this
 transfer was to be temporary, for the purpose of minimizing the
 impact of toll increases, and this is an equivalent reimbursing
 transfer to occur in November 2019.

~~((25))~~ (23)(a) Transportation 2003 Account (Nickel Account)
 —State Appropriation: For transfer to the Tacoma
 Narrows Toll Bridge Account—State \$12,543,000
 (b) It is the intent of the legislature that this transfer is
 temporary, for the purpose of minimizing the impact of toll
 increases, and an equivalent reimbursing transfer is to occur after
 the debt service and deferred sales tax on the Tacoma Narrows
 bridge construction costs are fully repaid in accordance with
 chapter 195, Laws of 2018.
 ((26)) (24) Transportation Infrastructure Account—State
 Appropriation: For transfer to the multimodal
 Transportation Account—State \$9,000,000
 ((27)) (25) Multimodal Transportation Account—State
 Appropriation: For transfer to the Pilotage
 Account—State \$2,500,000
 ((28)) (26)(a) Motor Vehicle Account—State Appropriation:
 For transfer to the County Road
 Administration Board Emergency Loan Account—State
 \$1,000,000
 (b) If chapter 157 ~~((Senate Bill No. 5923))~~, Laws of 2019 is
 not enacted by June 30, 2019, the amount provided in this
 subsection lapses.
 ((29)) (27)(a) Advanced Environmental Mitigation
 Revolving Account—State Appropriation: For transfer
 to the Motor Vehicle Account—State \$9,000,000
 (b) The amount transferred in this subsection is contingent on
 at least a \$9,000,000 transfer to the advanced environmental
 mitigation revolving account authorized by June 30, 2019, in the
 omnibus capital appropriations act.
~~((30) Motor Vehicle account—State Appropriation:~~
~~For transfer to the Electric Vehicle Charging~~
~~Infrastructure Account—State~~ ~~\$12,255,000~~
 (34)) (28) Multimodal Transportation Account—State
 Appropriation: For transfer to the Electric Vehicle
 Charging Infrastructure Account—State ~~((8,000,000))~~
~~\$1,000,000~~
 ((32)) (29) Multimodal Transportation Account—State
 Appropriation: For transfer to the Complete Streets
 Grant Program Account—State ~~((14,670,000))~~
~~\$10,200,000~~
 ((33)) (30)(a) Transportation Partnership
 Account—State Appropriation: For transfer to the Capital
 Vessel Replacement Account—State ~~((99,000,000))~~
~~\$96,030,000~~
 (b) The amount transferred in this subsection represents
 proceeds from the sale of bonds authorized in RCW 47.10.873.
 (31) Freight Mobility Multimodal Account—State
 Appropriation: For transfer to the Multimodal Transportation
 Account—State \$7,296,000
 (32) Connecting Washington Account—State Appropriation:
 For transfer to the Motor Vehicle
 Account—State \$115,000,000
Sec. 407. 2019 c 416 s 407 (uncodified) is amended to read
 as follows:
**FOR THE STATE TREASURER—STATE REVENUES
 FOR DISTRIBUTION**
 Multimodal Transportation Account—State Appropriation:
 For distribution to cities and
 counties \$26,786,000
 Motor Vehicle Account—State Appropriation: For
 distribution to cities and counties \$23,438,000
TOTAL APPROPRIATION \$50,224,000

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

Sec. 408. 2019 c 416 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal Appropriation	\$199,522,000
Toll Facility Bond Retirement Account—State Appropriation	\$25,372,000
TOTAL APPROPRIATION	\$225,273,000
	<u>\$224,894,000</u>

COMPENSATION

NEW SECTION. Sec. 501. A new section is added to 2019 c 416 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENTS**

Sections 502 and 503 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 47.64 RCW. Provisions of the collective bargaining agreements contained in sections 502 and 503 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 502. A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 503. A new section is added to 2019 c 416 (uncodified) to read as follows:**DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENTS—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2021 fiscal year. Funding is provided to ensure training opportunities are available to all bargaining unit employees.

NEW SECTION. Sec. 504. A new section is added to 2019 c 416 (uncodified) to read as follows:

GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS

Except as otherwise provided in sections 501 through 503 of this act, state employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2020 supplemental omnibus appropriations act.

IMPLEMENTING PROVISIONS

Sec. 601. 2019 c 416 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document ((2019-1)) 2020-1 as developed ((April 27, 2019)) March 11, 2020, which consists of a list of specific projects by fund source

and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2019-2021 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2020 supplemental omnibus transportation appropriations act, any unexpended 2017-2019 appropriation balance as approved by the office of financial management, in consultation with the chairs and ranking members of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2019 c 416 s 606 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

(1) By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2019-2)) 2020-2 ALL PROJECTS as developed ((April 27, 2019)) March 11, 2020. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2019-2021 FISCAL BIENNIUM

Sec. 701. 2019 c 416 s 701 (uncodified) is amended to read as follows:

INFORMATION TECHNOLOGY OVERSIGHT

(1) Agencies must apply to the office of financial management and the office of the state chief information officer for approval before beginning a project or proceeding with each discreet stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project has an approved technology budget and investment plan, complies with state information technology and security requirements, and other policies defined by the office of the state chief information officer. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(2)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full-time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and
- (v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(3)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete program index and subobject codes.

(4) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer. Each subproject must have a technology budget and investment plan as provided in this section.

(5)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(6) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(7) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(8) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(9) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to legislative fiscal committees.

(10) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1st and December 1st each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to legislative fiscal committees.

(11) The following department of transportation projects are subject to the conditions, limitations, and review provided in this section: Labor System Replacement, New Ferry Division Dispatch System, Maintenance Management System, Land Mobile Radio System Replacement, and New CSC System and Operator.

Sec. 702. RCW 46.68.310 and 2013 c 104 s 4 are each amended to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. However, during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the freight mobility multimodal account to the multimodal transportation account.

Sec. 703. RCW 82.32.385 and 2015 3rd sp.s. c 44 s 420 are each amended to read as follows:

(1) Beginning September 2019 and ending ~~((June 2021))~~ December 2019, by the last day of September~~((;))~~ and December~~((, March, and June of each year))~~, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

(2) Beginning March 2020 and ending June 2021, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the multimodal transportation account created in RCW 47.66.070 thirteen million six hundred eighty thousand dollars.

(3) Beginning September 2021 and ending June 2023, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million eight hundred five thousand dollars.

~~((3))~~ (4) Beginning September 2023 and ending June 2025, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 thirteen million nine hundred eighty-seven thousand dollars.

~~((4))~~ (5) Beginning September 2025 and ending June 2027, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 eleven million six hundred fifty-eight thousand dollars.

~~((5))~~ (6) Beginning September 2027 and ending June 2029, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 seven million five hundred sixty-four thousand dollars.

~~((6))~~ (7) Beginning September 2029 and ending June 2031, by the last day of September, December, March, and June of each year, the state treasurer must transfer from the general fund to the connecting Washington account created in RCW 46.68.395 four million fifty-six thousand dollars.

Sec. 704. RCW 47.66.110 and 2015 3rd sp.s. c 11 s 4 are each amended to read as follows:

(1) The transit coordination grant program is created in the department. The purpose of the transit coordination grant program is to encourage joint planning and coordination on the part of central Puget Sound transit systems in order to improve the user experience, increase ridership, and make the most effective use of tax dollars. The department shall oversee, manage, score, select, and evaluate transit coordination grant program project applications, and shall select transit coordination grant recipients annually. A transit agency located in a county or counties with a population of seven hundred thousand or more that border Puget Sound is eligible to apply to the department for transit coordination grants.

(2) Projects eligible for transit coordination grants include, but are not limited to, projects that:

- (a) Integrate marketing efforts;
- (b) Align fare structures;
- (c) Integrate service planning;
- (d) Coordinate long-range planning, including capital projects planning and implementation;
- (e) Integrate other administrative functions and internal business processes as appropriate; and
- (f) Integrate certain customer-focused tools and initiatives.

(3) Transit coordination grants must, at a minimum, be proposed jointly by two or more eligible transit agencies and must include a description of the:

- (a) Issue or problem to be addressed;
- (b) Specific solution and measurable outcomes;
- (c) Benefits such as cost savings, travel time improvements, improved coordination, and improved customer experience; and
- (d) Performance measurements and an evaluation plan that includes the identification of milestones towards successful completion of the project.

(4) Transit coordination grant applications must include measurable outcomes for the project including, but not limited to, the following:

(a) Impacts on service, such as increased service, improved service delivery, and improved transfers and coordination across transit service;

(b) Impacts on customer service, such as: Improved reliability; improved outreach and coordination with customers, employers, and communities; improvements in customer service functions, such as customer response time and web-based and other communications; and

(c) Impacts on administration, such as improved marketing and outreach efforts, integrated customer-focused tools, and improved cross-agency communications.

(5) Transit coordination grant applications must also include:

(a) Project budget and cost details; and

(b) A commitment and description of local matching funding of at least ten percent of the project cost.

(6) Upon completion of the project, transit coordination grant recipients must provide a report to the department that includes an overview of the project, how the grant funds were spent, and the extent to which the identified project outcomes were met. In addition, such reports must include a description of best practices that could be transferred to other transit agencies faced with similar issues to those addressed by the transit coordination grant recipient. The department must report annually to the transportation committees of the legislature on the transit coordination grants that were awarded, and the report must include data to determine if completed transit coordination grant projects produced the anticipated outcomes included in the grant applications.

(7) This section expires (~~July 1, 2020~~) June 30, 2021.

Sec. 705. RCW 46.68.290 and 2019 c 416 s 707 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government

auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

FIFTY NINTH DAY, MARCH 11, 2020

2020 REGULAR SESSION

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 and the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account ~~((and))~~, the motor vehicle fund, and the capital vessel replacement account.

Sec. 706. RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, or two and one-half percent during the 2019-2021 biennium, for the administration and collection of the tax.

(2) For fiscal year 2021, the department shall charge a minimum of seven million eight hundred two thousand dollars, which is the reasonable amount aimed at achieving full cost recovery for the administration and collection of a motor vehicle excise tax. The amount of the full reimbursement for the administration and collection of the motor vehicle excise tax must be deducted before distributing any revenues to a regional transit authority. Any reimbursement to ensure full cost recovery beyond the amount specified in this subsection may be negotiated between the department and the regional transit authority if full cost recovery has not been achieved, or if based on emergent issues.

Sec. 707. RCW 46.68.395 and 2015 3rd sp.s. c 44 s 106 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the motor vehicle fund.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.310, 82.32.385, 47.66.110, 46.68.290, 82.44.135, and 46.68.395; amending 2019 c 416 ss 103, 105, 108-110, 201-223, 301, 303-311, 313, 401-408, 601, 606, and 701 (uncodified); adding new sections to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Hobbs, King and Saldaña; Representatives Barkis, Fey and Wylie.

MOTION

Senator Hobbs moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2322 be adopted.

Senators Hobbs and King spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2322 be adopted.

The motion by Senator Hobbs carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2322, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2322, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
SECOND SUBSTITUTE HOUSE BILL NO. 1191,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1521,
ENGROSSED HOUSE BILL NO. 1552,
HOUSE BILL NO. 1590,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1783,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
SECOND SUBSTITUTE HOUSE BILL NO. 1888,
HOUSE BILL NO. 2051,
HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2302,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2342,
SUBSTITUTE HOUSE BILL NO. 2374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5147,
SECOND SUBSTITUTE SENATE BILL NO. 5149,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5323,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,
SECOND SUBSTITUTE SENATE BILL NO. 5601,
SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5640,
SENATE BILL NO. 5792,
SENATE BILL NO. 5811,
SECOND ENGROSSED SENATE BILL NO. 5887,
SECOND SUBSTITUTE SENATE BILL NO. 6027,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6087,
SUBSTITUTE SENATE BILL NO. 6088,
SENATE BILL NO. 6090,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6128,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6287,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6300,
SENATE BILL NO. 6305,
SENATE BILL NO. 6312,
SUBSTITUTE SENATE BILL NO. 6429,
SECOND SUBSTITUTE SENATE BILL NO. 6561,
SENATE BILL NO. 6565,
SUBSTITUTE SENATE BILL NO. 6570,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6592,
SUBSTITUTE SENATE BILL NO. 6613,
SUBSTITUTE SENATE BILL NO. 6660.

MOTION

At 3:37 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Thursday, March 12, 2020.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 12, 2020

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Blake Braunjames and Miss Natalie Gomez, presented the Colors.

The National Anthem was performed by Miss Felecia Hepner. Miss Hepner attends Eastern Washington University and serves as an intern in the Office of Senator Padden. The prayer was offered by Lieutenant Governor Habib.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 11, 2020

SHB 2486 Prime Sponsor, Committee on Finance: Extending the electric marine battery incentive. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Muzzall; Pedersen; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

Agriculture, Department of – “*Levels of Nonnutritive Substances in Fertilizers, 2019 Report*”, pursuant to 15.54.433 RCW;

Children, Youth, and Families, Department of – “*Child Welfare Workload Model, January 2020 Report*” in accordance with Substitute Senate Bill No. 5955;

Commerce, Department of – “*Palouse to Cascades Trail Recommendations Report*”, in accordance with Substitute House Bill No. 1102; “*Affordable Housing Updated 2019 Report*”, pursuant to 43.185B.040 RCW;

Ecology, Department of – “*Geographic Response Plans, Preparing to Respond to Oil Spills, 2019 Statewide Review*”, pursuant to 90.56.060 RCW;

Enterprise Services, Department of – “*Consolidated Printer Management Strategy Status, July 1, 2018 - June 30, 2019*”, pursuant to 39.26.010 RCW;

Health Care Authority – “*Crisis Stabilization Services*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Services in Institutions of Mental Diseases, Status of 1115 IMD Waiver Application*” in accordance with Engrossed Substitute House Bill No. 1109;

Health Disparities, Governor's Interagency Council on – “*State Policy Action Plan to Eliminate Health Disparities*”, pursuant to 43.20.280 RCW;

Health, Department of – “*Increasing Awareness of Financial Support for PrEP and PEP*”, in accordance with Second Substitute Senate Bill No. 5602;

Insurance Commissioner, Office of the – “*Office Building Predesign: Phase 1 - Problem Statement and Alternatives Analysis*”, in accordance with Substitute House Bill No. 1102;

Social & Health Services, Department of - “*Notification of Expiration of RCW 43.20A.755*”, in accordance with Second Substitute House Bill No. 1893;

Transportation, Department of – “*Toll Division Proviso Report, October - December 2019*”, in accordance with Engrossed Substitute House Bill No. 1160; “*I-405 Express Toll Lanes and SR 167 HOT Lanes: 48 Months of Operations, July - September 2019*”, pursuant to 47.56.880 RCW; “*Ferries Division - Fiscal Year 2019 Performance Report*”, pursuant to 47.64.360 RCW.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 2848,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,

SUBSTITUTE HOUSE BILL NO. 2441,

SUBSTITUTE HOUSE BILL NO. 2711,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6068,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147,

SECOND SUBSTITUTE SENATE BILL NO. 5149,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5323,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,

SECOND SUBSTITUTE SENATE BILL NO. 5601,

SENATE BILL NO. 5613,

SUBSTITUTE SENATE BILL NO. 5640,

SENATE BILL NO. 5792,

SENATE BILL NO. 5811,

SECOND ENGROSSED SENATE BILL NO. 5887,

SECOND SUBSTITUTE SENATE BILL NO. 6027,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 6087,

SUBSTITUTE SENATE BILL NO. 6088,

SENATE BILL NO. 6090,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 6128,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6300,

SENATE BILL NO. 6305,

SENATE BILL NO. 6312,

SUBSTITUTE SENATE BILL NO. 6429,

SECOND SUBSTITUTE SENATE BILL NO. 6561,

SENATE BILL NO. 6565,

SUBSTITUTE SENATE BILL NO. 6570,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6592,

SUBSTITUTE SENATE BILL NO. 6613,

SUBSTITUTE SENATE BILL NO. 6660,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 11, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1390,

THIRD SUBSTITUTE HOUSE BILL NO. 1504,

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775,

HOUSE BILL NO. 1841,

ENGROSSED HOUSE BILL NO. 1948,

HOUSE BILL NO. 2189,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421,

HOUSE BILL NO. 2458,

SECOND SUBSTITUTE HOUSE BILL NO. 2499,

HOUSE BILL NO. 2505,

SECOND SUBSTITUTE HOUSE BILL NO. 2513,

SUBSTITUTE HOUSE BILL NO. 2554,

SUBSTITUTE HOUSE BILL NO. 2634,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,

HOUSE BILL NO. 2669,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,

SUBSTITUTE HOUSE BILL NO. 2728,

HOUSE BILL NO. 2739,

SECOND SUBSTITUTE HOUSE BILL NO. 2793,

ENGROSSED HOUSE BILL NO. 2811,

ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 2870,

HOUSE BILL NO. 2903,

SUBSTITUTE HOUSE BILL NO. 2905,

HOUSE BILL NO. 2926,

HOUSE BILL NO. 2943,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

THIRD SUBSTITUTE SENATE BILL NO. 5164,

ENGROSSED SENATE BILL NO. 5282,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 5291,

ENGROSSED SENATE BILL NO. 5402,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,

SECOND SUBSTITUTE SENATE BILL NO. 5488,

SUBSTITUTE SENATE BILL NO. 6065,

SUBSTITUTE SENATE BILL NO. 6158,

ENGROSSED SENATE BILL NO. 6180,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 6205,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288,

SENATE BILL NO. 6359,

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6397,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6574,
and ENGROSSED SUBSTITUTE SENATE BILL NO. 6617.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Takko moved that Laura Watson, Senate Gubernatorial Appointment No. 9367, be confirmed as a Director of the Department of Ecology - Agency Head.

Senators Takko, Braun, Carlyle, Sheldon, Das, Rivers and Fortunato spoke in favor of passage of the motion.

MOTION

On motion of Senator Muzzall, Senator Ericksen was excused.

MOTION

On motion of Senator Mullet, Senator Hobbs was excused.

APPOINTMENT OF LAURA WATSON

The President declared the question before the Senate to be the confirmation of Laura Watson, Senate Gubernatorial Appointment No. 9367, as a Director of the Department of Ecology.

The Secretary called the roll on the confirmation of Laura Watson, Senate Gubernatorial Appointment No. 9367, as a Director of the Department of Ecology and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Hobbs

Laura Watson, Senate Gubernatorial Appointment No. 9367, having received the constitutional majority was declared confirmed as a Director of the Department of Ecology.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Yona Makowski, Senate Gubernatorial Appointment No. 9362, be confirmed as a member of the Investment Board.

Senator Kuderer spoke in favor of the motion.

Senator Schoesler spoke against the motion.

APPOINTMENT OF YONA MAKOWSKI

The President declared the question before the Senate to be the confirmation of Yona Makowski, Senate Gubernatorial Appointment No. 9362, as a member of the Investment Board.

The Secretary called the roll on the confirmation of Yona Makowski, Senate Gubernatorial Appointment No. 9362, as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Hobbs

Yona Makowski, Gubernatorial Appointment No. 9362, having received a constitutional majority was declared confirmed as a member of the Investment Board.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6248 with the following amendment(s): 6248-S.E AMH THAR H5429.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2021, out of the several funds specified in this act.

**PART 1
GENERAL GOVERNMENT**

Sec. 1001. 2019 c 413 s 1009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Program (30000803)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,455,000 of the amount reappropriated in this section is provided solely for the Byrd Barr place, formerly known as Centerstone, building renovation project.

(2) \$220,000 of the amount reappropriated in this section is provided solely for El Centro de la Raza boiler fan and master plan for rehabilitation. This amount is not subject to the match requirements, pursuant to RCW 43.63A.125.

Reappropriation:

State Building Construction Account—State	\$1,675,000
Prior Biennia (Expenditures)	((19,184,000))

	<u>\$17,990,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$20,859,000</u>
	<u>\$19,665,000</u>

Sec. 1002. 2019 c 413 s 1026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 298, Laws of 2018, except that funding may not be directed to the Valley View Health Center.

Reappropriation:

State Building Construction Account—State ((\$10,000,000))	<u>\$9,000,000</u>
Prior Biennia (Expenditures)	\$6,534,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$16,534,000</u>
	<u>\$15,534,000</u>

Sec. 1003. 2019 c 413 s 1029 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$129,050,000~~)) \$132,666,000 of the state taxable building construction account—state appropriation ((~~and \$45,950,000~~)), \$44,084,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with ((~~behavioral or~~)) chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) \$10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than ((~~\$125,000~~)) \$200,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans

with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) \$10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) \$10,000,000 of the appropriation in this section is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than fifteen years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(e)(i) \$7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) ~~(((\$45,950,000))~~ \$44,084,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle)	\$6,000,000
Capitol Hill Housing Broadway (Seattle)	\$6,000,000
Crosswalk Teen Shelter and Transitional Housing Project (Spokane)	\$1,000,000
Ethiopian Community Affordable Housing (Seattle)	\$3,000,000
<u>FFC New Construction (Statewide)</u>	<u>\$1,384,000</u>
FUSION Emergency Housing for Homeless Families (Federal Way)	\$3,000,000
Highland Village (Airway Heights)	\$5,500,000
Home At Last (Tacoma)	(((\$1,500,000))
<u>\$2,250,000</u>	
Interfaith Works Shelter (Olympia)	\$3,000,000
((NorthHaven Affordable Senior Housing Campus (Seattle))	\$1,000,000))
Pateros Gardens (Pateros)	\$1,400,000
((Roslyn Housing Project (Roslyn))	\$2,000,000))
SCIDpda North Lot (Seattle)	\$9,000,000
((Seattle Indian Health Board—Low Income Housing (Seattle))	\$1,000,000))
Tenny Creek Assisted Living (Vancouver)	\$1,750,000
THA Arlington Drive (Tacoma)	\$800,000

(g) \$6,000,000 of the appropriation for Capitol Hill Housing Broadway (Seattle) in (f) of this subsection is provided solely for the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1500 Broadway, 1534 Broadway, and 909 East Pine street in Seattle to Capitol Hill Housing to provide services and housing for homeless youth or young adults at the 1500 Broadway and 909 East Pine street properties for a minimum of fifty years. The transfer agreement between the state board for community and technical colleges and Capitol Hill Housing must specify a mutually agreed transfer date and require Capitol Hill Housing to cover any closing costs with a total purchase price of nine million dollars for the three properties. The contract between the department and Capitol Hill Housing must:

(i) Provide that Capitol Hill Housing is responsible for maintaining and securing the 1500 Broadway and 909 East Pine properties until the site is redeveloped;

(ii) Specify that, if Capitol Hill Housing does not construct at least seventy affordable housing units on the site by 2028, this funding must be fully repaid to the state or the land must revert back to the state; and

(iii) Require that Capitol Hill Housing transfer the 1534 Broadway property to YouthCare Service Center for the purpose of developing a youth community center.

(h) \$5,000,000 of the state taxable building construction account—state appropriation is provided solely for competitive grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers and other services; and

(vi) A community engagement strategy.

(i) ~~(((\$57,050,000))~~ \$55,666,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) \$5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) ~~(((\$5,000,000))~~ \$3,616,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

(iii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) \$5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-2021 fiscal biennium "first time home buyer" also includes:

(I) A single parent who has only owned a home with a former spouse while married;

(II) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(III) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(IV) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(b) By June 30, 2021, the department must report on its web site the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area

median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

Appropriation:

State Building Construction Account—State	(((\$45,950,000)) <u>\$44,084,000</u>
State Taxable Building Construction Account—State	(((\$129,050,000)) <u>\$132,666,000</u>
Subtotal Appropriation	(((\$175,000,000)) <u>\$176,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$480,000,000
TOTAL	\$655,000,000 <u>\$656,750,000</u>

Sec. 1004. 2019 c 413 s 1030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State	(((\$1,020,000)) <u>\$1,376,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,311,000
TOTAL	\$6,331,000 <u>\$6,687,000</u>

Sec. 1005. 2019 c 413 s 1035 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy Transition 4 (40000042)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$6,107,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Priority must be given to: (i) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and (ii) projects that have a partner that is a tribe or nonprofit organization that serves community eligible entities. Utilities may partner with other public and private sector research organizations, businesses, tribes, and nonprofit organizations in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(d) \$4,400,000 of the state building construction account—state appropriation is provided solely for providing shore power electrification at terminal five for the northwest seaport alliance. In order to receive this grant, the northwest seaport alliance must demonstrate that they applied to the VW settlement for this project and were denied.

(6)(a) \$8,100,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies.

(d) \$1,000,000 of the state building construction account—state appropriation is provided solely for grants that enhance the viability of dairy digester bioenergy projects, energy efficiency, and resource recovery to demonstrate advanced nutrient recovery systems that produce value added biofertilizers, reduce trucking of lagoon water, and improve soil health and air and water quality. Grants shall include at least one project east of the Cascades and one project west of the Cascades. State agencies must promote and demonstrate the use of such recovered biofertilizers through state procurement and contracts.

(7)(a) \$3,000,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by or for the benefit of households with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that will provide at least fifteen percent matching private capital and will administer the loan fund. The department must select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington Maritime Innovation Center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,300,000 of the state taxable construction account—state appropriation is provided solely for scientific instruments to help accelerate research in grid-scale energy storage at the proposed grid-scale energy storage research, development, and testing facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments will support collaborations with the University of Washington and the Washington State University.

(10) \$593,000 of the state building construction account—state appropriation is provided solely to the port of Grays Harbor for an offshore ocean wave renewable energy demonstration project.

(11) \$1,500,000 of the state building construction account—state appropriation is provided solely to the ~~((Port of))~~ Skagit county public works department for the Guemes ferry dock shore power charging infrastructure.

Appropriation:

State Building Construction Account—State	\$21,300,000
State Taxable Building Construction Account—State	\$11,300,000
Subtotal Appropriation	\$32,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000

TOTAL \$192,600,000

Sec. 1006. 2019 c 413 s 1037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities (40000044)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$200,000))~~ \$300,000 of the state building construction account—state appropriation is provided solely for the department of children, youth, and families to provide technical assistance to the department for the early learning facilities grants in this section.

(2) ~~((\$6,100,000))~~ \$9,062,000 of the state building construction account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Proclaim Liberty Early Learning Facility	\$1,000,000
Roosevelt Child Care Center	\$1,500,000
City of Monroe, Boys & Girls Club ECEAP Facility	\$1,000,000

Family Support Center Olympia	\$600,000
-------------------------------	-----------

Centralia-Chehalis Early Learning Conversion Project	((<u>\$2,000,000</u>))
--	-----------------------------------

<u>\$3,000,000</u>	
--------------------	--

<u>Club Discovery Early Learning</u>	<u>\$100,000</u>
--------------------------------------	------------------

<u>Anacortes Family Center</u>	<u>\$309,000</u>
--------------------------------	------------------

<u>Boys & Girls Club Daycare</u>	<u>\$773,000</u>
--------------------------------------	------------------

<u>Issaquah School District Early Learning Center</u>	<u>\$155,000</u>
---	------------------

<u>Opportunity Council Early Learning Central Kitchen</u>	<u>\$52,000</u>
---	-----------------

<u>Samish Longhouse Early Learning Center Expansion</u>	<u>\$273,000</u>
---	------------------

<u>Triumph Treatment Services Child Care</u>	<u>\$300,000</u>
--	------------------

(3) \$4,186,000 of the early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects for school districts, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, in the following amounts:

Toppenish School District	\$111,000
Manson School District	\$400,000
Kettle Falls School District	\$395,000
North Thurston School District	\$324,000
Ellensburg School District	\$800,000
Everett School District	\$800,000
Tukwila School District	\$196,000
Richland School District	\$800,000
Lake Quinalt School District	\$360,000

(4) The remaining portion of the appropriation in this section is provided solely for early learning facility grants and loans subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092 to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations.

(5) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department of commerce and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(6) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department of commerce pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(7) The department of commerce must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(8) When prioritizing applications for projects, pursuant to subsection (4) of this section, within the boundaries of a regional transit authority in a county that has received distributions or appropriations under RCW 43.79.520, the department must give priority to applications for which at least ten percent of the total project cost is supported by those distributions or appropriations.

(9) The department, in consultation with the office of the superintendent of public instruction and the department of children, youth, and families must identify buildings in the inventory and condition of schools database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance pursuant to chapter 28A.515 RCW, but that could be repurposed as early learning facilities and made available to eligible organizations. The department must report its findings and the list of buildings identified in this section to the office of financial management and the appropriate fiscal committees of the legislature by January 15, 2020.

Appropriation:

State Building Construction Account—State	(((\$6,300,000))
	<u>\$9,362,000</u>
Early Learning Facilities Revolving Account—State	(((\$18,014,000))
	<u>\$22,248,000</u>
Early Learning Facilities Development Account—State	\$4,186,000
Subtotal Appropriation	(((\$28,500,000))
	<u>\$35,796,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	<u>\$108,500,000</u>
	<u>\$115,796,000</u>

Sec. 1007. 2019 c 413 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004 of this act.

Reappropriation:

State Building Construction Account—State	(((\$84,500,000))
	<u>\$77,223,000</u>
Prior Biennia (Expenditures)	\$5,876,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$90,376,000</u>
	<u>\$83,099,000</u>

Sec. 1008. 2019 c 413 s 1033 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Community Economic Revitalization Board (40000040)

Appropriation:

Public Facility Construction Loan Revolving Account—State	(((\$8,600,000))
---	-----------------------------

	<u>\$18,600,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,400,000
TOTAL	<u>\$43,000,000</u>
	<u>\$53,000,000</u>

NEW SECTION. Sec. 1009. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute (40000136)

It is the intent of the legislature that this funding be provided for the Seattle Vocational Institute no later than June 30, 2021, once the community preservation and development authority has selected board members and the title of the Seattle Vocational Institute building has been transferred to the board.

Appropriation:

State Building Construction Account—State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,300,000</u>

Sec. 1010. 2019 c 413 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Health Capacity Grants (40000114)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department of commerce must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department of commerce may approve funding for the acquisition of a facility or land if the project results in increased capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a fifteen-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) ~~(((\$47,000,000))~~ \$73,231,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) ~~(((\$4,000,000))~~ \$11,277,000 is provided solely for at least ~~((two))~~ six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases. The department may award the amounts provided in this subsection (5)(a) to eligible applicants that applied in the first round;

(b) \$10,000,000 is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$4,000,000 is provided solely for at least two facilities with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 is provided solely for one or more crisis diversion or stabilization facilities to add sixteen beds in the Spokane region that will address both urban and rural needs, consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.* and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$5,000,000 is provided solely for at least four mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(f) \$8,000,000 is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on ninety-day or one hundred eighty-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the omnibus operating appropriations act for these purposes.

(g) \$4,000,000 is provided solely for competitive community behavioral health grants to address regional needs;

(h) \$8,000,000 is provided solely for at least four intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(i) ~~(((\$2,000,000))~~ \$20,954,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. The department may award the amounts provided in this subsection (5)(i) to eligible applicants that applied in the first round.

(6) \$1,000,000 of the state taxable building construction account—state is provided solely for deposit into the revolving fund established in Second Substitute House Bill No. 1528 (recovery support services) for capital improvements. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) ~~(((\$49,543,000))~~ (a) \$47,935,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

CHAS Spokane Behavioral Health	\$400,000
((Chelan SUD Design	\$206,000
Columbia Valley Community Health Remodel	\$31,000))
Colville SUD Facility	\$4,523,000
((Community Health of Snohomish County Edmonds	\$1,000,000))
DESC Health Clinic	\$6,000,000
Detox/Inpatient SUD Building (Centralia)	\$750,000
Evergreen RC Addiction Treatment Facility for Mothers (Everett)	\$2,000,000
HealthPoint Behavioral Health Expansion (Auburn)	\$1,030,000
Issaquah Opportunity Center (Issaquah)	\$3,000,000
Jamestown S'Klallam Behavioral Health	\$7,200,000
Lynnwood Sea Mar Behavioral Health Expansion	\$1,000,000
Nexus Youth and Families	\$535,000
North Sound SUD Treatment Facility (Everett)	\$1,500,000
Oak Harbor Tri-County Behavioral Health	\$1,000,000
Peninsula Community Health Services Behavioral Health Expansion (Bremerton)	\$1,700,000
Providence Regional Medical Center	\$4,700,000
((Sea Mar Community Health Centers Seattle BH	(Seattle)
Sedro-Woolley North Sound E&T	\$371,000))
Sedro-Woolley North Sound E&T	\$6,600,000
Spokane Crisis Stabilization	\$2,000,000
Virginia Mason Acute Stabilization	\$2,200,000
Yakima Neighborhood Health Services	\$488,000
Yakima Valley Farm Workers Clinic	\$309,000
YVFWC Children's Village	\$1,000,000

(b) \$3,577,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

<u>Chelan SUD Design</u>	<u>\$206,000</u>
<u>Community Health of Snohomish County Edmonds</u>	<u>\$1,000,000</u>
<u>The Parkside Place Project (Wenatchee)</u>	<u>\$2,000,000</u>
<u>Sea Mar Community Health Centers Seattle BH (Seattle)</u>	<u>\$371,000</u>

~~(8)((a) \$20,000,000 of the appropriation in this section is provided solely for a contract with MultiCare to provide a mixed-use psychiatric care facility in Auburn. The facility must include twelve to eighteen crisis stabilization beds, sixty commitment beds for short term stays, and sixty long term involuntary commitment beds for persons on a ninety day or one hundred eighty day civil commitment.~~

~~(b) The funding in this subsection is subject to the recipient maintaining and operating the beds for at least thirty years to serve (i) persons who are publicly funded and (ii) persons who are detained under the involuntary treatment act under chapter 71.05 RCW.~~

~~(9))~~ \$408,000 is provided solely for the department for the purpose of providing technical assistance for the community behavioral health grants.

~~((49))~~ (9) The department of commerce must notify all applicants that they may be required to have a construction review performed by the department of health.

~~((44))~~ (10) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

~~((42))~~ (11) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects in unserved areas of the state.

~~((43))~~ (12) The department must provide a progress report by November 1, 2020. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—State ~~((117,951,000))~~
\$125,151,000

State Taxable Building Construction Account—State
\$1,000,000

Subtotal Appropriation \$126,151,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$360,000,000

TOTAL \$477,951,000

\$486,151,000

Sec. 1011. 2019 c 413 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?al?al "Home" in Lushootseed (Seattle)	\$947,000
4th Ave. Street Enhancement (White Center)	\$670,000
Abigail Stuart House (Olympia)	\$250,000
Aging in PACE Washington (AiPACE) (Seattle)	\$1,500,000
Airport Utility Extension (Pullman)	\$1,626,000
Aquatic and Recreation Center (King County)	\$1,050,000
Arivva Community Center (Tacoma)	\$1,000,000
Arlington B&G Club Parking Safety (Arlington)	\$530,000
Asotin Masonic Lodge (Asotin)	\$62,000
Auburn Arts & Culture Center (Auburn)	\$500,000
Audubon Center (Sequim)	\$1,000,000
B&GC of Olympic Peninsula (Port Angeles)	\$500,000
B&GC of Thurston County (Lacey)	\$98,000
Ballard Food Bank (Seattle)	\$750,000
((Battle Ground YMCA (Battle Ground))	\$500,000))
Beacon Center Renovation (Tacoma)	\$1,000,000
Bellevue HERO House (Bellevue)	\$46,000
Benton Co. Museum Building Improvements (Prosser)	\$103,000
Big Brothers Big Sisters Learning Lab (Olympia)	\$56,000
Blue Mountain Action Council Comm. Services Center (Walla Walla)	\$1,000,000
Bothell Downtown Revitalization (Bothell)	\$1,500,000
Bowers Field Airport (Ellensburg)	\$275,000
Boys & Girls Club of Thurston Co. Upgrades (Rochester)	\$31,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way)	\$319,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Breeze Creek Culvert Replacement/East 4th St. Widening (La Center) \$1,500,000
 Browns Park Project (Spokane Valley) \$536,000
 Buffalo Soldiers' Museum (Seattle) \$200,000
 Camas Washougal Nature Play Area (Washougal) \$103,000
 Campus Towers (Longview) \$228,000
 Carbonado Water Source Protection Acquisition (Carbonado) \$1,500,000
 Carl Maxey Center (Spokane) \$350,000
 Carlisle Lake Park Improvements (Onalaska) \$213,000
 Carlyle Housing Facility Upgrades (Spokane) \$400,000
 Cathlamet Pioneer Center Restoration (Cathlamet) \$165,000
 Centerville Fire Dept. (Centerville) \$216,000
 Centerville Grange (Centerville) \$90,000
 Centralia Fox Theater (Centralia) \$1,000,000
 Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen) \$323,000
 Cheney Reclaimed Water Project (Cheney) \$2,000,000
 Chief Kitsap Education and Community Resource Center (Poulsbo) \$1,000,000
 Chief Leschi Schools Facilities & Safety Project (Puyallup) \$250,000
 Chief Leschi Schools Safety & Security (Puyallup) \$250,000
~~((Children's Center Design & Feasibility Study (Vancouver) \$400,000))~~
 Clymer Museum Remodel Ph2 (Ellensburg) \$258,000
 Colfax Pantry Building (Colfax) \$247,000
 Community Services of Moses Lake Food Bank Facility (Moses Lake) \$2,000,000
 Conconully Community Services Complex (Conconully) \$515,000
 Cosmopolis Elem. Energy & Safety (Cosmopolis) \$206,000
 Coulee City Medical Clinic (Coulee City) \$150,000
 Curran House Museum (University Place) \$43,000
 Dakota Homestead (Seattle) \$155,000
 Dawson Park Improvements (Tacoma) ~~(((\$258,000))~~
~~\$515,000~~
 Dayton Pump Station (Edmonds) \$515,000
~~((Dock and Marine Terminal (Seattle) \$750,000))~~
 Downtown Park Gateway (Bellevue) \$1,030,000
 Dungeness River Audubon Center Expansion (Sequim) \$500,000
 East Blaine Infrastructure (Blaine) \$500,000
 Ejido Community Farm (Whatcom) \$250,000
 El Centro de la Raza Federal Way Office (Federal Way) \$1,000,000
 Enumclaw Aquatic Center (Enumclaw) \$258,000
 Enumclaw Expo Center Roof (Enumclaw) \$250,000
 Everett TOD Study (Everett) \$200,000
 Everett YMCA (Everett) \$1,000,000
 Evergreen High School Health Center (Vancouver) \$388,000
 Evergreen Speedway Capital Improvement (Monroe) \$150,000
 Excelsior Integrated Care Ctr. Sports Court (Spokane) \$266,000
 Excelsior Roof & Gym Repair (Spokane) \$263,000
 Excelsior Vocational Education Space (Spokane) \$164,000
 Expanding on Excellence Capital Campaign (White Salmon) \$500,000
 Family Education and Support Services (Tumwater) \$500,000
 Felts Field Gateway Improvement Phase 1 (Spokane) \$100,000
 Fennel Creek Trailhead (Bonney Lake) \$258,000
 Filipino Hall Renovation (Wapato) \$63,000
 Fircrest Pool (Fircrest) \$1,000,000

FISH Food Bank (Ellensburg) \$772,000
 Fishtrap Creek Habitat Improvement (Lynden) \$258,000
 Flood Plain Stabilization, Habitat Enhancement (Kent) \$1,000,000
 Food Lifeline (Seattle) \$1,004,000
 Foothills Trail Extension (Wilkeson) \$500,000
 Fort Steilacoom Park Artificial Turf Infields (Lakewood) \$1,015,000
 Fourth Plain Community Commons (Vancouver) \$800,000
 Garfield Co. Hospital HVAC (Pomeroy) \$250,000
 Gateway Center (Grays Harbor) \$500,000
 Gene Coulon Memorial Beach Park Play Equipment Upgrade (Renton) \$618,000
 George Community Hall Roof (George) \$201,000
 George Davis Creek Fish Passage Project (Sammamish) \$515,000
 Gig Harbor Food Bank (Gig Harbor) \$180,000
 Goldendale Airport (Goldendale) \$550,000
~~((Grand Connection Downtown Park Gateway (Bellevue) \$1,000,000))~~
 Granger Historical Museum Construction (Granger) \$150,000
 Granite Falls Police Dept. Renovation Project (Granite Falls) \$412,000
 Grays Harbor and Willapa Bay Sedimentation (Grays Harbor) \$464,000
 Grays Harbor YMCA (Grays Harbor) \$293,000
 Greater Maple Valley Veterans Memorial (Maple Valley) \$102,000
 Green Bridges, Healthy Communities; Aurora Bridge I-5 (Seattle) \$1,500,000
 Greenwood Cemetery Restoration (Centralia) \$402,000
 Greenwood Cemetery Safety Upgrades (Centralia) \$91,000
 HealthPoint (Tukwila) \$1,000,000
 HealthPoint Dental Expansion (SeaTac) \$1,545,000
 Heritage Senior Housing (Chelan) \$52,000
 High Dune Trail & Conservation Project (Ocean Shores) \$140,000
 Historic Downtown Chelan Revitalization (Chelan) \$52,000
 Historic Olympic Stadium Preservation Project (Hoquiam) \$515,000
 Historical Museum & Community Center Roof Replacement (Washtucna) \$24,000
 Historical Society Energy Upgrades (Anderson Island) \$14,000
 Hoh Tribe Broadband (Grays Harbor) \$129,000
 Horseshoe Lake ADA Upgrades (Woodland) \$82,000
 Housing Needs Study (Statewide) \$200,000
 Howard Bowen Event Complex (Sumas) \$1,712,000
 Howe Farm Water Service (Port Orchard) \$52,000
 ICHS Bellevue Clinic Renovation Project (Bellevue) \$1,600,000
 Illahee Preserve's Lost Continent Acquisition (Bremerton) \$335,000
~~((Hwaco Boatyard Modernization (Hwaco) \$458,000))~~
 Imagine Children's Museum Expansion and Renovation (Everett) \$2,000,000
 Index Water System Design (Index) \$23,000
 Infrastructure for Economic Development (Port Townsend) \$675,000
 Innovative Health Care Learning Center Phase 1 (Yakima) \$500,000
 Interactive Educ. Enh./Friends Issaquah Hatchery (Issaquah) \$113,000
 Intersection Improvements Juanita Dr. (Kirkland) \$750,000

Japanese American Exclusion Memorial (Bainbridge Island)		NEW Health Programs, Colville Dental Clinic (Colville)	
	\$155,000		\$1,250,000
Japanese Gulch Daylight Project (Mukilteo)	\$400,000	Newman Lake Flood Control Zone District (Newman Lake)	
Keller House and Carriage House Paint Restoration (Colville)	\$45,000		\$415,000
Key Kirkland Sidewalk Repairs (Kirkland)	\$537,000	North Elliott Bay Public Dock; Marine Transit Terminal (Seattle)	(\$1,000,000)
Key Peninsula Elder Community (Gig Harbor)	\$1,000,000		\$1,750,000
Ki-Be School Parking Lot Improvements (Benton City)		<u>Northaven Affordable Senior Housing Campus (Seattle)</u>	
	\$268,000		\$1,000,000
Kitsap Conservation Study (Kitsap)	\$51,000	Northshore Senior Center Rehabilitation Project (Bothell)	
Kittitas Valley Event Center (Ellensburg)	\$206,000		\$500,000
Klickitat Co. Sheriff Office Training Bldg. (Goldendale)	\$335,000	Northwest African American Museum (Seattle)	\$500,000
KNKX Radio Studio (Tacoma)	\$824,000	Northwest Native Canoe Center (Seattle)	\$986,000
Lacey Veterans Services Hub Facility Renovation (Lacey)	\$2,000,000	NW School of Wooden Boatbuilding (Port Hadlock)	\$464,000
Lake Chelan Community Center (Lake Chelan)	\$250,000	Oak Harbor Marina (Oak Harbor)	\$400,000
Lake Chelan Water Supply (Wenatchee)	\$464,000	Oakville SD Kitchen Renovation (Oakville)	\$517,000
Lake City Community Center Replacement (Seattle)	\$2,000,000	Oddfellows Ellensburg Bldg. Restoration (Ellensburg)	\$267,000
Lake Stevens Civic Center Phase II (Lake Stevens)	\$1,000,000	Opening Doors - Permanent Supportive Housing Facility (Bremerton)	\$750,000
Lake Sylvia State Park Pavilion (Montesano)	\$250,000	Orting City Hall and Police Station (Orting)	\$600,000
Lake Wilderness Park Improvements (Maple Valley)	\$200,000	Orting Ped Evac Crossing (Orting)	\$103,000
Land Use & Infrastructure Subarea Plan (Mill Creek)	\$300,000	Othello Regional Water (Othello)	\$425,000
Larson Gallery Renovation (Yakima)	\$875,000	Outdoors for All (Seattle)	\$1,000,000
Leffler Park (Manson)	\$265,000	Pacific Co. Fairgrounds Roof (Menlo)	\$210,000
Legacy in Motion (Puyallup)	\$1,750,000	Packwood FEMA Floodplain Study (Packwood)	\$637,000
Legacy Site Utility Infrastructure (Maple Valley)	\$154,000	Pasco Farmers Market & Park (Pasco)	\$154,000
Lewis Co. CHS Pediatric Clinic (Centralia)	\$84,000	Pendergast Regional Park Phase II (Bremerton)	\$50,000
Little Badger Mountain Trailhead (Richland)	\$464,000	Peninsula Community Health Service Dental Mobile (Bremerton)	\$340,000
Little Mountain Road Pipeline and Booster Station (Mount Vernon)	\$1,300,000	PenMet - Cushman Trail Enhancements (Gig Harbor)	\$52,000
Long Beach Police Department (Long Beach)	\$705,000	PenMet Community Rec Center (Gig Harbor)	\$173,000
Lopez Island Swim Center (Lopez Island)	\$1,000,000	Pet Overpopulation Prevention Vet Clinic Building (West Richland)	\$300,000
Lummi Hatchery Project (San Juan)	\$1,000,000	Pine Garden Apartment Roof (Shelton)	\$46,000
Mabton City Park (Mabton)	\$54,000	Pioneer Park Fountain (Walla Walla)	\$9,000
Main Street Redevelopment Project - Phase 2 (University Place)	\$985,000	Pomeroy Booster Pumping Station (Pomeroy)	(\$96,000)
Mariner Community Campus (Everett)	\$2,250,000		\$112,000
Mary's Place (Burien)	\$2,050,000	Port of Everett (Everett)	\$300,000
Marymount Museum/Spana-Park Senior Center (Spanaway)	\$1,000,000	Port of Ilwaco Boatyard Modernization (Ilwaco)	\$545,000
McChord Airfield North Clear Zone (Lakewood)	\$500,000	Port of Willapa Harbor Dredging Support Boat (Tokeland)	\$180,000
McCormick Woods Sewer Lift #2 Improvements (Port Orchard)	\$800,000	Poulsbo Historical Society (Poulsbo)	\$400,000
Melanie Dressel Park (Tacoma)	\$500,000	Prairie View Schoolhouse Community Center (Waverly)	\$57,000
Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island)	\$500,000	Protect Sewer Plant from Erosion (Ocean Shores)	\$155,000
Missing & Murdered Indigenous Women Memorial (Toppenish)	\$49,000	Puyallup Culvert Replacement (Puyallup)	\$515,000
Monroe B&G Club ADA Improvements (Monroe)	\$464,000	Puyallup Street Frontage Improvement (Puyallup)	\$258,000
Mountlake Terrace Main Street (Mountlake Terrace)	\$750,000	Puyallup VFW Kitchen Renovation (Puyallup)	\$52,000
Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase (Glenwood)	\$400,000	Quincy Hospital (Quincy)	\$300,000
Mt. Adams School District Athletic Fields (Harrah)	\$242,000	Quincy Square on 4th (Bremerton)	\$206,000
Mt. Peak Fire Lookout Tower (Enumclaw)	\$381,000	Recreation Park Renovation (Chehalis)	\$258,000
Mt. Spokane SP Ski Lift (Mead)	\$750,000	Redmond Pool (Redmond)	\$1,000,000
Mukilteo Promenade (Mukilteo)	\$500,000	Renton Trail Connector (Renton)	\$500,000
Museum Storage Building (Steilacoom)	\$72,000	Richmond Highland Recreation Center Repairs (Shoreline)	\$500,000
Naches Fire/Rescue, Yakima Co. #3 (Naches)	\$200,000	Rise Together White Center Project (King County)	\$1,000,000
Naselle HS Music/Vocational Wing (Naselle)	\$258,000	Ritzville Business & Entrepreneurship Center (Ritzville)	\$350,000
Naselle Primary Care Clinic (Naselle)	\$216,000	Rosalia Sewer Improvements (Rosalia)	\$500,000
Naselle SD Flooring (Naselle)	\$237,000	Roslyn Downtown Assoc. (Roslyn)	\$480,000
NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock)	\$283,000	<u>Roslyn Housing Project (Roslyn)</u>	\$2,000,000
		Royal Park & Rec Ctr. (Royal City)	\$250,000
		Sargent Oyster House Maritime Museum (Allyn)	\$218,000
		Schmid Ballfields Ph3 (Washougal)	\$584,000
		Scott Hill Park & Sports Complex (Woodland)	\$500,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Sea Mar Community Health Centers Tumwater Dental (Olympia)	\$170,000
Seaport Landing (Aberdeen)	(\$349,000) <u>\$404,000</u>
Seattle Aquarium (Seattle)	\$1,000,000
Seattle Goodwill (Seattle)	\$2,000,000
<u>Seattle Indian Health Board (Seattle)</u>	<u>\$1,000,000</u>
Sewage Lagoon Decommissioning (Concrete)	\$255,000
Shelton Civic Center Parking Lot (Shelton)	\$283,000
Shoreline Maintenance Facility - Brightwater Site (Shoreline)	\$500,000
Skabob House Cultural Center (Shelton)	\$350,000
Skagit County Sheriff Radios (Skagit)	\$1,000,000
Skamania Courthouse Plaza (Stevenson)	\$150,000
Snohomish Carnegie Project (Snohomish)	\$500,000
Snohomish County Sheriff's Office South Precinct (Snohomish)	\$1,000,000
Snohomish Fire District #26 Communications Project (Gold Bar)	\$27,000
Snoqualmie Early Learning Center (Snoqualmie)	\$500,000
Snoqualmie Valley Youth Activities Center (North Bend)	\$412,000
South Fork Snoqualmie Levee Setback Project (North Bend)	\$250,000
SOZO Sports Indoor Arena (Yakima)	\$600,000
Spokane Sportsplex (Spokane)	\$1,000,000
Springbrook Park Expansion & Clover Creek Restoration (Lakewood)	\$773,000
SR 503 Ped/Bike Ph1&2 (Woodland)	\$235,000
SR 530 "Oso" Slide Memorial (Arlington)	\$300,000
Stan and Joan Cross Park (Tacoma)	\$500,000
Starfire Sports STEM (Tukwila)	\$250,000
((Step-by-Step (Puyallup)) <u>\$500,000)</u>	
Stevens Co. Disaster Response Communications (Colville)	\$500,000
Sultan Water Treatment Plant Design (Sultan)	\$246,000
Sumas History Themed Playground and Water Park (Sumas)	\$288,000
Sunnyside Airport Hangar Maintenance Facility (Sunnyside)	(\$500,000) <u>\$750,000</u>
Sunnyside Yakima Valley-TEC Welding Program (Yakima)	\$26,000
Sunset Multi-Service & Career Development Center (Renton)	\$1,000,000
SW WA Dance Center (Chehalis)	\$62,000
SW WA Fairgrounds (Chehalis)	\$103,000
SW Washington Regional Agriculture & Innovation Park (Tenino)	\$1,500,000
Swede Hall Renovation (Rochester)	\$196,000
((Tacoma Beacon Center Renovation (Tacoma)) <u>\$1,000,000)</u>	
Tacoma Community House (Tacoma)	\$413,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso)	\$1,030,000
Tehaleh Slopes Bike Trail (Bonney Lake)	\$309,000
((Telford Helipad (Creston)) <u>\$52,000)</u>	
Tenino City Hall Renovation (Tenino)	\$515,000
Terminal 1 Waterfront Development (Vancouver)	\$4,700,000
The AMP: Aids Memorial Pathway (Seattle)	\$600,000
The Morck Hotel (Aberdeen)	\$500,000
Toledo Sewer & Water (Toledo)	\$469,000
Tonasket Senior Citizen Ctr. (Tonasket)	\$33,000
Town Center to Burke Gilman Trail Connector (Lake Forest Park)	\$500,000
Tukwila Village Food Hall (Tukwila)	\$400,000
Twin Springs Park (Kenmore)	\$155,000

Twisp Civic Building & EOC (Twisp)	\$1,288,000
United Way of Pierce County HVAC (Tacoma)	\$206,000
University Place Arts (University Place)	\$34,000
Vertical Evacuation (Ocean Shores)	\$500,000
Veterans Memorial Museum (Chehalis)	\$123,000
Veterans Supportive Housing (Yakima)	\$2,500,000
VOA Lynnwood Center (Lynnwood)	(\$1,000,000) <u>\$1,050,000</u>
Volunteer Park Amphitheater (Seattle)	\$500,000
West Kelso Affordable Housing & Community Facility Study (Kelso)	\$258,000
WA Poison Control IT (Seattle)	\$151,000
Waitsburg Taggart Road Waterline (Waitsburg)	\$456,000
Wallula Dodd Water System Improvement (Walla Walla)	\$1,000,000
Wapato Creek Restoration (Fife)	\$258,000
Warren Ave. Playfield (Bremerton)	\$206,000
Washington Park Boat Launch Storm Damage (Anacortes)	\$200,000
Wesley Homes (Des Moines)	\$2,000,000
Westport Dredge Material Use (Westport)	\$250,000
Whidbey Is. B&G Coupeville (Coupeville)	\$849,000
Whidbey Is. B&G Oak Harbor (Oak Harbor)	\$743,000
((White Center Community HUB (Seattle)) <u>\$500,000)</u>	
Wilkeson Water Protection (Wilkeson)	\$36,000
Willapa BH - Long Beach Safety Improvement Project (Long Beach)	\$225,000
William Shore Memorial Pool (Port Angeles)	\$840,000
Wing Luke Museum Homestead Home (Seattle)	\$500,000
Wisdom Ridge Business Park (Ridgefield)	\$2,000,000
Yakima Co. Veterans Dental Facility (Yakima)	\$469,000
Yakima Valley Fair & Rodeo Multi-Use Facility (Grandview)	\$200,000
Yelm Business Incubator Serving Thurston/Pierce Counties (Yelm)	\$200,000
Yelm Water Tower (Yelm)	\$303,000
YMCA Childcare Center Tenant Improvements (Woodinville)	\$1,000,000

(8) \$400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) \$200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) \$200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) \$1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. \$1,000,000 of these funds are provided solely for the design phase of the project; \$150,000 of these funds are provided solely for land acquisition;

and \$150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

(12) \$1,500,000 of the appropriation in this section is provided solely for preconstruction activities by Aging in PACE (AiPACE) (Seattle).

(13) \$2,000,000 of the appropriation in this section for Roslyn Housing Project is provided solely for a grant to enable Forterra NW, or a wholly-owned subsidiary of Forterra NW, to begin work on a community development project in the city of Roslyn that includes housing, commercial, retail, or governmental uses. The work must include phased preacquisition due diligence, land acquisition or predevelopment engineering, design, testing, and permitting activities, including work done by both the appropriation recipient and third parties retained by the recipient.

Appropriation:

State Building Construction Account—State ((\$162,793,000))	<u>\$163,011,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$162,793,000</u>
	<u>\$163,011,000</u>

Sec. 1012. 2019 c 413 s 1043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.))~~

(2) The funding in this section is provided solely for grants, loans, and administrative expenses related to implementation of the broadband program. Of the total funds:

(a) ~~((~~\$14,440,000~~))~~ \$10,775,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) ~~((~~\$7,110,000~~))~~ \$10,775,000 is provided solely for grants. ~~((4))~~ (3) By January 1, 2021, in the first report to the legislature required under section 6 of Second Substitute Senate Bill No. 5511 (broadband service), the governor's statewide broadband office must include a list of potential regional projects that will accelerate broadband access by providing connections to local jurisdictions, with recommendations for how to fund such larger scale projects. This list must be developed within existing resources.

Appropriation:

Statewide Broadband Account—State	\$21,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$101,550,000

NEW SECTION. Sec. 1013. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2021 Local and Community Projects (40000130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Al Chief Seattle Club (Seattle)	\$200,000
92nd Ave. Sewer Ext. (Battle Ground)	\$258,000
Academy Smokestack Preservation (Vancouver)	\$103,000
African Refugee & Immigrant Housing (Tukwila)	\$200,000
AG Tour Train Ride (Reardan)	\$125,000
Algona Wetland Preserve and Trail (Algona)	\$50,000
Anderson Island Historical Society (Anderson Island)	\$10,000
Anderson Road Infrastructure (Chelan)	\$258,000
Ashley House (Shoreline)	\$100,000
Asotin County Library Meeting Space (Clarkston)	\$13,000
ASUW Shell House (WWI Hanger/Canoe House) (Seattle)	\$100,000
Auburn Family YMCA (Auburn)	\$128,000
Ballard P-Patch (Seattle)	\$258,000
Ballinger Park-Hall Creek Restoration (Mountlake Terrace)	\$200,000
Bellevue Parks Changing Tables (Bellevue)	\$100,000
Bethel High School Pierce College Annex Campus (Graham)	\$300,000
Brewery Park Visitor Center (Tumwater)	\$50,000
Brewing Malting & Distilling System (Tumwater)	\$112,000
Bridgeport Irrigation (Brewster)	\$70,000
Cathlamet Pioneer Center Restoration (Cathlamet)	\$55,000
Centralia Chehalis Steam Train Repair (Chehalis)	\$154,000
Centro Cultural Mexicano (Redmond)	\$80,000
City of Fircrest Meter Replacement (Fircrest)	\$200,000
Columbia Dance Down Payment for Building Purchase (Vancouver)	\$100,000
Columbia Heritage Museum Repairs (Ilwaco)	\$150,000
Communities of Concern Commission (Statewide)	\$250,000
Community House on Broadway Kitchen Upgrades (Longview)	\$41,000
Community Hub Public Safety Initiative (Walla Walla)	\$200,000
Community Pedestrian Safety (Tukwila)	\$100,000
Community Youth Services Renovation (Olympia)	\$155,000
Conconully Fire & Rescue (Riverside)	\$179,000
Creative Districts (Statewide)	\$200,000
Doris Morrison Environmental Learning Center	

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(Greenacres)	\$500,000	Pete's Pool Ball Field Renovation (Enumclaw)	\$77,000
Downtown Pasco Revitalization (Pasco)	\$350,000	Pike Place Market Public Access (Seattle)	\$50,000
Edmonds Carbon Recovery (Edmonds)	\$250,000	Point Wilson Lighthouse (Port Townsend)	\$60,000
EL 79.2 Distribution System Design (Othello)	\$175,000	Port Angeles Boys and Girls Club (Port Angeles)	\$400,000
El Centro de la Raza (Seattle)	\$2,000,000	Port of Quincy Intermodal Terminal Infrastructure (Quincy)	\$100,000
Emergency Lockdown Shelter for Outdoor Preschool (various)	\$24,000	Port Susan Trail (Stanwood)	\$200,000
Emergency Shelter Project (Skykomish)	\$20,000	Puyallup Food Bank Facility Expansion (Puyallup)	\$217,000
Emergency Structural Repairs 1902 Van Marter Building (Lind)	\$25,000	Puyallup VFW Orting Civil War Medal of Honor Monument (Orting)	\$7,000
Everett Recovery Cafe Renovation Project (Everett)	\$200,000	Ramstead Regional Park (Everson)	\$200,000
Federal Way Little League Fields (Federal Way)	\$50,000	REACH Literacy Center (Lacey)	\$50,000
Federal Way Safety Cameras (Federal Way)	\$103,000	Redondo Fishing Pier (Des Moines)	\$350,000
Field Arts and Events Hall (Port Angeles)	\$1,500,000	Renewable Hydrogen Production Pilot (East Wenatchee)	\$250,000
Filipino Community Center (Seattle)	\$1,000,000	Replacement Hospice House (Richland)	\$200,000
Filipino-American Community Center (Bremerton)	\$165,000	Restroom Renovation (Ilwaco)	\$35,000
Five Mile Roundabout Art Project (Spokane)	\$25,000	Ridgefield Library Building Project (Ridgefield)	\$500,000
Fort Worden PDA - Sage Arts & Ed Center (Port Townsend)	\$560,000	Roy Water Tower (Roy)	\$26,000
Franklin Pierce Farm ARC (Tacoma)	\$1,070,000	S. Kitsap HS NJROTC Equipment (Port Orchard)	\$24,000
Fusion Housing (Federal Way)	\$62,000	Safety Driven Replacement (Lake Stevens)	\$125,000
George Schmid Ball Field #3 and Lighting Phase 3 (Washougal)	\$200,000	Salvation Army Community Resource Center (Yakima)	\$200,000
Gig Harbor Community Campus (Gig Harbor)	\$52,000	Sargent Oyster House Restoration (Allyn)	\$10,000
Gig Harbor Peninsula FISH (Gig Harbor)	\$250,000	Satsop Business Park (Elma)	\$155,000
Grant Co. Fairgrounds Lighting (Moses Lake)	\$290,000	School and Transit Connector Sidewalk (Kirkland)	\$120,000
Harlequin State Theater (Olympia)	\$88,000	School District & Comm Emergency Preparedness Center (Carbonado)	\$200,000
Hilltop Housing (Tacoma)	\$500,000	Shelton-Mason County YMCA (Shelton)	\$200,000
Home At Last (Tacoma)	\$200,000	Shore Aquatic Center Expansion (Port Angeles)	\$200,000
If You Could Save Just One (Spokane)	\$100,000	Sign Reinstallation at Maplewood Elementary (Puyallup)	\$5,000
Index Water Line Replacement and Repair (Index)	\$105,000	Skagit Pump Station Modernization Design (Mount Vernon)	\$52,000
Institute for Community Leadership (Kent)	\$46,000	Sky Valley Emergency Generators (Sultan)	\$75,000
Islands' Oil Spill Association (Friday Harbor)	\$232,000	Sky Valley Teen Center (Sultan)	\$103,000
Jefferson County Food Preservation (Port Ludlow)	\$5,000	Sno Valley Kiosk (North Bend)	\$20,000
King County Emergency Training Facility (Fall City)	\$1,000,000	Snohomish Boys and Girls Club (Snohomish)	\$125,000
Kingston Coffee Oasis (Kingston)	\$150,000	Snoqualmie Valley Shelter Service Resource (Snoqualmie)	\$200,000
Kitsap Humane Society (Silverdale)	\$500,000	South Yakima Conservation District Groundwater Mgmt (Yakima)	\$45,000
Klickitat Co. Domestic Violence Shelter (Goldendale)	\$250,000	Spokane Sportsplex (Spokane)	\$200,000
Lacey Food Bank (Lacey)	\$193,000	Spokane Valley Museum (Spokane Valley)	\$70,000
Lake Stevens Early Learning Library (Lake Stevens)	\$150,000	Star Park Shelter (Ferndale)	\$180,000
Lake WA Loop Trail Bicycle Safety Improvements (Kenmore)	\$200,000	Stevens Elementary Solar Panels (Seattle)	\$120,000
Lakebay Marina Acquisition & Preservation (Lakebay)	\$100,000	Sullivan Park Waterline Installation (Spokane Valley)	\$130,000
Levee Repair (Starbuck)	\$50,000	Thurston Boys and Girls Club (Lacey)	\$50,000
Levee Repair (Waitsburg)	\$100,000	Trail Lighting - Cross Kirkland Corridor (Kirkland)	\$200,000
LGBTQ Senior Center (Seattle)	\$500,000	Transitions TLC Transitional Housing Renovations (Spokane)	\$100,000
Lions Club Community Ctr. Generator (Lyle)	\$5,000	Vashon Food Bank Site Relocation (Vashon)	\$36,000
Longview Police Dept. New Office (Longview)	\$250,000	Vashon Youth and Family Services (Vashon)	\$86,000
Lower Yakima River Restoration (Richland)	\$258,000	WA Poison Center Emergency Response to COVID-19 (Seattle)	\$124,000
Magnuson Park Center for Excellence Building 2 (Seattle)	\$78,000	Waikiki Springs Nature Preserve (Spokane)	\$1,548,000
Mason Co./Shelton YMCA (Shelton)	\$750,000	Washington State Horse Park and Covered Arena (Ellensburg)	\$375,000
Mini Mart City Park (Seattle)	\$200,000	Wenatchee Valley Museum & Cultural Ctr. (Wenatchee)	\$283,000
Morrow Manor (Poulsbo)	\$250,000	West Biddle Lake Dam Restoration (Vancouver)	\$412,000
Mount Zion Housing (Seattle)	\$250,000	William Shore Pool (Port Angeles)	\$500,000
Mukilteo Solar Panels (Mukilteo)	\$40,000	Yakima County Care Campus Conversion Project (Yakima)	\$275,000
New Arcadia (Auburn)	\$100,000		
New Beginnings House (Puyallup)	\$150,000		
Non-motorized Bridge at Bothell Landing (Bothell)	\$155,000		
Our Lady of Fatima Community Ctr. (Moses Lake)	\$128,000		
Pataha Flour Mill Elevator (Pomeroy)	\$40,000		

Yelm Lions Club Cabin Renovation (Yelm) \$207,000

(8) It is the intent of the legislature that future applications for state funding for the ASUW Shell House be made through competitive grant programs.

(9) The Creative Districts program funded in this section shall be administered by the Washington state arts commission. The commission is authorized to use up to three percent of the funds to administer the program.

Appropriation:

State Building Construction Account—State	\$29,970,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,970,000

Sec. 1014. 2019 c 413 s 1051 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	(\$200,000)
	<u>\$171,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$250,000</u>
	<u>\$221,000</u>

Sec. 1015. 2019 c 413 s 1059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	(\$300,000)
	<u>\$0</u>
Prior Biennia (Expenditures)	(\$19,377,000)
	<u>\$18,465,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$19,677,000</u>
	<u>\$18,465,000</u>

Sec. 1016. 2019 c 413 s 1065 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Landlord Mitigation Account (92000722)

The appropriation in this section is subject to the following conditions and limitations:

~~((1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.~~

~~((2) \$1,000,000))~~ \$1,700,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—State	(\$1,000,000)
	<u>\$1,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>
	<u>\$1,700,000</u>

Sec. 1017. 2019 c 413 s 1052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 298, Laws of 2018, except that no funding may be directed to the Yelm historic building.

Reappropriation:

State Building Construction Account—State	(\$28,000,000)
	<u>\$27,961,000</u>
Prior Biennia (Expenditures)	\$12,569,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$40,569,000</u>
	<u>\$40,530,000</u>

Sec. 1018. 2019 c 413 s 1054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Response Community Preservation Pilot Program (91001278)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$1,000,000))~~ \$2,000,000 is provided solely for a rapid response manufactured housing community preservation pilot program for the purpose of preserving manufactured and mobile home communities. To implement the program, the department of commerce must contract directly with the northwest cooperative development center—resident owned communities through a rapid contracting process, allowing the contractor to work with residents of one or more mobile home parks to engage in one or more purchase and sale agreements, with the purpose of preserving the mobile home community as a nonprofit, or co-op run affordable housing project and benefitting people and households at or below eighty percent of the area median income. The department of commerce, in collaboration with the contractor, must submit a report to the legislature by June 30, 2021, reporting how the funds were distributed, how many mobile home parks were purchased, and the demographics of the residents.

Appropriation:

State Building Construction Account—State	(\$1,000,000)
	<u>\$2,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>
	<u>\$2,000,000</u>

NEW SECTION. Sec. 1019. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Port Hadlock Wastewater Facility Project (91001545)

Appropriation:

Public Works Assistance Account—State	\$1,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,422,000

Sec. 1020. 2019 c 413 s 1031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Public Works Board (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1) During the 2019-2021 biennium, the public works board must prioritize water and sewer infrastructure projects.

~~((1) \$1,422,000 of the amounts in this section is provided solely for a grant for the port Hadlock wastewater facility project.~~

~~((3))~~ \$1,400,000 of the amounts in this section is provided solely for a grant for the Eatonville water treatment plant project.

~~((4))~~ (3) \$1,000,000 of the amounts in this section is provided solely for a grant for the Ferndale wastewater treatment project. Additionally, the public works board must prioritize financing a loan of up to \$4,000,000 for project.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

((5)) (4) \$4,000,000 of the amounts in this section is provided solely for a grant for the Wenatchi landing sewer extension – phase 1.

((6)) (5) \$2,000,000 of the amounts in this section is provided solely for a grant for the Belfair sewer extension project. Additionally, the public works board must prioritize financing a loan of up to \$9,000,000 for the project.

Appropriation:

Public Works Assistance Account—State	((\$95,000,000))
	<u>\$93,578,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$95,000,000</u>
	<u>\$93,578,000</u>

NEW SECTION. Sec. 1021. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Pacific Hospital Preservation and Development Plan (91001544)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided to the department to contract with the Pacific hospital preservation and development authority to conduct a conceptual design and scoping for a master preservation and development plan of the Pacific hospital preservation and development authority property located at 1200 12th Avenue South, Seattle, WA 98144. The master preservation and development plan must create a longer-range framework for future development of the campus, identify priorities for capital improvement, identify potential reuse of appropriate facilities for community needs, including behavioral health, and ensure the maximization of highest and best use of public resources while adhering to the Pacific hospital preservation and development authority's mission of addressing health equity disparities for disadvantaged populations.

Appropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

NEW SECTION. Sec. 1022. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Enhanced Shelter Capacity Grants (92000939)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,818,000 of the appropriation in this section is provided solely for a homeless shelter grant program for the following list of shelter projects:

Auburn Resource Center (Auburn)	\$1,500,000
Community House (Longview)	\$206,000
Crosswalk Teen Shelter (Spokane)	\$1,500,000
Harbor Hope Center Home for Girls (Gig Harbor)	\$294,000
Noah's Ark Homeless Shelter (Wapato)	\$100,000
Positive Adolescent Dev (PAD) Emergency Housing (Bellingham)	\$206,000
Rod's House Mixed Use Facility (Yakima)	\$2,000,000
ROOTS Young Adult Shelter (Seattle)	\$1,500,000
Snoqualmie Valley Resource Center (Snoqualmie)	\$206,000
St. Vincent de Paul Cold Weather Shelter (Renton)	\$206,000
YMCA Oasis Teen Shelter (Mount Vernon)	\$100,000

(2) In contracts for grants authorized under this section, the department of commerce must follow the guidelines and compliance requirements in the Housing Trust Fund program, including provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to

the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

Appropriation:

State Building Construction Account—State	\$7,818,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,818,000

Sec. 1023. 2019 c 413 s 1039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$1,785,000 for fiscal year 2020 and \$1,785,000 for fiscal year 2021 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded in small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$3,573,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, federally recognized tribal governments, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$5,357,000 is provided solely for the state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

Appropriation:

State Building Construction Account—State	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$112,500,000

Sec. 1024. 2019 c 413 s 1071 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (90000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account—State	(\$5,000,000)
	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000
	\$28,000,000

NEW SECTION. Sec. 1025. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Fircrest School Land Use Assessment (92000035)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to contract with an independent consultant that is agreed to by both the department of social and health services and the department of natural resources to assess potential land development opportunities for the Fircrest residential habilitation center and submit recommendations to the governor, the house capital budget committee, and the senate ways and means committee by November 1, 2020. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(2) The consultant must work with the department of health, department of natural resources, the department of social and health services, and the city of Shoreline.

(3) The consultant recommendations must accomplish the following goals:

(a) Identify a site for a single-story nursing facility with a minimum of one hundred twenty beds and a site for a two-story nursing facility with a minimum of one hundred twenty beds, with an analysis of any corresponding staffing needs and the needs of the residents to ensure a sense of community and mobility;

(b) Identify potential sites for up to a forty-eight bed behavioral health facility; and

(c) Maximize the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed development outlined in this subsection (3).

(4) A secondary recommendation may be submitted by the consultant that includes maximizing the long-term revenue generating opportunities of the campus property while taking into consideration the infrastructure needs to accomplish the proposed

development outlined in subsections (3)(a) through (b) of this section and compatibility with the needs of the department of social and health services and the department of health, including the needs of the individuals they serve.

(5) It is the intent of the legislature to prioritize up to \$125,000,000 in funding for the nursing facility replacement on the Fircrest residential habilitation center campus in the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 1026. 2019 c 413 s 1073 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for an environmental impact statement that includes the following alternatives, at a minimum:

(a) Managed lake;

(b) Hybrid lake; and

(c) Estuary.

(2) A draft environmental impact statement with at least the three options in subsection (1) of this section must be submitted to legislative fiscal committees by June 30, 2021. It is the intent of the legislature that a final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to legislative fiscal committees by June 30, 2022.

(3) The ~~((reappropriation is))~~ appropriations are subject to the provisions of section 1034, chapter 298, Laws of 2018.

(4) It is the intent of the legislature to fully fund future capital requests necessary to complete the Capitol Lake long-term management planning in accordance with the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,369,000
---	-------------

Appropriation:

State Building Construction Account—State	\$1,450,000
General Fund—Private/Local	\$284,000
Subtotal Appropriation	\$1,734,000
Prior Biennia (Expenditures)	\$881,000
Future Biennia (Projected Costs)	(\$0)
	\$715,000

TOTAL	\$4,250,000
-------	-------------

	\$6,699,000
--	-------------

Sec. 1027. 2019 c 413 s 1090 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

~~((Newhouse—Replacement))~~ Legislative Campus Modernization (92000020)

(1) The reappropriation in this section is subject to the following conditions and limitations: The final predesign for legislative campus modernization must be submitted to the office of financial management and legislative fiscal committees by September 1, 2020. The department must consult with the senate facilities and operations committee or their designee(s) and the house of representatives executive rules committee or their designee(s) during the development of and prior to finalizing and submitting the final predesign on September 1, 2020.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(a) With respect to the Irv Newhouse building replacement on opportunity site six, the final predesign must include demolition of buildings on opportunity site six, with the exception of the visitor center. The predesign must include details and costs for temporary office space on Capitol Campus, for which modular space is an option, to be used at least during the construction of the building for Irv Newhouse occupants. The predesign must also consider an additional floor for the Irv Newhouse building, and this component of predesign must not delay nor impact the final predesign deliverable date. The predesign must assume the following:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation or replacement must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars; and

(viii) At least bimonthly consultation with the senate facilities and operations committee or their designee(s).

(b) With respect to the Pritchard building replacement or renovation, and renovation of the third and fourth floors of the John L. O'Brien building, the predesign must assume the following:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(iii) Design and construction that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) The detail and cost of temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the buildings for state employed occupants of any impacted building. Maximizing efficient use of modular space with the Newhouse replacement must be considered; and

(v) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted buildings.

(c) The legislative campus modernization predesign must assume:

(i) Preference for the completion of construction of the Irv Newhouse building before the renovation or replacement of the Pritchard building and before the renovation of the third and fourth floors of the John L. O'Brien building;

(ii) The amount of parking on the capitol campus remains the same or increases as a result of the legislative campus modernization construction projects; and

(iii) Options for relocation of the occupants of impacted buildings that are not employed by the state to alternative locations, including, but not limited to, the visitor center.

(d) The legislative campus modernization predesign must include an analysis of comparative costs and benefits of locations for needed space, to include the following considerations:

(i) An additional floor added to the Irv Newhouse building replacement, and this component of design must not delay nor impact the final predesign deliverable date;

(ii) Additional space added to the Pritchard replacement or renovation;

(iii) The impact to options to maintain, or increase, the amount of parking on Capitol Campus; and

(iv) Space needed for legislative support agencies.

(e) The final predesign must include an analysis of the relative costs and benefits of designing and constructing the projects authorized under this section under a single contract or individual subproject contracts, based on an evaluation of, at least, the following criteria:

(i) The interdependency and interaction of the design and construction phases of the subprojects;

(ii) Subproject phasing and sequencing, including the timing and utilization of modular temporary office space on Capitol Campus during the construction phases;

(iii) Potential cost efficiencies under each subproject;

(iv) Provide an evaluation for the most efficient and effective contracting method for subproject delivery, including design-bid-build, general contractor/construction manager, and design-build for each subproject; and

(v) Other collateral impacts.

(f) The department must have a check-in meeting by October 1, 2020, with the administrative office of the senate, the administrative office of the house of representatives, and the legislative capital budget leads. This check-in meeting must be after the predesign is submitted to the office of financial management and legislative fiscal committees.

(2) The appropriations in this section are subject to the following conditions and limitations: The new appropriations must be coded and tracked as separate discreet subprojects in the agency financial reporting system.

(a) \$3,370,000 of the appropriation is provided solely for the Irv Newhouse building replacement, and the appropriation in this subsection (2)(a) is provided solely for design and construction of the Irv Newhouse building replacement for the senate, located on opportunity site six. The design must assume:

(i) Necessary program space required to support senate offices and support functions;

(ii) A building facade similar to the American neoclassical style of existing legislative buildings on Capitol Campus;

(iii) Member offices of similar size as member offices in the John A. Cherberg building;

(iv) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(v) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(vi) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Pritchard renovation must be considered;

(vii) Demolition of the buildings, not including the visitor center, located on opportunity site six. Demolition costs must not exceed six hundred thousand dollars;

(viii) At least bimonthly consultation with the leadership of the senate, or their designee(s), and Irv Newhouse tenants; and

(ix) Procurement of the design solution will be completed by February 1, 2021, for the Irv Newhouse building replacement.

(b) \$6,530,000 of the appropriation is provided solely for the Pritchard building replacement or renovation, and the renovation of the third and fourth floors of the John L. O'Brien building. The appropriation in this subsection is provided solely for the design and construction and assumes:

(i) The necessary program space required to support house of representatives offices and support functions;

(ii) Additional office space necessary to offset house of representatives members and staff office space that may be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building;

(iii) Design and construction of a high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than thirty-five;

(iv) Building construction that must be procured using a performance-based contracting method, such as design-build, and must include an energy performance guarantee comparing actual performance data with the energy design target;

(v) Temporary office space on Capitol Campus, for which modular space is an option, to be used during the construction of the building. Maximizing efficient use of modular space with Newhouse replacement must be considered; and

(vi) At least bimonthly consultation with the leadership of the house of representatives, the chief clerk of the house of representatives, or their designee(s), and tenants of any impacted building.

(c) \$100,000 of the appropriation is provided solely for the completion of predesign efforts as described in subsection (1) of this section.

Reappropriation:

State Building Construction Account—State	\$256,000
---	-----------

Appropriation:

State Building Construction Account—State	\$10,000,000
---	--------------

Prior Biennia (Expenditures)	\$194,000
------------------------------	-----------

Future Biennia (Projected Costs)	(((\$0))
----------------------------------	----------

	\$89,000,000
--	--------------

TOTAL	\$450,000
-------	-----------

	\$99,450,000
--	--------------

Sec. 1028. 2019 c 413 s 1092 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Insurance Commissioner Office Building Predesign (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner and the department of children, youth, and families.

(1) In determining the program space required, the predesign must consider:

(a) The necessary program space required to support the office of the insurance commissioner and the department of children, youth, and families, to include detail on current space usage in Thurston county by facility compared to proposed space usage; and

(b) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

(i) Site 1, the general administration building;

(ii) Site 12, the professional arts building; and

(iii) ((Site 7, the old IBM building; and

~~(iv))~~ Site 6B, the visitor center;

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The predesign study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

Appropriation:

Insurance Commissioners Regulatory Account—State	\$300,000
--	-----------

Prior Biennia (Expenditures)	\$0
------------------------------	-----

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	\$300,000
-------	-----------

Sec. 1029. 2019 c 413 s 1093 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center and to complete a predesign. If the department has not signed a purchase and sale agreement by June 30, 2021, the amounts provided in this section shall lapse. The department must work to secure federal funding to cover a portion of the costs for design and construction.

Appropriation:

State Building Construction Account—State	(((\$6,600,000))
	\$7,055,000

Prior Biennia (Expenditures)	\$0
------------------------------	-----

Future Biennia (Projected Costs)	(((\$83,900,000))
----------------------------------	-------------------

	\$0
--	-----

TOTAL	\$90,500,000
-------	--------------

	\$7,055,000
--	-------------

NEW SECTION. **Sec. 1030.** The following acts or parts of acts are each repealed:

(1) 2019 c 413 s 1005 (uncodified); and

(2) 2019 c 413 s 1059 (uncodified).

PART 2

HUMAN SERVICES

Sec. 2001. 2019 c 413 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (40000003)

Appropriation:

State Building Construction Account—State	(((\$470,000))
---	----------------

	\$1,888,000
--	-------------

Prior Biennia (Expenditures)	\$0
------------------------------	-----

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

TOTAL \$470,000
\$1,888,000

NEW SECTION. Sec. 2002. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Training Facility Capital and Functional Needs Assessment (91000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a capital and functional needs assessment of the criminal justice training center that includes an evaluation of:

- (a) The current condition of the facilities;
- (b) Capital needs to safely and effectively facilitate current and future law enforcement training; and
- (c) Potential alternative funding sources to finance future capital needs, including, but not limited to:

- (i) Reimbursement from law enforcement agencies; and
- (ii) Public-private partnerships.

(2) Additionally, the assessment must compare the benefits and costs of alternative methods to address capital and function needs, including but not limited to:

- (a) Fully modernizing the facilities located at the current location; and
- (b) Relocating the training center to a new location.

Appropriation:

State Building Construction Account—State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

Sec. 2003. 2019 c 413 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State ~~(\$342,000)~~
\$366,000
Medical Aid Account—State ~~(\$342,000)~~
\$366,000
Subtotal Reappropriation ~~(\$684,000)~~
\$732,000

Appropriation:

Accident Account—State \$1,450,000
Medical Aid Account—State \$1,450,000
Subtotal Appropriation \$2,900,000
Prior Biennia (Expenditures) ~~(\$350,000)~~
\$302,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,934,000

Sec. 2004. 2019 c 413 s 2010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide (30001859)

Reappropriation:

State Building Construction Account—State ~~(\$600,000)~~
\$612,000
Prior Biennia (Expenditures) ~~(\$855,000)~~
\$843,000

Future Biennia (Projected Costs) \$0
TOTAL \$1,455,000

NEW SECTION. Sec. 2005. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Multiple Buildings: Roofing Replacement & Repairs (30002752)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the replacement of the entire roof on the 2010 building with asphalt shingles.

Appropriation:

State Building Construction Account—State \$2,030,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,030,000

NEW SECTION. Sec. 2006. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School Adult Training Program (92000036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for design of the renovation of building 66 on the Fircrest campus for the permanent relocation of the adult training program for residents of the Fircrest residential habilitation center. The design must include a plan for accommodating all activities of the adult training program currently housed in the existing adult training program building located in the northeast section of the campus and the activities currently housed in the activities building located northwest of building 66.

Appropriation:

State Building Construction Account—State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

Sec. 2007. 2019 c 413 s 2037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State \$1,665,000
State Building Construction Account—State ~~(\$11,015,000)~~
\$13,385,000
Subtotal Appropriation ~~(\$12,680,000)~~
\$15,050,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$159,345,000
TOTAL \$172,025,000
\$174,395,000

Sec. 2008. 2019 c 413 s 2038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2019-21 (40000382)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State \$955,000
State Building Construction Account—State ~~(\$965,000)~~
\$1,800,000
Subtotal Appropriation ~~(\$1,920,000)~~
\$2,755,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,000,000

TOTAL \$25,920,000
\$26,755,000

Sec. 2009. 2019 c 413 s 2039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DSHS & DCYF Fire Alarms (91000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects installing fire alarms at the following locations: (a) Fircrest School; (b) Lakeland Village; (c) Western State Hospital; (d) Rainier School; and (e) Echo Glen. The Echo Glen project may include duress alarms. ~~((The projects listed in this section must be designed under one contract, and installed under one contract.))~~ The department must consult with the department of children, youth, and families to prioritize the projects.

(2) When the ~~((bid is))~~ bids are received, the department must report to the appropriate legislative committees the overall ~~((bid))~~ bids for the projects.

(3) The department must report to the appropriate legislative committees any best practices on the process by December 31, 2019.

Appropriation:

State Building Construction Account—State	\$11,819,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,819,000

Sec. 2010. 2019 c 413 s 2072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

The appropriations in this section are subject to the following conditions and limitations:

A total of \$200,000 of the model toxics control act account—state is provided solely for soil mitigation associated with removal of an underground storage tank and must be held in unallotted status until the following conditions are met:

(1) The department must pursue a grant for this project from the pollution liability insurance agency.

(2) If this project is deemed unqualified for the use of funds through the pollution liability insurance agency, the appropriation from the model toxics control act account—state shall be allotted to the department to complete this project.

Reappropriation:

State Building Construction Account—State	(((\$570,000))
	\$755,000

Appropriation:

State Building Construction Account—State	\$2,025,000
Model Toxics Control Capital Account—State	\$200,000
Subtotal Appropriation	\$2,225,000
Prior Biennia (Expenditures)	(((\$2,743,000))
	\$2,558,000
Future Biennia (Projected Costs)	\$11,445,000
TOTAL	\$16,783,000
	\$16,983,000

Sec. 2011. 2019 c 413 s 2075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Reappropriation:

State Building Construction Account—State	\$625,000
Prior Biennia (Expenditures)	(((\$125,000))
	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

\$625,000

NEW SECTION. Sec. 2012. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH - Life Safety Grant (40000013)

Appropriation:

General Fund—Federal	\$325,000
State Building Construction Account—State	\$175,000
Subtotal Appropriation	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 2013. 2019 c 413 s 2080 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	(((\$800,000))
	\$1,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(((\$0))
	\$29,962,000
TOTAL	\$800,000
	\$31,762,000

NEW SECTION. Sec. 2014. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Naselle Youth Camp - Moolock Lodge: Remodel & Renovation (40000430)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,469,000
TOTAL	\$7,619,000

NEW SECTION. Sec. 2015. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Echo Glen Cottage 4 Remodel & Renovation (40000526)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,187,000
TOTAL	\$8,337,000

NEW SECTION. Sec. 2016. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, & FAMILIES

Green Hill School: Baker Living Unit Renovation & Remodel (40000529)

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,413,000
TOTAL	\$8,563,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Sec. 2017. 2019 c 413 s 2084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Implementation of JRA Capacity (91000062)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for ~~((a predesign for Echo Glen, a predesign for Green Hill, and))~~ a comprehensive strategic capital master plan. ~~((If Engrossed Second Substitute House Bill No. 1646 is not enacted by June 30, 2019, the appropriation in this section shall lapse.))~~

Appropriation:

State Building Construction Account—State	(((\$750,000))
	<u>\$600,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$750,000</u>
	<u>\$600,000</u>

NEW SECTION. **Sec. 2018.** A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Perimeter Wall Renovation (30000117)

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,935,000
TOTAL	\$11,135,000

Sec. 2019. 2019 c 413 s 2086 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Boiler Replacement (30000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$830,000
---	-----------

Appropriation:

State Building Construction Account—State	(((\$9,718,000))
	<u>\$10,207,000</u>
Prior Biennia (Expenditures)	\$170,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$10,718,000</u>
	<u>\$11,207,000</u>

Sec. 2020. 2019 c 413 s 2091 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Bldg E Roof Replacement (30000810)

Reappropriation:

State Building Construction Account—State	\$1,674,000
Prior Biennia (Expenditures)	(((\$1,022,000))
	<u>\$586,000</u>

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	<u>\$2,696,000</u>
	<u>\$2,260,000</u>

Sec. 2021. 2019 c 413 s 2093 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)

Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	(((\$10,085,000))
	<u>\$9,997,000</u>

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	<u>\$11,585,000</u>
-------	---------------------

Sec. 2022. 2019 c 413 s 2094 (uncodified) is amended to read

as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Prison Capacity Expansion (30001105)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	(((\$4,400,000))
	<u>\$1,957,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$4,800,000</u>
	<u>\$2,357,000</u>

Sec. 2023. 2019 c 413 s 2096 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC ADA Compliance Retrofit (30001118)

Reappropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	(((\$250,000))
	<u>\$171,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>
	<u>\$921,000</u>

Sec. 2024. 2019 c 413 s 2098 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CRCC Security Electronics Network Renovation (30001124)

Reappropriation:

State Building Construction Account—State	\$5,900,000
Prior Biennia (Expenditures)	(((\$100,000))
	<u>\$36,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$6,000,000</u>
	<u>\$5,936,000</u>

NEW SECTION. **Sec. 2025.** A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: WSR Clinic Roof Replacement (40000180)

Appropriation:

State Building Construction Account—State	\$825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,439,000
TOTAL	\$9,264,000

NEW SECTION. **Sec. 2026.** A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

MCC: SOU and TRU - Domestic Water and HVAC Piping System (40000246)

The appropriation in this section is subject to the following conditions and limitations: The predesign must compare the benefits of addressing each system as part of a single project with the benefits of addressing each system as a separate project in design and construction phases.

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$19,731,000
TOTAL	\$20,131,000

**PART 3
NATURAL RESOURCES**

Sec. 3001. 2019 c 413 s 3008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:

Model Toxics Control Capital Account—State ((~~\$3,813,000~~))\$3,531,000Prior Biennia (Expenditures) ((~~\$71,296,000~~))\$71,578,000

Future Biennia (Projected Costs) \$0

TOTAL \$75,109,000

Sec. 3002. 2019 c 413 s 3009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State ((~~\$324,000~~))\$318,000Prior Biennia (Expenditures) ((~~\$38,710,000~~))\$38,716,000

Future Biennia (Projected Costs) \$0

TOTAL \$39,034,000

Sec. 3003. 2019 c 413 s 3011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Appropriation:

Model Toxics Control Capital Account—State((~~\$19,152,000~~))\$18,603,000Prior Biennia (Expenditures) ((~~\$43,712,000~~))\$44,261,000

Future Biennia (Projected Costs) \$0

TOTAL \$62,864,000

Sec. 3004. 2019 c 413 s 3016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State ((~~\$3,526,000~~))\$2,284,000Prior Biennia (Expenditures) ((~~\$46,474,000~~))\$47,716,000

Future Biennia (Projected Costs) \$0

TOTAL \$50,000,000

Sec. 3005. 2019 c 413 s 3022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000337)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State ((~~\$1,940,000~~))\$1,843,000Prior Biennia (Expenditures) ((~~\$23,115,000~~))\$23,212,000

Future Biennia (Projected Costs) \$0

TOTAL \$25,055,000

Sec. 3006. 2019 c 413 s 3023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State ((~~\$169,000~~))\$168,000Prior Biennia (Expenditures) ((~~\$7,431,000~~))\$7,432,000

Future Biennia (Projected Costs) \$0

TOTAL \$7,600,000

Sec. 3007. 2019 c 413 s 3026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State((~~\$10,710,000~~))\$10,489,000Prior Biennia (Expenditures) ((~~\$51,827,000~~))\$52,048,000

Future Biennia (Projected Costs) \$0

TOTAL \$62,537,000

Sec. 3008. 2019 c 413 s 3028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000427)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State \$1,171,000

Appropriation:

Model Toxics Control Capital Account—State ((~~\$3,436,000~~))\$2,647,000Prior Biennia (Expenditures) ((~~\$17,893,000~~))\$18,682,000

Future Biennia (Projected Costs) \$0

TOTAL \$22,500,000

Sec. 3009. 2019 c 413 s 3030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State ((~~\$8,908,000~~))\$8,650,000Prior Biennia (Expenditures) ((~~\$992,000~~))\$1,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$9,900,000

Sec. 3010. 2019 c 413 s 3031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State \$16,967,000

Appropriation:

Model Toxics Control Capital Account—State((~~\$15,786,000~~))\$12,927,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Prior Biennia (Expenditures) (((\$19,994,000))
\$22,853,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$52,747,000

Sec. 3011. 2019 c 413 s 3032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Leaking Tank Model Remedies (30000490)

Appropriation:

Model Toxics Control Capital Account—State (((\$672,000))
\$519,000

Prior Biennia (Expenditures) (((\$1,328,000))
\$1,481,000

Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

Sec. 3012. 2019 c 413 s 3034 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Stormwater Financial Assistance Program (30000535)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Stormwater Account—State (((\$27,816,000))
\$26,950,000

Prior Biennia (Expenditures) (((\$3,384,000))
\$4,250,000

Future Biennia (Projected Costs) \$0
 TOTAL \$31,200,000

Sec. 3013. 2019 c 413 s 3036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)

Reappropriation:

State Building Construction Account—State (((\$19,149,000))
\$19,369,000

Prior Biennia (Expenditures) (((\$16,411,000))
\$16,191,000

Future Biennia (Projected Costs) \$0
 TOTAL \$35,560,000

Sec. 3014. 2019 c 413 s 3038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State (((\$7,917,000))
\$7,885,000

Prior Biennia (Expenditures) (((\$6,464,000))
\$6,496,000

Future Biennia (Projected Costs) \$0
 TOTAL \$14,381,000

Sec. 3015. 2019 c 413 s 3052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Appropriation:

Model Toxics Control Capital Account—State (((\$5,877,000))
\$5,872,000

Prior Biennia (Expenditures) (((\$0))
\$5,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,877,000

Sec. 3016. 2019 c 413 s 3056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development Account—State (((\$12,203,000))
\$12,250,000

Columbia River Basin Water Supply Revenue
 Recovery Account—State \$2,000,000

State Building Construction Account—State \$19,541,000
 Subtotal Reappropriation (((\$33,744,000))
\$33,791,000

Prior Biennia (Expenditures) (((\$56,000))
\$9,000

Future Biennia (Projected Costs) \$0
 TOTAL \$33,800,000

Sec. 3017. 2019 c 413 s 3062 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State (((\$2,099,000))
\$1,310,000

Prior Biennia (Expenditures) (((\$83,000))
\$872,000

Future Biennia (Projected Costs) \$0
 TOTAL \$2,182,000

Sec. 3018. 2019 c 413 s 3064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$25,000,000

Appropriation:

Model Toxics Control Stormwater Account—State (((\$11,400,000))
\$11,334,000

Prior Biennia (Expenditures) (((\$0))
\$66,000

Future Biennia (Projected Costs) \$0
 TOTAL \$36,400,000

Sec. 3019. 2019 c 413 s 3069 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3010, chapter 298, Laws of 2018, except funds directed to the Northwest Seaport Alliance for a clean truck fund in section 3010(6), chapter 298, Laws of 2018, may also be used for the Northwest Seaport Alliance to provide shore power electrification to vessels in Tacoma.

Reappropriation:

Air Pollution Control Account—State	\$26,483,000
Prior Biennia (Expenditures)	\$1,917,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

Sec. 3020. 2019 c 413 s 3081 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Stormwater Financial Assistance Program (40000144)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations in this section are provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

(2) \$29,750,000 of the appropriation is provided solely for grants directed to areas of Puget Sound that will benefit southern resident killer whales.

Appropriation:

Model Toxics Control Stormwater Account—State	(\$44,000,000)
	<u>\$49,006,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	<u>\$204,000,000</u>
	<u>\$209,006,000</u>

NEW SECTION. Sec. 3021. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2020 Eastern Washington Clean Sites Initiative (40000286)

Appropriation:

Model Toxics Control Capital Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3022. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2020 Remedial Action Grants (40000288)

Appropriation:

Model Toxics Control Capital Account—State	\$32,656,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,656,000

Sec. 3023. 2019 c 413 s 3093 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2019-21 Chehalis Basin Strategy (40000209)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Up to (~~(\$23,757,000)~~) \$24,007,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, the office of Chehalis basin, and other parties.

(b) Of the amount provided in this subsection, up to \$250,000 is for contracting with an independent third party to assess the financial impacts on landowners whose property could become the site of a flood retention structure and temporary reservoir project, including, but not limited to, timber valuation, construction of alternative transportation networks, and lost timber production associated with the project.

(2)(a) Up to (~~(\$49,450,000)~~) \$49,900,000 of the appropriation is for construction of local priority flood protection and habitat restoration projects.

(b) Of the amount provided in this subsection, up to \$450,000 is for a state match for equal funding from the office of the Chehalis basin for the Lower Satsop Restoration and Protection Program Keys Road Protection Project.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation; however, \$10,000,000 of the amounts in this section are provided solely for the final design, permitting, property acquisition, and construction of the Aberdeen Hoquiam north shore levee and related stormwater conveyance and pump station upgrades.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State	(\$73,207,000)
	<u>\$73,907,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$288,000,000
TOTAL	<u>\$361,207,000</u>
	<u>\$361,907,000</u>

Sec. 3024. 2019 c 413 s 3096 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account—State	\$47,000
Prior Biennia (Expenditures)	(\$2,802,000)
	<u>\$2,398,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,849,000</u>
	<u>\$2,445,000</u>

Sec. 3025. 2019 c 413 s 3097 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

Appropriation:

Model Toxics Control Capital Account—State	(\$304,000)
	<u>\$179,000</u>
Prior Biennia (Expenditures)	(\$8,966,000)
	<u>\$9,091,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$9,270,000</u>

NEW SECTION. Sec. 3026. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Heating Oil Capital Financing Assistance Program (30000704)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6256 (heating oil insurance program). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

Appropriation:

PLIA Underground Storage Tank Revolving Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Future Biennia (Projected Costs) \$24,000,000
 TOTAL \$28,000,000

Sec. 3027. 2019 c 413 s 3115 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Reappropriation:
 State Building Construction Account—State \$1,091,000
 Prior Biennia (Expenditures) ~~((\$2,295,000))~~
\$1,582,000
 Future Biennia (Projected Costs) \$1,963,000
 TOTAL ~~\$5,349,000~~
\$4,636,000

Sec. 3028. 2019 c 413 s 3119 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Reappropriation:
 State Building Construction Account—State \$111,000
 Prior Biennia (Expenditures) ~~((\$458,000))~~
\$349,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~\$569,000~~
\$460,000

Sec. 3029. 2019 c 413 s 3120 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Reappropriation:
 State Building Construction Account—State ~~((\$25,000))~~
\$79,000
 Appropriation:
 State Building Construction Account—State \$4,961,000
 Prior Biennia (Expenditures) ~~((\$397,000))~~
\$343,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,383,000

Sec. 3030. 2019 c 413 s 3123 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Goldendale Observatory - Expansion (30000709)
 Reappropriation:
 State Building Construction Account—State ~~((\$551,000))~~
\$583,000
 Prior Biennia (Expenditures) ~~((\$4,793,000))~~
\$4,761,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,344,000

Sec. 3031. 2019 c 413 s 3129 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Replace Failing Sewer Lines (30000860)
 Reappropriation:
 State Building Construction Account—State ~~((\$1,493,000))~~
\$1,668,000
 Prior Biennia (Expenditures) ~~((\$1,061,000))~~
\$886,000

Future Biennia (Projected Costs) \$0
 TOTAL \$2,554,000

Sec. 3032. 2019 c 413 s 3131 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:
 State Building Construction Account—State \$959,000
 Prior Biennia (Expenditures) ~~((\$141,000))~~
\$121,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~\$1,100,000~~
\$1,080,000

Sec. 3033. 2019 c 413 s 3132 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Birch Bay - Replace Failing Bridge (30000876)

Reappropriation:
 State Building Construction Account—State \$100,000
 Prior Biennia (Expenditures) ~~((\$237,000))~~
\$148,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~\$337,000~~
\$248,000

Sec. 3034. 2019 c 413 s 3135 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:
 State Building Construction Account—State \$1,921,000
 Prior Biennia (Expenditures) ~~((\$587,000))~~
\$520,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~\$2,508,000~~
\$2,441,000

Sec. 3035. 2019 c 413 s 3137 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:
 State Building Construction Account—State \$186,000
 Prior Biennia (Expenditures) ~~((\$1,086,000))~~
\$1,050,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~\$1,272,000~~
\$1,236,000

Sec. 3036. 2019 c 413 s 3141 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Health and Safety (30000977)

Reappropriation:
 State Building Construction Account—State ~~((\$402,000))~~
\$537,000
 Prior Biennia (Expenditures) ~~((\$647,000))~~
\$512,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,049,000

Sec. 3037. 2019 c 413 s 3143 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works—Program (30000979)	
Reappropriation:	
State Building Construction Account—State	\$646,000
Prior Biennia (Expenditures)	(((\$845,000))
	<u>\$620,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,491,000</u>
	<u>\$1,266,000</u>

Sec. 3038. 2019 c 413 s 3144 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)	
Reappropriation:	
State Building Construction Account—State	(((\$903,000))
	<u>\$955,000</u>
Prior Biennia (Expenditures)	(((\$112,000))
	<u>\$60,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,015,000</u>

Sec. 3039. 2019 c 413 s 3145 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)	
Reappropriation:	
State Building Construction Account—State	(((\$320,000))
	<u>\$367,000</u>
<u>Appropriation:</u>	
State Building Construction Account—State	<u>\$289,000</u>
Prior Biennia (Expenditures)	(((\$130,000))
	<u>\$83,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$450,000</u>
	<u>\$739,000</u>

Sec. 3040. 2019 c 413 s 3149 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)	
Reappropriation:	
State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	(((\$185,000))
	<u>\$177,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$250,000</u>
	<u>\$242,000</u>

Sec. 3041. 2019 c 413 s 3150 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)	
Reappropriation:	
State Building Construction Account—State	\$462,000
Prior Biennia (Expenditures)	(((\$288,000))
	<u>\$267,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$750,000</u>
	<u>\$729,000</u>

Sec. 3042. 2019 c 413 s 3151 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)	
Reappropriation:	
State Building Construction Account—State	(((\$467,000))
	<u>\$784,000</u>
Prior Biennia (Expenditures)	(((\$533,000))
	<u>\$216,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,000,000</u>

Sec. 3043. 2019 c 413 s 3152 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)	
Reappropriation:	
State Building Construction Account—State	(((\$267,000))
	<u>\$313,000</u>
Prior Biennia (Expenditures)	(((\$46,000))
	<u>\$0</u>
Future Biennia (Projected Costs)	\$20,006,000
TOTAL	<u>\$20,319,000</u>

Sec. 3044. 2019 c 413 s 3153 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)	
Reappropriation:	
State Building Construction Account—State	(((\$214,000))
	<u>\$339,000</u>
Prior Biennia (Expenditures)	(((\$163,000))
	<u>\$38,000</u>
Future Biennia (Projected Costs)	\$2,013,000
TOTAL	<u>\$2,390,000</u>

Sec. 3045. 2019 c 413 s 3156 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)	
Reappropriation:	
State Building Construction Account—State	(((\$53,000))
	<u>\$194,000</u>
Appropriation:	
State Building Construction Account—State	\$1,605,000
Prior Biennia (Expenditures)	(((\$247,000))
	<u>\$106,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,905,000</u>

Sec. 3046. 2019 c 413 s 3160 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually New Full Service Park (40000153)	
Appropriation:	
State Building Construction Account—State	(((\$2,994,000))
	<u>\$3,857,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,700,000
TOTAL	<u>\$20,694,000</u>
	<u>\$21,557,000</u>

NEW SECTION. Sec. 3047. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse to Cascades Trail: Crab Creek Trestle Replacement (40000162)

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 3048. 2019 c 413 s 3204 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Youth Athletic Facilities (40000007)

The appropriation in this section is subject to the following conditions and limitations: The amounts appropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed on February 25, 2020, and No. 2020-467-HB, developed on February 14, 2020.

Appropriation:

State Building Construction Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$32,000,000

Sec. 3049. 2019 c 413 s 3218 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Recreation & Conservation Office Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3086, chapter 2, Laws of 2018.

(2) A maximum of \$615,000 of unused funds in this appropriation may be used for replacement and repair of dock facilities available for public use at Van Riper marina, without requiring matching resources, and provided that a grant and lease term of 30 years is offered to the recipient from the state.

(3) A maximum of \$302,000 of unused amounts in this appropriation may be used for the state route number 547 pedestrian and bicycle safety trail near Kendall, without requiring matching resources.

(4) A maximum of \$448,000 of unused amounts in this appropriation may be used for the Stanwood Port Susan trail project near Stanwood, without requiring matching resources.

(5) A maximum of \$300,000 of unused amounts in this appropriation may be used for the ebey waterfront trail near Marysville, without requiring matching resources.

(6) A maximum of \$400,000 of unused amounts in this appropriation may be used for trail lighting on the cross Kirkland corridor (CKC) at the I-405 underpass in Totem Lake near Kirkland, without requiring matching resources.

Reappropriation:

State Building Construction Account—State	\$14,559,000
Outdoor Recreation Account—State	\$1,337,000
Subtotal Reappropriation	\$15,896,000
Prior Biennia (Expenditures)	\$18,885,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,781,000

NEW SECTION. Sec. 3050. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Community Forest Project List Development (91001354)

The appropriation in this section is subject to the following conditions and limitations.

(1) The recreation and conservation office shall consult with the department of natural resources and stakeholders to develop funding criteria and a ranked project list to establish community forest projects for funding consideration in the 2021-2023 biennium.

(2) The recreation and conservation office shall develop options for establishing accounting assurances for future revenues that may be generated from community forests.

(3) The criteria established under subsection (1) of this section must allow for a review of project submissions by the recreation and conservation funding board in a manner that is complementary to existing conservation funding programs administered by the office.

(4) A project may be included in the ranked list created under subsection (1) of this section only if it meets the following conditions:

(a) The property under consideration must be forestland;

(b) Acquisition of the property under consideration must be fee simple;

(c) The entity acquiring the property under consideration must be a nonprofit conservation organization, local government, tribe, or a state agency working directly with one or more of the these entities; and

(d) The community forest project must promote, enhance, or develop community and economic benefits.

(5) The recreation and conservation office shall submit the funding criteria and the ranked project list required under subsection (1) of this section and the accounting options required under subsection (2) of this section to the legislature by December 31, 2020.

Appropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

Sec. 3051. 2019 c 413 s 3223 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

2019-21 Match for Federal RCPP (40000006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission must, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State	(\$4,000,000)
	<u>\$6,249,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,800,000
TOTAL	<u>\$11,800,000</u>
	<u>\$14,049,000</u>

Sec. 3052. 2019 c 413 s 3232 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3052, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$800,000
---	-----------

Prior Biennia (Expenditures)	(\$3,200,000))
	<u>\$3,199,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$4,000,000</u>
	<u>\$3,999,000</u>

NEW SECTION. Sec. 3053. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

CREP PIP Loan Program 2017-19 (92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving Account—State	\$350,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

Sec. 3054. 2019 c 413 s 3236 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

~~((The appropriations in this section are subject to the following conditions and limitations: \$3,900,000 of the appropriation is provided solely for repair of the Wiley Slough dike.))~~

Reappropriation:

General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$863,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,680,000
State Wildlife Account—State	\$400,000
Subtotal Reappropriation	\$13,943,000

Appropriation:

General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$1,000,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,000,000
State Wildlife Account—State	\$500,000
Subtotal Appropriation	\$13,500,000
Prior Biennia (Expenditures)	\$72,421,000
Future Biennia (Projected Costs)	\$58,500,000
TOTAL	\$158,364,000

Sec. 3055. 2019 c 413 s 3242 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Soos Creek Hatchery Renovation (30000661)

Reappropriation:

State Building Construction Account—State	\$5,555,000
Appropriation:	
State Building Construction Account—State	(\$1,710,000))
	<u>\$4,646,000</u>
Prior Biennia (Expenditures)	\$6,144,000
Future Biennia (Projected Costs)	(\$3,031,000))
	<u>\$0</u>
TOTAL	<u>\$16,440,000</u>
	<u>\$16,345,000</u>

Sec. 3056. 2019 c 413 s 3247 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Springs Production Shift (30000723)

Reappropriation:

State Building Construction Account—State	(\$1,400,000))
	<u>\$1,546,000</u>
Prior Biennia (Expenditures)	(\$2,670,000))
	<u>\$2,524,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,070,000

Sec. 3057. 2019 c 413 s 3252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snow Creek Reconstruct Facility (30000826)

The appropriation in this section is subject to the following conditions and limitations: In constructing the project, the department must consider the firefight toilet technology.

Reappropriation:

State Building Construction Account—State	\$25,000
Appropriation:	
State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	(\$75,000))
	<u>\$68,000</u>

Future Biennia (Projected Costs)	\$4,794,000
TOTAL	<u>\$5,037,000</u>
	<u>\$5,030,000</u>

Sec. 3058. 2019 c 413 s 3253 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State	(\$2,423,000))
	<u>\$2,577,000</u>

Appropriation:

State Building Construction Account—State	\$3,086,000
Prior Biennia (Expenditures)	(\$2,000))
	<u>\$198,000</u>

Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,511,000</u>
	<u>\$5,861,000</u>

Sec. 3059. 2019 c 413 s 3254 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	(\$200,000))
	<u>\$177,000</u>

Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$800,000</u>
	<u>\$777,000</u>

Sec. 3060. 2019 c 413 s 3255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State	\$300,000
Appropriation:	

State Building Construction Account—State	\$4,830,000
Prior Biennia (Expenditures)	(\$315,000))
	<u>\$276,000</u>

Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$5,445,000</u>
	<u>\$5,406,000</u>

NEW SECTION. Sec. 3061. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wiley Slough Dike Raising (40000004)

Appropriation:

State Building Construction Account—State	\$972,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,183,000
TOTAL	\$5,155,000

NEW SECTION. Sec. 3062. A new section is added to 2019 c 413 (uncodified) to read as follows:

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

FOR THE DEPARTMENT OF FISH AND WILDLIFE

(1) Nothing in this section alters the obligation set forth in the permanent injunction, including the compliance deadline, entered on March 29, 2013, in *United States v. Washington*, subproceeding 01-1 (Culverts), or the guidelines for compliance within the specified timeline with the permanent injunction as developed by the state agencies during the implementation process.

(2) Nothing in this section creates an obligation on the part of the state to provide funding for corrections for nonstate-owned culverts. Nothing in this section precludes the state from providing funding for corrections for nonstate-owned culverts.

(3) In order to provide recommendations, the Brian Abbott fish barrier removal board must develop a comprehensive statewide culvert remediation plan that works in conjunction with the state approach and that fully satisfies the requirements of the *United States v. Washington* permanent injunction and makes both local and state funding recommendations for additional nonstate barrier corrections across state culvert correction programs that maximize the fisheries habitat gain and other benefits to prey available for southern resident killer whale and salmon recovery.

(4) The comprehensive statewide culvert remediation plan must be consistent with the principles and requirements of the *United States v. Washington* permanent injunction and RCW 77.95.180 and must achieve coordinated investment strategy goals of permanent injunction compliance and the following additional resource benefits. The Brian Abbott fish barrier removal board chair, representing the board and the appropriate department of fish and wildlife executive management, shall consult with tribes to develop a watershed approach. Provided it is consistent with the *United States v. Washington* permanent injunction, prioritization of barrier corrections must be developed on a watershed basis and must maximize the following resource priorities:

(a) Stocks that are listed as threatened or endangered under the federal endangered species act;

(b) Stocks that contribute to protection and recovery of southern resident orca whales;

(c) Critical stocks of anadromous fish that limit or prevent harvest of anadromous fish, as identified in the Pacific salmon treaty; and

(d) Weak stocks of anadromous fish that limit or prevent harvest of anadromous fish, as determined in North of Cape Falcon process.

(5) The comprehensive statewide culvert remediation plan must include recommendations on methods and procedures for state agencies and local governments to complete and maintain accurate barrier inventories. This plan must also allow for efficient bundling of projects to minimize disruption to the public due to construction as well as adjustments in response to obstacles and opportunities encountered during delivery.

(6) The Brian Abbott fish barrier removal board must also:

(a) Provide to the office of financial management and the fiscal committees of the legislature its recommendation as to statutory or policy changes, or budget needs for the board or state capital budget programs, for better implementation and coordination among the state's culvert correction programs by January 15, 2021; and

(b) Develop a plan to seek and maximize the chances of success of significant federal investment in the comprehensive statewide culvert remediation plan.

(7) It is the intent of the legislature that, in developing future budgets, state agencies administering state culvert correction programs will recommend, to the maximum extent possible, funding in their culvert correction programs for correction of

barriers that are part of the comprehensive statewide culvert remediation plan developed by the Brian Abbott fish barrier removal board under this section.

(8) By November 1, 2020, and March 1, 2021, the Brian Abbott fish barrier removal board and the department of transportation must provide updates on the development of the statewide culvert remediation plan to the office of financial management and the legislative fiscal committees. The first update must include a project timeline and plan to ensure that all agencies with culvert correction programs are involved in the creation of the comprehensive plan.

(9) Prior to presenting the comprehensive statewide culvert remediation plan, the Brian Abbott fish barrier removal board must present the status of the plan to the annual Washington state and Western Washington treaty tribes fish passage barrier repair progress and coordination meeting. The board must submit the comprehensive statewide culvert remediation plan and the process by which it will be adaptively managed over time to the governor and the legislative fiscal committees by January 15, 2021.

Sec. 3063. 2019 c 413 s 3234 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3205, chapter 19, Laws of 2013 2nd sp. sess.

(2) To avoid foregoing the investment in design and permitting that has already been expended on the Pioneer Park location for the Deschutes Watershed Center, the comanagers shall reconsider this site along with any other locations they agree on. The comanagers shall reevaluate feasible locations by September 30, 2020, and prepare a decision document to justify the best available location.

Reappropriation:

State Building Construction Account—State	\$9,697,000
Prior Biennia (Expenditures)	\$5,798,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,495,000

Sec. 3064. 2019 c 413 s 3274 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program (FREP) (30000279)

Reappropriation:

State Building Construction Account—State	(\$400,000)
	<u>\$520,000</u>
Prior Biennia (Expenditures)	(\$3,100,000)
	<u>\$2,980,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

Sec. 3065. 2019 c 413 s 3275 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway Working Forest (30000289)

Reappropriation:

State Building Construction Account—State	(\$600,000)
	<u>\$675,000</u>
Prior Biennia (Expenditures)	(\$881,000)
	<u>\$662,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,481,000
	<u>\$1,337,000</u>

Sec. 3066. 2019 c 413 s 3294 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (FREP) (40000052)

Appropriation:

State Building Construction Account—State	(\$2,500,000)
	<u>\$3,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$22,500,000
	<u>\$23,500,000</u>

NEW SECTION. Sec. 3067. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Appropriation:

State Building Construction Account—State	\$3,245,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,694,000
TOTAL	\$4,939,000

NEW SECTION. Sec. 3068. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergent Environmental Mitigation Projects (40000058)

Appropriation:

Forest Development Account—State	\$92,000
Resource Management Cost Account—State	\$93,000
Model Toxics Control Capital Account—State	\$135,000
Subtotal Appropriation	\$320,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$320,000

NEW SECTION. Sec. 3069. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Preservation: 2019-21 (40000061)

Appropriation:

State Building Construction Account—State	\$1,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,550,000

NEW SECTION. Sec. 3070. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Whitmarsh (March Point) Landfill Site Cleanup (40000069)

Appropriation:

Model Toxics Control Capital Account—State	\$3,063,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,063,000

NEW SECTION. Sec. 3071. The following acts or parts of acts are each repealed:

- (1) 2019 c 413 s 3099 (uncodified); and
- (2) 2019 c 413 s 3296 (uncodified).

**PART 4
TRANSPORTATION**

Sec. 4001. 2019 c 413 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)

Reappropriation:

Fire Service Training Account—State	\$2,832,000
-------------------------------------	-------------

Appropriation:

<u>Fire Service Training Account—State</u>	<u>\$414,000</u>
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,132,000</u>
	<u>\$3,546,000</u>

NEW SECTION. Sec. 4002. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Telford Helipad (40000001)

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

**PART 5
EDUCATION**

Sec. 5001. 2019 c 413 s 5001 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center (20084856)

Reappropriation:

State Building Construction Account—State	(\$472,000)
	<u>\$32,000</u>
Prior Biennia (Expenditures)	\$35,072,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$35,544,000</u>
	<u>\$35,104,000</u>

Sec. 5002. 2019 c 413 s 5012 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Construction Assistance Program - Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State	(\$879,021,000)
	<u>\$851,208,000</u>
Common School Construction Account—State	(\$160,032,000)
	<u>\$185,908,000</u>
Common School Construction Account—Federal	(\$3,000,000)
	<u>\$3,840,000</u>
Subtotal Appropriation	(\$1,042,053,000)
	<u>\$1,040,956,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,870,192,000
TOTAL	<u>\$5,912,245,000</u>
	<u>\$5,911,148,000</u>

Sec. 5003. 2019 c 413 s 5028 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Small District Modernization Grants (92000139)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that small school districts with total enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the school construction assistance program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

(2) \$200,000 of the appropriation is provided solely for the office of the superintendent of public instruction to administer the

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

grant program and provide technical assistance to small school districts seeking grants funded in this section.

(3) ~~(((\$1,000,000))~~ \$957,000 of the appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants in subsection (4) of this section. The superintendent may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district.

(4) The remaining portion of the appropriation is provided solely for modernization grants for small school districts with significant building system deficiencies and limited financial capacity with the following conditions:

(a) The superintendent of public instruction must appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (4)(a) of this section, the office and the advisory committee must also prioritize projects that: (i) Improve student health, safety, and academic performance for the largest number of students; (ii) provide the most available school district resources, including in-kind resources; and (iii) make use of mass-timber products, including cross-laminated timber, or aggregates and concretes materials.

(c) The superintendent must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2020. The list must include: (i) A description of the project; (ii) the proposed state funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding resources. The appropriated funds in this subsection may be awarded only ~~((after the legislature approves the list))~~ to projects approved by the legislature, as identified in LEAP capital document No. 2020-51, developed March 6, 2020.

(5) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant must not exceed total project costs minus available local resources.

Appropriation:

State Building Construction Account—State	(((\$20,000,000)) <u>\$23,383,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$20,000,000</u>
	<u>\$23,383,000</u>

Sec. 5004. 2019 c 413 s 5025 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: ~~((The))~~

(1) Except as provided for under subsection (2) of this section, the reappropriation is subject to the provisions of section 5007, chapter 298, Laws of 2018.

(2) School districts that receive reappropriations in this section may use the reappropriation to fund local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

Reappropriation:

State Building Construction Account—State	\$41,585,000
Prior Biennia (Expenditures)	\$3,901,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,486,000

Sec. 5005. 2019 c 413 s 5030 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Distressed Schools (92000142)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,400,000 of the appropriation in this section is provided solely for classroom additions and other modernizations at Leschi elementary school in Seattle public schools.

(2) \$10,500,000 of the appropriation in this section is provided solely for classroom additions at Madison middle school in Seattle public schools.

(3) \$3,100,000 of the appropriation in this section is provided solely for heating and ventilation upgrades at North Beach elementary school in Seattle public schools.

(4) The remaining portion of the appropriation is provided solely for competitive grants for modular classrooms ~~((made with mass timber products, including cross-laminated timber,))~~ for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space. The grants are subject to the following conditions and limitations:

(a) School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms;

(b) The office of the superintendent of public instruction must prioritize projects based on the following criteria in the following order:

(i) School districts with high ratios of portable classrooms to permanent classrooms;

(ii) School districts with low acreage of land available for new construction;

(iii) Projects that achieve lowest cost per classroom ~~((with highest percentage of mass timber products in the overall construction of the project));~~ and

(iv) Projects that ~~((demonstrate))~~ are multistory ~~((application of mass timber products)).~~

(5) \$1,000,000 of the appropriation in this section is provided solely for a distressed schools project in the Mount Adams school district.

(6) \$700,000 of the appropriation in this section is provided solely for a two-classroom preschool addition at John Muir Elementary School in Seattle.

(7) \$300,000 of the appropriation in this section is provided solely for conversion of two classrooms to a new health clinic at Lowell Elementary School in Seattle.

(8) \$328,000 of the appropriation in this section is provided solely for an agricultural resource center in Tacoma.

(9) \$200,000 of the appropriation in this section is provided solely for a schoolyard park in Tacoma.

(10) \$309,000 of the appropriation in this section is provided solely for a school-based health center in Port Orchard.

(11) \$100,000 of the appropriation in this section is provided solely for the Republic school district for predesign and scoping work related to the replacement of a school facility. It is the intent of the legislature to appropriate \$9,000,000 for the Republic school district in the 2021-23 fiscal biennium for the demolition of an existing school facility and for the design and construction of a new school, subject to the Republic school district securing a local match equal to not less than \$4,500,000.

(12) School districts that receive funding in this section may use that funding for the local share of project cost requirements for projects also eligible for funding through the school construction assistance program.

Appropriation:

State Building Construction Account—State	(((\$23,000,000))
	<u>\$25,937,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$23,000,000</u>
	<u>\$25,937,000</u>

NEW SECTION. Sec. 5006. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2019-21 School Seismic Safety Retrofit Program (92000148)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through twelfth grade. The superintendent of public instruction must prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

(2) In the development of school seismic safety retrofit project priorities for the 2021-2023 fiscal biennium, in addition to prioritizing projects based on their seismic risk classification, the superintendent of public instruction shall also give due consideration to the following: (a) Prioritizing improvements of school buildings used for the instruction of students in kindergarten through twelfth grade; (b) the financial capacity of low property value school districts in the sizing of grant awards; and (c) facilities' seismic needs in light of the useful life of the facilities.

Appropriation:

State Building Construction Account—State	\$13,240,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$133,240,000

Sec. 5007. 2019 c 413 s 5032 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Independent Living Skills Center (30000107)

Reappropriation:

State Building Construction Account—State	\$143,000
<u>Appropriation:</u>	
State Building Construction Account—State	<u>\$1,192,000</u>
Prior Biennia (Expenditures)	\$27,000
Future Biennia (Projected Costs)	(((\$0))
	<u>\$8,076,000</u>
TOTAL	<u>\$170,000</u>
	<u>\$9,438,000</u>

Sec. 5008. 2019 c 413 s 5033 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

2019-21 Campus Preservation (40000004)

Appropriation:

State Building Construction Account—State	(((\$580,000))
	<u>\$655,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,320,000
TOTAL	<u>\$2,900,000</u>
	<u>\$2,975,000</u>

Sec. 5009. 2019 c 413 s 5034 (uncodified) is amended to read as follows:

FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH

Academic and Physical Education Building (30000036)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The ~~((reappropriation is))~~ appropriations are subject to the provisions of section 5009, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	(((\$786,000))
	<u>\$787,000</u>

Appropriation:

State Building Construction Account—State	<u>\$4,637,000</u>
Prior Biennia (Expenditures)	(((\$214,000))
	<u>\$213,000</u>
Future Biennia (Projected Costs)	(((\$0))
	<u>\$50,511,000</u>
TOTAL	<u>\$1,000,000</u>
	<u>\$56,148,000</u>

Sec. 5010. 2019 c 413 s 5035 (uncodified) is amended to read as follows:

FOR THE WASHINGTON ((STATE)) CENTER FOR ((CHILDHOOD DEAFNESS AND HEARING LOSS)) DEAF AND HARD OF HEARING YOUTH

Minor Works: Preservation 2019-21 (30000045)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,500,000

Sec. 5011. 2019 c 413 s 5044 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1593 (behavioral health teaching facility). The appropriation provided may be used for predesign, siting, ~~((and))~~ design costs, enabling projects, and early work packages. If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.

(b) The university must submit the predesign to the appropriate legislative committees by February 1, 2020.

(2) The behavioral health teaching facility must provide a minimum of fifty long-term civil commitment beds, fifty geriatric/voluntary psychiatric beds, and fifty licensed medical/surgery beds, with the capacity to treat patients with psychiatric diagnoses and/or substance use disorders. The project construction must also include construction of a 24/7 telehealth consultation program within the facility.

Appropriation:

State Building Construction Account—State	\$33,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$191,250,000
TOTAL	\$224,500,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 5012. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Magnuson Health Sciences Phase II - Renovation/Replacement (40000049)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$59,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 5013. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Vancouver - Life Sciences Building (30000840)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$52,600,000
TOTAL	\$57,100,000

Sec. 5014. 2019 c 413 s 5060 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Engineering Building (30000556)

Reappropriation:

Eastern Washington University Capital Projects Account—State	(\$245,000)
	<u>\$345,000</u>

Prior Biennia (Expenditures)	(\$100,000)
	<u>\$0</u>

Future Biennia (Projected Costs)	\$56,695,000
TOTAL	\$57,040,000

Sec. 5015. 2019 c 413 s 5072 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation: 2019-21 (40000041)

Appropriation:

State Building Construction Account—State	<u>\$2,463,000</u>
---	--------------------

Central Washington University Capital Projects Account—State	(\$7,000,000)
	<u>\$4,537,000</u>

Subtotal Appropriation	<u>\$7,000,000</u>
-------------------------------	--------------------

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$35,000,000

NEW SECTION. Sec. 5016. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Campus Security Enhancements (40000074)

Appropriation:

Central Washington University Capital Projects Account—State	\$2,463,000
--	-------------

Prior Biennia (Expenditures)	\$0
------------------------------	-----

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	\$2,463,000
-------	-------------

Sec. 5017. 2019 c 413 s 5079 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Historic Lord Mansion (91000029)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The ~~((reappropriation is))~~ appropriations are subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$100,000
---	-----------

Appropriation:

State Building Construction Account—State	<u>\$300,000</u>
---	------------------

Prior Biennia (Expenditures)	(\$404,000)
	<u>\$337,000</u>

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	<u>\$504,000</u>
-------	------------------

	<u>\$737,000</u>
--	------------------

NEW SECTION. Sec. 5018. A new section is added to 2019 c 413 (uncodified) to read as follows: **FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or as much thereof as may be necessary, is provided solely for evaluating the replacement of the reflectors on the Yakima Sun Dome.

Appropriation:

State Building Construction Account—State	\$80,000
---	----------

Prior Biennia (Expenditures)	\$0
------------------------------	-----

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	\$80,000
-------	----------

Sec. 5019. 2019 c 413 s 5093 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000237)

Reappropriation:

State Building Construction Account—State	\$643,000
---	-----------

Prior Biennia (Expenditures)	(\$9,054,000)
	<u>\$8,411,000</u>

Future Biennia (Projected Costs)	\$0
----------------------------------	-----

TOTAL	<u>\$9,697,000</u>
-------	--------------------

	<u>\$9,054,000</u>
--	--------------------

Sec. 5020. 2019 c 413 s 5097 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects: 2019-21 (40000014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Metro Parks Tacoma - W.W. Seymour Botanical Conservatory Rehab	\$773,000
--	-----------

Discover Your Northwest - Chittenden Locks Fish Ladder Viewing	\$382,000
--	-----------

Foss Waterway Seaport - Balfour Dock Building: Phase III	\$307,000
--	-----------

City of Tumwater, WA - Old Brewhouse Tower Rehab	\$513,000
--	-----------

Gig Harbor - Harbor History Museum - Fishing Vessel Shenandoah	\$100,000
--	-----------

City of Vancouver, Washington - Re-roof 3 Bldgs Officer's Row	\$150,000
---	-----------

NW School of Wooden Boatbuilding - Expanding Public Access	\$240,000
--	-----------

Kalispel Tribe - Restoration of Our Lady of Sorrows Church	\$33,000
--	----------

KC Dept. of Natural Resources - Mukai Farmstead & Garden Preserv	\$600,000
--	-----------

City of Edmonds - Edmonds Museum (Carnegie Library Restoration)	\$74,000
---	----------

Vancouver National Historic Reserve Trust - Renovate	
--	--

Providence	\$490,000
Washington Trust for Historic Preservation - Stimson-Green Mansion	\$100,000
Phinney Neighborhood Association - John B. Allen School	\$30,000
PNW Railroad Archive - Mounting rails	\$47,000
City of Roslyn - Historic Community Center, Library, & City Hall	\$233,000
Quincy Valley Historical Society & Museum - Comm Heritage Barn	\$41,000
The NW Railway Museum - Puget Sound Electric Railway Interurban	\$229,000
The Cutter Theatre - 1912 Metaline Falls School Re-Roofing	\$26,000
Delridge Neighborhoods Dev Assoc - Structural improvements	\$299,000
Seattle City Light - Continue Georgetown Steam Plan	\$773,000
Skagit County Historical Society - Skagit City School Rehab	\$22,000
Mount Baker Theatre - Mount Baker Theatre Preservation	\$1,000,000
North Bay Historical Society - Sargent Oyster House Restoration	\$160,000
City of Lynnwood - Heritage Park Water Tower Phase II Renovation	\$124,000
Town of Waverly - Restoration of Prairie View Schoolhouse	\$55,000
City of Lacey - Renovating Lacey warehouse for new museum	\$979,000
Northwest Schooner Society - Restoration 1906 Keepers Quarters	\$82,000
Sammamish Heritage Society - Reard House Phase III: Reconstruct	\$123,000
Cheney Depot Society - Cheney Depot Relocation & Rehabilitation	\$367,000
The 5th Ave Theatre Assoc - Theatre Upgrade: Auditorium	\$560,000
Highline Historical Society - Phase 3: Highline Heritage Museum	\$71,000
University Place Historical Society - Curran House History Museum	\$41,000
Coupeville Maritime Heritage Foundation - Preserv of vessel Suva	\$71,000
((Fort Worden Public Development Authority - Sage Arts & Ed Ctr	\$560,000))
South Pierce County Historical Society - Eatonville Tofu House	\$15,000
City of Everett - Van Valley Home lead Abatement & Pres	\$67,000
Appropriation:	
State Building Construction Account—State	(((\$9,737,000))
	<u>\$9,177,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$9,737,000</u>
	<u>\$9,177,000</u>

Sec. 5021. 2019 c 413 s 5098 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000086)	
Appropriation:	
State Building Construction Account—State	(((\$1,545,000))
	<u>\$2,608,000</u>
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$9,543,000
TOTAL	<u>\$11,088,000</u>
	<u>\$12,151,000</u>

NEW SECTION. Sec. 5022. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Black History Commemoration (91000008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the Washington State Historical Society to lead a commemoration of Black History Month in 2021 at the State Capitol to include the planning and presentation of events and/or exhibitions on the Capitol campus, development of digital educational resources, and the creation or refurbishment of permanent fixtures and/or structures commemorating the history of African Americans in Washington state.

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 5023. 2019 c 413 s 5101 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000026)

Appropriation:

State Building Construction Account—State	(((\$800,000))
	<u>\$1,559,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,200,000
TOTAL	<u>\$4,000,000</u>
	<u>\$4,759,000</u>

Sec. 5024. 2019 c 413 s 5109 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Technology Building Renewal (30000129)

It is the intent of the legislature that all remaining work on this project be completed by June 30, 2023.

Reappropriation:

State Building Construction Account—State	\$569,000
Prior Biennia (Expenditures)	\$24,847,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,416,000

Sec. 5025. 2019 c 413 s 5122 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State Building Construction Account—State	\$2,902,000
((Appropriation:	
State Building Construction Account—State	\$36,642,000))
Prior Biennia (Expenditures)	\$690,000
Future Biennia (Projected Costs)	(((\$0))
	<u>\$36,642,000</u>

TOTAL	\$40,234,000
-------	--------------

Sec. 5026. 2019 c 413 s 5103 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Yakima Valley Community College: Palmer Martin Building
(30000121)

Reappropriation:	
State Building Construction Account—State	\$953,000
Prior Biennia (Expenditures)	(((\$19,287,000))
	<u>\$19,196,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$20,240,000</u>
	<u>\$20,149,000</u>

Sec. 5027. 2019 c 413 s 5126 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement
(30001458)

The appropriation in this section is subject to the following conditions and limitations: The appropriation authorizes Spokane Falls to enter into a contract for the construction of this project. It is the intent of the legislature that \$17,140,000 will be appropriated for this project in the 2021-2023 fiscal biennium.

Reappropriation:	
State Building Construction Account—State	\$2,616,000
<u>Appropriation:</u>	
<u>State Building Construction Account—State</u>	<u>\$20,000,000</u>
Prior Biennia (Expenditures)	\$211,000
Future Biennia (Projected Costs)	(((\$0))
	<u>\$17,140,000</u>
TOTAL	<u>\$2,827,000</u>
	<u>\$39,967,000</u>

NEW SECTION. Sec. 5028. A new section is added to 2019 c 413 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett: Baker Hall Replacement (40000190)

Appropriation:	
State Building Construction Account—State	\$275,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,279,000
TOTAL	<u>\$32,554,000</u>

PART 6

2017-2019 BIENNIUM PROVISIONS

Sec. 6001. 2019 c 413 s 6005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$83,500,000 of the state taxable building construction account—state appropriation, \$19,631,000 of the state building construction account—state appropriation, and \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to

estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
 - (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
 - (iii) The improvements will result in reduction of operating or utilities costs, or both; and
 - (iv) Other criteria that the department considers necessary to achieve the purpose of this program.
- (c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation and \$1,500,000 of the state taxable building construction account—state appropriation are provided solely for the ~~((purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at 1530 Broadway, 1534 Broadway, and 909 East Pine street to one or more nonprofits or public development authorities selected by the department, if the selected entities agree to use the properties to provide services and housing for homeless youth or young adults for a minimum of twenty five years. The transfer agreement between the state board for community and technical colleges and the selected entities must specify a mutually agreed transfer date and require the selected entities to cover any closing costs with a total purchase price of nine million dollars for all three properties))~~ department to contract directly with YouthCare Service Center to purchase the 1534 Broadway site from Capitol Hill Housing in order for YouthCare Service Center to develop a youth community center.

(f) \$25,506,000 is provided solely for the following list of housing projects:

(i) Spokane Housing Predesign	\$500,000
(ii) El Centro de la Raza	\$737,000
(iii) Highland Village Preservation	\$1,500,000
(iv) King County Modular Housing Project	\$1,500,000
(v) Nisqually Tribal Housing	\$1,250,000
(vi) Othello Homesight Community Center	\$3,000,000
(vii) Parkview Apartments Affordable Housing	\$100,000
(viii) Supported Housing and Employment (Longview)	\$129,000

(ix) \$2,000,000 is provided solely for homeownership assistance for low-income households displaced from their manufactured/mobile homes due the closure or conversion of a mobile home park or manufactured housing community in south King County. \$1,500,000 of this amount in this subsection is provided solely for low-income residents displaced from the Firs Mobile Home Park located in SeaTac.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less

expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than ~~(((\$125,000))~~ \$135,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

(xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	\$19,631,000
State Taxable Building Construction Account—State	\$83,500,000
Washington Housing Trust Account—State	\$8,658,000
Subtotal Appropriation	\$111,789,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$511,789,000

Sec. 6002. 2019 c 413 s 1024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act, except that no funding may be directed to the Puyallup Meeker Mansion Public Plaza.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State	(((\$91,142,000))
	<u>\$90,642,000</u>
Prior Biennia (Expenditures)	\$39,799,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$130,941,000</u>
	<u>\$130,441,000</u>

Sec. 6003. 2019 c 413 s 6006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

advance clean and renewable energy technologies, and transmission and distribution control systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components

recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating more than one hundred kilowatts of direct current generating capacity.

(c) Except as provided in (d) of this subsection, grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 35 percent of the total allocation of a project must be for community solar projects that provide solar electricity to low-income households, low-income tribal housing programs, affordable housing providers, and nonprofit organizations providing services to low-income communities. The provisions of (c) of this subsection do not apply to projects funded under this subsection (9)(d).

(e) Priority must be given to major components made in Washington.

(f) The department must attempt to prioritize an equitable geographic distribution and a diversity of project sizes.

(10) \$2,400,000 of the state building construction account is provided solely for the first phase of a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county.

(11) \$1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State	\$32,600,000
State Taxable Building Construction Account—State	\$8,000,000
Energy Efficiency Account—State	\$5,500,000
Subtotal Appropriation	\$46,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$246,100,000

PART 7 MISCELLANEOUS PROVISIONS

Sec. 7001. 2019 c 413 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ~~((forty-eight million six hundred eighteen thousand two hundred eighteen dollars for the 2019-2021 biennium, three hundred six million nine hundred two thousand nine hundred ninety-six dollars for the 2021-2023 biennium, and four hundred thirty-three million two hundred fifty-nine thousand five hundred seventy-three dollars for the 2023-2025 biennium))~~ forty-three million three hundred fourteen thousand six hundred forty-two dollars for the 2019-2021 biennium, three hundred million four hundred twenty-two thousand three hundred forty-three dollars for the 2021-2023 biennium, and four hundred seventeen million four hundred fifty-five thousand six hundred sixty dollars for the 2023-2025 biennium.

Sec. 7002. 2019 c 413 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$103,143,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(6) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

(7) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

(8) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. Debt service for this facility may not be paid from additional student fees.

(9) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

(h) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(10) Eastern Washington University: Enter into a financing contract for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for roof replacement projects.

Sec. 7003. 2019 c 413 s 7003 (uncodified) is amended to read as follows:

(1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of ~~(((\$5,000,000, or) \$10,000,000 ((for higher education institutions)).~~ "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) The office of financial management may make an exception to some or all of the predesign requirements in this section ~~((after notifying the legislative fiscal committees and waiting ten days~~

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

~~for comment by the legislature regarding the proposed exception)). The office of financial management shall report any exception to the fiscal committees of the legislature and include: (a) A description of the major capital project for which the predesign waiver is made; (b) an explanation of the reason for the waiver; and (c) a rough order of magnitude cost estimate for the project's design and construction.~~

(5) In deliberations related to submitting an exception under this section, the office of financial management shall consider the following factors:

(a) Whether there is any determination to be made regarding the site of the project;

(b) Whether there is any determination to be made regarding whether the project will involve renovation, new construction, or both;

(c) Whether, within six years of submitting the request for funding, the agency has completed, or initiated the construction of, a substantially similar project;

(d) Whether there is any anticipated change to the project's program or the services to be delivered at the facility;

(e) Whether the requesting agency indicates that the project may not require some or all of the predesign requirements in this section due to a lack of complexity; and

(f) Whether any other factors related to project complexity or risk, as determined by the office of financial management, could reduce the need for, or scope of, a predesign.

(6) If under this section some or all predesign requirements are waived, the office of financial management may instead propose a professional project cost estimate instead of a request for predesign funding.

NEW SECTION. Sec. 7004. If Substitute House Bill No. 2936 (predesign) is not enacted by June 30, 2020, section 7003 of this act is null and void.

Sec. 7005. RCW 43.19.501 and 2018 c 2 s 7027 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county. ~~((For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.))~~

During the ~~((2017-2019))~~ 2019-2021 fiscal biennium, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities.

Sec. 7006. 2019 c 413 s 7021 (uncodified) is amended to read as follows:

(1) The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the real property known as the Tacoma Rhodes complex. The property consists of the Broadway building, Market building, and parking garage.

(2) The department may negotiate a sale with the city of Tacoma for less than fair market value, but the purchase price must cover appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities necessary to keep the department whole.

(3) If the department and the city of Tacoma are unable to negotiate agreed upon terms and execute a purchase and sale agreement by December 31, 2019, the department may sell the property to any purchaser for no less than fair market value.

(4) The terms and conditions of the sale must meet the business needs of the state tenants.

(5) Any sale proceeds remaining after the department has satisfied all of the obligations, including appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities, must be deposited into the Thurston county capital facilities account. It is the intent of the legislature to use the sale proceeds for projects on the Capitol Campus.

NEW SECTION. Sec. 7007. A new section is added to 2019 c 413 (uncodified) to read as follows:

In order to accelerate the reduction of embodied carbon and improve the environmental performance of construction materials, agencies shall, whenever possible, review and consider embodied carbon reported in environmental product declarations when evaluating proposed structural materials for construction projects.

Sec. 7008. RCW 43.63A.750 and 2006 c 371 s 235 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed twelve million dollars, except that lists submitted during the 2019-2021 fiscal biennium may not exceed sixteen million dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent, or thirty-three and one-third percent for lists submitted during the 2019-2021 fiscal biennium, of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest

calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 7009. 2019 c 413 s 7038 (uncodified) is amended to read as follows:

UNIVERSITY OF WASHINGTON TRANSFER TO SEATTLE.

By June 30, 2020, the University of Washington must transfer the deed of the property and general purpose facility, King County parcel numbers 308500-2100, 713830-0015, and 713880-0025, located ~~((at))~~ near 2901 27th Avenue South, Seattle, to the city of Seattle for the purposes of developing affordable housing, including supportive housing, for households at or below eighty percent of the area median income and ~~((providing health care services in partnership with a public hospital system))~~ for other potential educational, research, and clinical uses by the university, including an early learning facility. ((The University of Washington may reserve easements in the transferred property at no cost to the university.)) If the university constructs and occupies space for its potential uses on the transferred property, then such space must be occupied at no base rent paid by the university. The transfer shall count toward the ((obligation)) commitment to build affordable housing under the university's institutional campus master plan agreement. The city shall seek to maximize the affordable housing development potential of the property consistent with transit-oriented development principles. Liabilities existing on the property at the time of transfer will transfer with the property. When the deed is transferred to the city, any existing leases of the property expire, except those leases that the university and city have agreed to extend beyond the transfer date. The transfer must be at no cost to the city. As a condition of the transfer, the city of Seattle may only transfer the property to a nonprofit corporation or a unit of state or local government. For purposes of this section, a nonprofit corporation includes a:

(1) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a); or

(2) Limited partnership or limited liability limited partnership where a nonprofit as defined in subsection (1) of this section is a general partner or a member of a single purpose entity serving as a general partner, in which all of the members meet the definition of subsection (1) of this section; or

(3) Limited liability company where a nonprofit as defined in subsection (1) of this section is a managing member or a member of a single purpose entity serving as a managing member in which all of the members meet the definition of subsection (1) of this section.

NEW SECTION. Sec. 7010. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7011. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6248.

Senators Mullet and Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6248.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6248 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6248, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6248, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Frockt: "Thank you, Mr. President. I wanted to take a moment, as a matter of personal privilege, to thank our staff for the, their work on the capital budget that we just passed. Will do this, of course, with the operating but, it's an incredible amount of work to staff both of these budgets and our team this year was just exceptional in the short session and so I wanted to recognize them. I know my colleagues across the aisle feel the same way. So, I speak for all four of the capital budget writers. But, I want to recognize them in particular: Michelle Alishahi; Mike Bezanson; Kayla Hammer; Jed Hermon, who has worked extensively with me on our MOTCA (Model Toxics Control Act) policy and many other environmental policies, Julie Murray; Jeff Naas; Travis Sugarman; Lindsay Trant; Megan Tudor; and Liza Weeks and in particular this year I want to commend and thank Corban Nemeth who is brand new to the, to the OPR. staff; as well as, Sarian Scott, who did incredible work on our housing and homelessness package and Sarian is as responsible as any of the elected officials for the work that we were able to get done on Newhouse and the and the renovation of Pritchard; and finally Maria Hovde and Richard Ramsey, who is our coordinator, but Maria in particular has done an amazing job working on a with all of the members to come up with a plan for the Fircrest facility and I believe that her work will be right will be roundly recognized in the future as we finally get that project going the way that it needs to. So, they've been incredible. James Crandall from the Republican caucus and Noha Magoub, our Democratic caucus staff. Thank you all for your incredible work this year on the capital budget. Thank you, Mr. President."

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

PERSONAL PRIVILEGE

Senator Warnick: "Thank you, Mr. President. As the fourth person on this bipartisan team, I wanted to get kind of the last word. I want to thank not only my colleagues Senator Frockt, Senator Mullet, and Senator Honeyford, who always wears his bow tie on this day, but our Ways & Means staff. And Senator Frockt already went through the list but I especially want to thank our caucus staff James and Noha, and Richard Ramsey. He kept us on track the entire time. I think it was day two of session, he called us in and he said, 'This is what we need to do to get done on time.' And he's kept us on track that entire time. I really have enjoyed working on a capital budget for a number of years because we get to build things and priorities are tough sometimes but when you see the buildings go up and we, I know that we had a hand in it, is very gratifying So, thank you very much Mr. President."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you. One, I would like to correct the previous speaker. He's not OPR staff, he's the Ways & Means staff. And secondly, traditions apparently are dying. It has always been a tradition, for a long time, that on Capital Budget Day, that we would wear bow ties. Apparently, I'm the only one left and so traditions are dying. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Hawkins: "Well, I too would like to congratulate all my colleagues on both sides of the aisle for the good work on the capital budget. And in particular, the good work on the Newhouse building. And I just wanted to say, for the record, for the members of the F & O Committee who are here, that if we do decide to implode the Newhouse building like the King Dome, I would like to push the button. Thank you, Mr. President."

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6690 with the following amendment(s): 6690.E AMH Sulp H5441.2

Beginning on page 1, line 7, strike all of sections 1 and 2 and insert the following:

"NEW SECTION. Sec. 1. (1) Over the past two decades, the legislature has taken significant action to promote a positive business environment for Washington's aerospace industry. The legislature finds that the industry plays a significant role not only in the health of Washington's economy, but also in the health of the United States economy. Moreover, the domestic aerospace industry has faced significant challenges with the large subsidies provided to international competitors.

(2) The legislature finds that a commitment to the elimination of trade barriers for aerospace as well as several other vital Washington exports is important. The legislature also wishes to help bring the United States into full compliance with a recent world trade organization ruling asserting Washington's business and occupation tax rate of 0.2904 percent violates world trade organization rules. The legislature hopes this action to help bring the United States into compliance will end the threat of retaliatory tariffs against many of Washington's industries, including agricultural products, fish, wine, and intellectual property.

(3) The legislature appreciates the state aerospace industry's commitment to complying with the world trade organization

ruling by advocating for the repeal of the preferential business and occupation tax. The legislature hopes that the repeal of this Washington aerospace preference will ensure continued economic success and competitiveness for the industry as well as many other industries. The legislature further hopes that the repeal of the 0.2904 business and occupation tax will allow for the complete resolution of all trade disputes surrounding large civil aircraft.

(4) The legislature further finds that the people of Washington benefit from the presence of the aerospace industry in Washington state. The industry provides good wages and benefits for thousands of engineers, technicians, mechanics, and support staff working across the state. Furthermore, the legislature has a goal of preserving and growing employment in Washington state. The legislature intends that the future consideration of all tax measures will work to achieve this goal in a manner compliant with the world trade organization.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

The rate of 0.357 percent authorized pursuant to RCW 82.04.260(11)(e) may be imposed only if the following conditions are met:

(1) The department of commerce verifies with the United States trade representative that the United States and the European Union have entered into a written agreement that resolves any world trade organization disputes involving large civil aircraft.

(2) Such agreement expressly allows a business and occupation tax rate reduction for commercial airplane manufacturers to 0.357 percent or less.

(3) The department of commerce notifies the department in writing that the conditions of subsections (1) and (2) of this section are met and provides a copy of the agreement between the United States and the European Union or other document providing for the business and occupation tax rate reduction to the department.

(4) The department of labor and industries notifies the department in writing that a significant commercial airplane manufacturer has at least a three-tenths of one percent aerospace apprenticeship utilization rate of its qualified apprenticeable workforce in Washington, as defined in section 4 of this act.

(5) Within thirty days of receiving the last of the written notices described in subsections (3) and (4) of this section, the department must provide written notice to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department, that the tax rates in RCW 82.04.260(11)(e) are reduced to 0.357 percent and the effective date of the rate reduction.

(6) Any rate reduction to 0.357 percent pursuant to this section and RCW 82.04.260(11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the written notices described in subsections (3) and (4) of this section.

(7) For the purpose of this section, "world trade organization disputes involving large civil airplanes" means any disputes filed by the United States or the European Union prior to the effective date of this section that involve either allegations of subsidies to large civil airplanes, or allegations of taxes imposed by Washington on commercial airplanes, or both."

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6690.

Senators Liias, Braun and Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6690.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6690 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6690, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6690, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Lovelett, Padden and Saldaña

ENGROSSED SENATE BILL NO. 6690, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 2393,
SUBSTITUTE HOUSE BILL NO. 2394,
SUBSTITUTE HOUSE BILL NO. 2409,
HOUSE BILL NO. 2412,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2456,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2464,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2528,
SUBSTITUTE HOUSE BILL NO. 2543,
HOUSE BILL NO. 2545,
ENGROSSED HOUSE BILL NO. 2584,
HOUSE BILL NO. 2587,
HOUSE BILL NO. 2601,
SUBSTITUTE HOUSE BILL NO. 2622,
HOUSE BILL NO. 2640,
HOUSE BILL NO. 2641,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2691,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2713,
SUBSTITUTE HOUSE BILL NO. 2794,
and SUBSTITUTE HOUSE BILL NO. 2889.

MOTION

At 10:57 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 12:52 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Randall moved that Johanna Mae Pantig, Senate Gubernatorial Appointment No. 9307, be confirmed as a member of the Washington State University Board of Regents.

Senator Randall spoke in favor of the motion.

MOTIONS

On motion of Senator Honeyford, Senator Ericksen was excused.

On motion of Senator Mullet, Senators Carlyle and Frockt were excused.

APPOINTMENT OF JOHANNA MAE PANTIG

The President declared the question before the Senate to be the confirmation of Johanna Mae Pantig, Senate Gubernatorial Appointment No. 9307, as a member of the Washington State University Board of Regents.

The Secretary called the roll on the confirmation of Johanna Mae Pantig, Senate Gubernatorial Appointment No. 9307, as a member of the Washington State University Board of Regents and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Carlyle, Ericksen and Frockt

Johanna Mae Pantig, Senate Gubernatorial Appointment No. 9307, having received the constitutional majority was declared confirmed as a member of the Washington State University Board of Regents.

THIRD READING

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nguyen moved that Fiasili Savusa, Senate Gubernatorial Appointment No. 9166, be confirmed as a member of the Highline College Board of Trustees.

Senator Nguyen spoke in favor of the motion.

APPOINTMENT OF FIASILI SAVUSA

The President declared the question before the Senate to be the confirmation of Fiasili Savusa, Senate Gubernatorial Appointment No. 9166, as a member of the Highline College Board of Trustees.

The Secretary called the roll on the confirmation of Fiasili Savusa, Senate Gubernatorial Appointment No. 9166, as a member of the Highline College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Carlyle, Erickson and Frockt

Fiasili Savusa, Senate Gubernatorial Appointment No. 9166, having received the constitutional majority was declared confirmed as a member of the Highline College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Fred Jarrett, Senate Gubernatorial Appointment No. 9289, be confirmed as a member of the Public Disclosure Commission.

Senator Wellman spoke in favor of the motion.

MOTION

On motion of Senator Rivers, Senator Braun was excused.

APPOINTMENT OF FRED JARRETT

The President declared the question before the Senate to be the confirmation of Fred Jarrett, Gubernatorial Appointment No. 9289, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Fred Jarrett, Gubernatorial Appointment No. 9289, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen,

Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Honeyford, Padden, Schoesler and Short

Excused: Senator Erickson

Fred Jarrett, Gubernatorial Appointment No. 9289, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6280

March 11, 2020

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6280, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services to locate or identify missing persons, and identify deceased persons, including missing or murdered indigenous women, subjects of Amber alerts and silver alerts, and other possible crime victims, for the purposes of keeping the public safe.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a

subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 7 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 3. (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A

state or local government agency may commence the accountability report once it files the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 7 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 5 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be updated every two years and submitted to a legislative authority.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to a legislative authority. The legislative authority must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) This section does not apply to a facial recognition service under contract as of the effective date of this section. An agency must fulfill the requirements of this section upon renewal or extension of the contract.

NEW SECTION. Sec. 4. A state or local government agency using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

NEW SECTION. Sec. 5. Prior to deploying a facial recognition service in the context in which it will be used, a state or local government agency using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effects on individuals must test the facial recognition service in operational conditions. An agency must take reasonable steps to ensure best quality results by following

all guidance provided by the developer of the facial recognition service.

NEW SECTION. Sec. 6. (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences within ninety days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government agency to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

NEW SECTION. Sec. 7. A state or local government agency using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

(1) The capabilities and limitations of the facial recognition service;

(2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

NEW SECTION. Sec. 8. (1) A state or local government agency must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) A state or local government agency using a facial recognition service shall maintain records of its use of the service that are sufficient to facilitate public reporting and auditing of compliance with the agency's facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 11 of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

(a) The fact that a warrant or extension was applied for;

(b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;

(c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;

(d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

(e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 11 of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

NEW SECTION. Sec. 9. (1) This chapter does not apply to a state or local government agency that: (a) Is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate; or (b) uses a facial recognition service in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport or seaport.

(2) A state or local government agency must report to a legislative authority the use of a facial recognition service pursuant to subsection (1) of this section.

NEW SECTION. Sec. 10. (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairmen from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

NEW SECTION. Sec. 11. A new section is added to chapter 9.73 RCW to read as follows:

(1) A state or local government agency may not use a facial recognition service to engage in ongoing surveillance, create a facial template, conduct an identification, start persistent tracking, or perform a recognition unless:

(a) A warrant is obtained authorizing the use of the service for those purposes;

(b) Exigent circumstances exist; or

(c) A court order is obtained authorizing the use of the service for the sole purpose of locating or identifying a missing person, or identifying a deceased person. A court may issue an ex parte order under this subsection (1)(c) if a law enforcement officer certifies and the court finds that the information likely to be obtained is relevant to locating or identifying a missing person, or identifying a deceased person.

(2) A state or local government agency may not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) A state or local government agency may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) A law enforcement agency that utilizes body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A state or local law enforcement agency may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) A state or local law enforcement agency may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) A state or local law enforcement agency may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(b)(i) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(ii) "Facial recognition service" does not include: (A) The analysis of facial features to grant or deny access to an electronic device; or (B) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(c) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(d) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(e) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(f) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(i) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

(ii) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(g) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(i) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(ii) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(h) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 12. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" means a natural person who is a Washington resident.

(2) "Controller" means the natural or legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data. "Controller" does not include state or local government agencies.

(3) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of a consumer and adds the facial template to a gallery used by the facial recognition service for identification, verification, or persistent tracking of consumers. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(4)(a) "Facial recognition service" means technology that analyzes facial features and is used by a controller or processor for the identification, verification, or persistent tracking of consumers in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(5) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(6) "Identification" means the use of a facial recognition service by a controller or processor to determine whether an unknown consumer matches any consumer whose identity is known to the controller or processor and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 13 of this act and who have the authority to alter the decision under review.

(8) "Persistent tracking" means the use of a facial recognition service to track the movements of a consumer on a persistent basis without identification or verification of that consumer. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking uses a facial recognition service for more than forty-eight hours after the first enrolling of that template; or

(b) The data created by the facial recognition service in connection with the tracking of the movements of the consumer are linked to any other data such that the consumer who has been tracked is identified or identifiable.

(9) "Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include deidentified data or publicly available information.

(10) "Process" or "processing" means any operation or set of operations which are performed on personal data or on sets of personal data, whether or not by automated means, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

(11) "Processor" means a natural or legal person who processes personal data on behalf of a controller. "Processor" does not include state or local government agencies.

(12) "Recognition" means the use of a facial recognition service by a controller or processor to determine whether an unknown consumer matches:

(a) Any consumer who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific consumer who has been enrolled in a gallery used by the facial recognition service.

(13) "Verification" means the use of a facial recognition service by a controller or processor to determine whether a consumer is a specific consumer whose identity is known to the controller or

processor and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 13. (1)(a) Processors that provide facial recognition services must make available an application programming interface or other technical capability, chosen by the processor, to enable controllers or third parties to conduct legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics, such as (i) race, skin tone, ethnicity, gender, age, or disability status, or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of that independent testing identify material unfair performance differences across subpopulations, the processor must develop and implement a plan to mitigate the identified performance differences within ninety days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction. Nothing in this subsection prevents a processor from prohibiting the use of the processor's facial recognition service by a competitor for competitive purposes.

(b) Making an application programming interface or other technical capability does not require processors to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Processors bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Processors that provide facial recognition services must provide documentation that includes general information that:

(a) Explains the capabilities and limitations of the services in plain language; and

(b) Enables testing of the services in accordance with this section.

(3) Processors that provide facial recognition services must prohibit by contract the use of facial recognition services by controllers to unlawfully discriminate under federal or state law against individual consumers or groups of consumers.

(4) Controllers must provide a conspicuous and contextually appropriate notice whenever a facial recognition service is deployed in a physical premise open to the public that includes, at minimum, the following:

(a) The purpose or purposes for which the facial recognition service is deployed; and

(b) Information about where consumers can obtain additional information about the facial recognition service including, but not limited to, a link to any applicable online notice, terms, or policy that provides information about where and how consumers can exercise any rights that they have with respect to the facial recognition service.

(5) Controllers must obtain consent from a consumer prior to enrolling an image of that consumer in a facial recognition service used in a physical premise open to the public.

(6) As an exception to subsection (5) of this section, controllers may enroll an image of a consumer in a facial recognition service for a security or safety purpose without first obtaining consent from that consumer, provided that all of the following requirements are met:

(a) The controller must have probable cause, based on a specific incident, that the consumer has engaged in criminal activity, which includes, but is not limited to, shoplifting, fraud, stalking, or domestic violence;

(b) Any database used by a facial recognition service for identification, verification, or persistent tracking of consumers for a security or safety purpose must be used solely for that purpose

and maintained separately from any other databases maintained by the controller;

(c) The controller must review any such database used by the controller's facial recognition service no less than annually to remove facial templates of consumers whom the controller no longer has probable cause that they have engaged in criminal activity; and

(d) The controller must establish an internal process whereby a consumer may correct or challenge the decision to enroll the image of the consumer in a facial recognition service for a security or safety purpose.

(7) Controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning consumers or similarly significant effects concerning consumers means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of consumers.

(8) Prior to deploying a facial recognition service in the context in which it will be used, controllers using a facial recognition service to make decisions that produce legal effects on consumers or similarly significant effects on consumers must test the facial recognition service in operational conditions. Controllers must take commercially reasonable steps to ensure best quality results by following all reasonable guidance provided by the developer of the facial recognition service.

(9) Controllers using a facial recognition service must conduct periodic training of all individuals that operate a facial recognition service or that process personal data obtained from the use of facial recognition services. Such training shall include, but not be limited to, coverage of:

(a) The capabilities and limitations of the facial recognition service;

(b) Procedures to interpret and act on the output of the facial recognition service; and

(c) The meaningful human review requirement for decisions that produce legal effects on consumers or similarly significant effects on consumers, to the extent applicable to the deployment context.

(10) Controllers shall not knowingly disclose personal data obtained from a facial recognition service to a law enforcement agency, except when such disclosure is:

(a) Pursuant to the consent of the consumer to whom the personal data relates;

(b) Required by federal, state, or local law in response to a warrant;

(c) Necessary to prevent or respond to an emergency involving danger of death or serious physical injury to any person, upon a good faith belief by the controller; or

(d) To the national center for missing and exploited children, in connection with a report submitted thereto under Title 18 U.S.C. Sec. 2258A.

(11) Voluntary facial recognition services used to verify an aviation passenger's identity in connection with services regulated by the secretary of transportation under Title 49 U.S.C. Sec. 41712 and exempt from state regulation under Title 49 U.S.C. Sec. 41713(b)(1) are exempt from this section. Images captured by an airline must not be retained for more than twenty-four hours and, upon request of the attorney general, airlines must certify that they do not retain the image for more than twenty-four hours. An airline facial recognition service must disclose and obtain consent from the customer prior to capturing an image.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

NEW SECTION. Sec. 14. Nothing in this act applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

NEW SECTION. Sec. 15. (1) Sections 1 through 10 and 14 of this act constitute a new chapter in Title 43 RCW.

(2) Sections 12 and 13 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 9.73 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 19 RCW; creating a new section; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Nguyen and Wellman; Representatives Entenman and Hudgins.

MOTION

Senator Nguyen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 be not adopted and requests of the House a further conference thereon.

Senator Nguyen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 be not adopted and request of the House a further conference thereon.

The motion by Senator Nguyen carried and the Report of the Conference Committee was not adopted requested of the House a further conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 and the House amendment(s) thereto: Senators Senators Brown, Nguyen and Wellman.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6254, by Senators Kuderer, Cleveland, Wilson, C., Carlyle, Das and Darneille

Protecting public health and safety by enhancing the regulation of vapor products.

MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 6254 was substituted for Senate Bill No. 6254 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following striking floor amendment no. 1376 by Senator Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature makes the following findings:

(a) Nicotine is a highly addictive substance, particularly for children and youth under twenty-one years of age, whose brains are still developing. Vapor products that deliver high levels of nicotine are fueling youth addiction to nicotine and have created an epidemic. The 2019 national youth tobacco survey found that about twenty-seven percent of high school students reported current use of electronic cigarettes and, among electronic cigarette users, about a third reported using electronic cigarettes on twenty or more of the preceding thirty days;

(b) Research consistently shows that flavors and associated advertising contribute to the appeal, initiation, and use of tobacco products, including vapor products, particularly among adolescents and young adults. Evidence also suggests that the 2009 flavored cigarette ban did achieve its objective of reducing adolescent tobacco use, but effects were likely diminished by the continued availability of menthol cigarettes and other flavored tobacco products. Preliminary data from the national youth tobacco survey show that more than a quarter of high school students were current electronic cigarette users in 2019 and the overwhelming majority of youth electronic cigarette users cited the use of popular fruit and menthol or mint flavors. A health impact review performed by the state board of health in 2019 concluded that eliminating flavored vapor products would likely decrease initiation and use of vapor products and other tobacco products among youth and young adults, thereby improving health outcomes; and

(c) While the long-term health effects of vapor products are unknown, current data suggests they are harmful to human health. Vapor products have been shown to impair lung function in several ways, such as by inhibiting ciliary beating, impairing immune function, and causing toxicity to epithelial cells.

(2) Therefore, the legislature intends to enact additional regulatory protections to protect the health of youth and young adults in Washington state.

Sec. 2. RCW 70.345.010 and 2019 c 445 s 210 and 2019 c 15 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the ~~((mails))~~ United States postal service or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the ~~((mails))~~ United States postal service or ~~((of a))~~ any other delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within ~~((or without))~~ this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" ~~((has the same meaning as in RCW 82.25.005))~~ means any person who:

(a) Sells vapor products to persons other than ultimate consumers; or

(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products to a licensed distributor.

(10) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(11) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(12) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(13) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(14) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(15)~~((a))~~ "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. This includes any transfer, exchange, or barter, in any manner or by any means whatsoever, of vapor products at or below the cost of acquisition or at no cost to a person at retail.

~~((b)) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.)~~

(16) "School" has the same meaning as provided in RCW 70.140.020.

(17) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(18)~~(a)~~ "Vapor product" means any ~~((noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or~~

~~mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.~~

~~(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device)) product that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device including, but not limited to, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Vapor product" includes any component, part, or accessory of the product and also includes any substance that may be aerosolized or vaporized by such a product, regardless of whether the substance contains nicotine. "Vapor product" does not include drugs, devices, or combination products authorized for sale by the United States food and drug administration as those terms are defined in the federal food, drug, and cosmetic act.~~

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (18), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

(19) "Disposable flavored vapor product" means a flavored vapor product that is also closed system vapor product that contains a sealed, prefilled container of nicotine, flavorings, or both, in addition to other ingredients in a solution or other form. The container within the vapor product is not intended to be refilled or accessed by the user and the vapor product is intended to be disposed of when the battery no longer carries sufficient charge to heat the substance inside the prefilled container.

(20) "Distinguishable" means perceivable by an ordinary consumer by either the sense of smell or taste.

(21) "Domicile" means a person's true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located.

(22) "Flavored vapor product" means any vapor product that contains a taste or smell, other than the taste or smell of tobacco or menthol, that is distinguishable by an ordinary consumer either prior to or during the consumption of a vapor product, including, but not limited to, any taste or smell relating to fruit, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.

(23) "Manufacture" means to mix, prepare, create, produce, fabricate, assemble, modify, or label vapor products.

Sec. 3. RCW 70.345.020 and 2016 sp.s. c 38 s 5 are each amended to read as follows:

(1) The licenses issuable by the board under this chapter are as follows:

- (a) A vapor product retailer's license; and
- (b) A vapor product distributor's license~~((s and~~
- ~~(c) A vapor product delivery sale license)).~~

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the licenses and licensees. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor's license~~((s))~~ or a retailer's license, ((or delivery seller's license,)) and for considering the denial,

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

suspension, or revocation of any such license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue ~~((the))~~ a retailer's license~~((;))~~ or distributor's license, ~~((and delivery sale license))~~ subject to the provisions of RCW 70.155.100.

~~((The application processes for the retailer license and the distributor license, and any forms used for such processes, must allow the applicant to simultaneously apply for a delivery sale license without requiring the applicant to undergo a separate licensing application process in order to be licensed to conduct delivery sales. However, a delivery sale license obtained in conjunction with a retailer or distributor license under this subsection remains a separate license subject to the delivery sale licensing fee established under this chapter.~~

~~((4))~~ (4) No person may qualify for a retailer's license~~((;))~~ or distributor's license~~((; or delivery sale license))~~ under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24, 69.50, 82.24, or 82.26 RCW, the background check done under the authority of chapter 66.24, 69.50, 82.24, or 82.26 RCW satisfies the requirements of this subsection.

~~((5))~~ (4) Each license issued under this chapter expires on the business license expiration date. The license ~~((must))~~ may be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

~~((6))~~ (5) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

(6) A place of business for any holder of a license issued under this chapter must not be located in a domicile.

Sec. 4. RCW 70.345.030 and 2019 c 445 s 211 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a retailer~~((;))~~ or distributor~~((; or delivery seller))~~ in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to ultimate consumers ~~((by a means other than delivery sales))~~ must obtain a retailer's license under this chapter. Any person who meets the definition of distributor under this chapter must obtain a distributor's license under this chapter. ~~((Any person who conducts delivery sales of vapor products must obtain a delivery sale license.))~~

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a retailer~~((;))~~ or distributor~~((; or delivery seller))~~ in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold, stored, transported, or handled, or otherwise hinder or prevent such inspection. The board may conduct such inspections with local law enforcement. A person who violates this subsection is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, ~~((and any person licensed under this chapter as a delivery seller))~~ may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection is a misdemeanor.

(4) No person engaged in or conducting business as a retailer~~((;))~~ or distributor~~((; or delivery seller))~~ in this state may sell or give, or permit to sell or give, a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone, unless otherwise provided by law. A violation of this subsection ~~((4))~~ is punishable according to RCW 69.50.401.

(5) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 70.345 RCW to read as follows:

(1) A retailer operating a retail outlet restricted to persons twenty-one years or older may not allow persons under twenty-one years of age to enter or remain on the premises of the retail outlet.

(2) Upon an individual entering the retail outlet, the retailer must examine the individual's government-issued photographic identification and verify the individual is twenty-one years old or older.

NEW SECTION. Sec. 6. A new section is added to chapter 82.25 RCW to read as follows:

(1)(a) In addition to the tax imposed under RCW 82.25.010, there is levied and collected a special excise tax equal to five percent of the selling price on each retail sale in this state of flavored vapor products.

(b) The tax under this section is separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is not part of the total retail price to which general state and local sales and use taxes apply. The tax must be separately itemized from the state and local retail sales tax on the sales receipt provided to the buyer.

(c) The tax levied in this section must be reflected in the price list or quoted shelf price by retailers operating in a retail outlet that is restricted to individuals twenty-one years of age and older and in any advertising that includes prices for all flavored vapor products.

(2) All revenues collected from the tax imposed under this section must be deposited as follows: (a) Sixty-seven percent in the foundational public health services account provided in RCW 82.25.015; and (b) thirty-three percent in the tobacco prevention and control account provided in RCW 43.79.480. Funds deposited into the tobacco prevention and control account shall be used solely by the department to fund tobacco and vapor product prevention and education campaigns targeted to youth and enforcement by the state liquor and cannabis board under this act.

(3) The tax imposed in this section must be paid by the buyer to the seller. Each seller must collect from the buyer the full amount of the tax payable on each taxable sale. The tax collected as required by this section is deemed to be held in trust by the seller until paid to the department. If any seller fails to collect the tax imposed in this section or, having collected the tax, fails to pay it as prescribed by the department, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is, nevertheless, personally liable to the state for the amount of the tax.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Flavored vapor product" has the meaning provided in RCW 70.345.010.

(b) "Retail sale" has the meaning provided in RCW 82.08.010.

(c) "Selling price" has the meaning provided in RCW 82.08.010, except that when product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value, "selling price" means the true value of the product sold.

(d) "True value" means market value based on sales at comparable locations in this state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. However, in the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all the seller's direct and indirect costs attributable to the product.

Sec. 7. RCW 70.345.090 and 2019 c 445 s 212 are each amended to read as follows:

(1) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person ~~((unless such seller has a valid delivery sale license as required under this chapter.~~

~~(2) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person under the minimum age required for the legal sale of vapor products as provided under RCW 70.345.140.~~

~~(3) A delivery sale licensee must provide notice on its mail order or internet sales forms of the minimum age required for the legal sale of vapor products in Washington state as provided by RCW 70.345.140.~~

~~(4) A delivery sale licensee must not accept a purchase or order from any person without first obtaining the full name, birthdate, and residential address of that person and verifying this information through an independently operated third-party database or aggregate of databases, which includes data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication.~~

~~(5) A delivery sale licensee must accept payment only through a credit or debit card issued in the purchaser's own name. The licensee must verify that the card is issued to the same person identified through identity and age verification procedures in subsection (4) of this section.~~

~~(6) Before a delivery sale licensee delivers an initial purchase to any person, the licensee must verify the identity and delivery address of the purchaser by mailing or shipping to the purchaser a notice of sale and certification form confirming that the addressee is in fact the person placing the order. The purchaser must return the signed certification form to the licensee before the initial shipment of product. Certification forms are not required for repeat customers. In the alternative, before a seller delivers an initial purchase to any person, the seller must first obtain from the prospective customer an electronic certification, such as by email, that includes a declaration that, at a minimum, the prospective customer is over the minimum age required for the legal sale of a vapor product, and the credit or debit card used for payment has been issued in the purchaser's name.~~

~~(7) A delivery sale licensee must include on shipping documents a clear and conspicuous statement which includes, at a minimum, that the package contains vapor products, Washington law prohibits sales to those under the minimum age established by this chapter, and violations may result in sanctions to both the licensee and the purchaser.~~

~~(8) For purposes of this subsection (8) [this section], "vapor products" has the same meaning as provided in RCW 82.25.005.~~

~~((9))) in this state.~~

~~(2) Delivery sale licenses active on the effective date of this section become inactive on July 1, 2020.~~

~~(3) A person who knowingly violates this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.~~

~~((49))) (4) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court.~~

~~((44))) (5) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of this section and to compel compliance with this section.~~

~~((42))) (6) Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.~~

~~((43))) (7)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.~~

~~(b) If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.~~

~~((44))) (8) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.~~

~~((45) A licensee who violates this section is subject to license suspension or revocation by the board.~~

~~(16) The board may adopt by rule additional requirements for mail or internet sales.~~

~~(17) The board must not adopt rules prohibiting internet sales.))~~

Sec. 8. RCW 70.345.110 and 2016 sp.s. c 38 s 20 are each amended to read as follows:

(1) No person may give or distribute vapor products to a person free of charge by coupon, unless the vapor product was provided to the person as a contingency of prior or the same purchase as part of an in-person transaction ~~((or delivery sale))~~.

(2) This section does not prohibit the use of coupons to receive a discount on a vapor product as part of an in-person transaction ~~((or delivery sale))~~.

Sec. 9. RCW 70.345.160 and 2016 sp.s. c 38 s 24 are each amended to read as follows:

(1) The board must have, in addition to the board's other powers and authorities, the authority to enforce the provisions of this chapter.

(2) The board and the board's authorized agents or employees have full power and authority to enter any place of business where vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter, a peace officer or enforcement officer of the board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of vapor products is under eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, vapor products possessed by persons under

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the board.

(4) The board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Upon a determination by the secretary of health or a local health jurisdiction that a vapor product may be injurious to human health or poses a significant risk to public health:

(a) The board, in consultation with the department of health and local county health jurisdictions, may cause a vapor product substance or solution sample, purchased or obtained from any vapor product retailer(~~(?)~~) or distributor(~~(?)~~ or ~~delivery sale licensee~~)) to be analyzed by an analyst appointed or designated by the board;

(b) If the analyzed vapor product contains an ingredient, substance, or solution present in quantities injurious to human health or posing a significant risk to public health, as determined by the secretary of health or a local health jurisdiction, the board may suspend the license of the retailer ((~~or delivery sale licensee~~)) unless the retailer ((~~or delivery sale licensee~~)) agrees to remove the product from sales; and

(c) If upon a finding from the secretary of health or local health jurisdiction that the vapor product poses an injurious risk to public health or significant public health risk, the retailer ((~~or delivery sale licensee~~)) does not remove the product from sale, the secretary of health or local health officer may file for an injunction in superior court prohibiting the sale or distribution of that specific vapor product substance or solution.

(6) Nothing in subsection (5) of this section permits a total ban on the sale or use of vapor products.

Sec. 10. RCW 70.345.170 and 2016 sp.s. c 38 s 11 are each amended to read as follows:

(1) The board, or its enforcement officers, has the authority to enforce provisions of this chapter.

(2) The board may revoke or suspend a retailer's(~~(?)~~) or distributor's, ((~~or delivery seller's license~~)) issued under this chapter upon sufficient cause showing a violation of this chapter.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board.

(4) Any retailer's licenses issued under chapter 82.24 or 82.26 RCW to a person whose vapor product retailer's license or licenses have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of two years of the license or licenses, unless the license was revoked pursuant to RCW 70.345.180(2)(e). The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter.

(6) A person whose license has been suspended or revoked may not sell vapor products or permit vapor products to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 70.345 RCW to read as follows:

No vapor product containing vitamin E acetate may be sold or offered for sale within this state.

NEW SECTION. Sec. 12. A new section is added to chapter 70.345 RCW to read as follows:

No disposable flavored vapor product may be sold or offered for sale within the state.

NEW SECTION. Sec. 13. Section 6 of this act takes effect October 1, 2020.

NEW SECTION. Sec. 14. RCW 70.345.060 (Licensing fee—Delivery sales) and 2016 sp.s. c 38 s 10 are each repealed.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the technical portions of the title.

Senator Kuderer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1376 by Senator Kuderer to Second Substitute Senate Bill No. 6254.

The motion by Senator Kuderer carried and striking floor amendment no. 1376 was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Braun, O'Ban, Cleveland, Hawkins and Frockt spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6254.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Padden, Schoesler, Sheldon, Short, Walsh, Warnick and Wilson, L.

Absent: Senator Randall

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2242, by Representatives Wylie, Orcutt, Chapman, Bergquist, Dufault, Blake, Shewmake, Gildon and Irwin

Concerning travel trailers.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, King and Becker spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Wellman was excused.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 2242.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Wellman

HOUSE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 1390,
THIRD SUBSTITUTE HOUSE BILL NO. 1504,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775,
HOUSE BILL NO. 1841,
ENGROSSED HOUSE BILL NO. 1948,
HOUSE BILL NO. 2189,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421,
HOUSE BILL NO. 2458,
SECOND SUBSTITUTE HOUSE BILL NO. 2499,
HOUSE BILL NO. 2505,
SECOND SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2554,
SUBSTITUTE HOUSE BILL NO. 2634,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,
HOUSE BILL NO. 2669,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2728,
HOUSE BILL NO. 2739,
SECOND SUBSTITUTE HOUSE BILL NO. 2793,
ENGROSSED HOUSE BILL NO. 2811,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2870,
HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2905,
HOUSE BILL NO. 2926,
and HOUSE BILL NO. 2943.

PERSONAL PRIVILEGE

Senator Zeiger: "Well thank you, Mr. President. I hope you will allow me just a few minutes to offer some parting thoughts as I conclude my service in this body. I came here a decade ago as a twenty-five-year-old freshman in the House. And before that, I had been a Ph.D. student in political science, and I dropped out of that, which was one of the best decisions of my life. Although I can think of at least one caveat. Several years ago, former State Representative George Walk gave me a hand-me-down plaque with a quote from Will Rogers that says, 'Once a man has held public office, he is no good for honest work.' In any case, I think that I have, I hope that I have, learned now as much about politics in our government out of the Constitution as I would if I had stayed in that Ph.D. program. I've learned, as former State Representative Joyce McDonald told me after I was elected, that relationships are more important than policies. It's not that policy isn't important. Of course, in fact, policy is so important that it deserves real and meaningful discussion. Deliberation where there is trust among the participants and a shared desire to do what's best for the public. And so, I learned that good relationships result in good policies because when we value people over a specific result; when we value our relationships and our collective relationships as a polity that much; even if we have deeply held disagreements, we open ourselves to really listening and best understanding one another. I've learned that people are more complicated than their membership in a particular political party or movement. That each person represents a rich mix of influences, values and talents that are unique to them. I learned that everyone brings something to the table and that although each person is different, we're all a lot more alike as human beings than

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

we may think at first glance. I've learned that people are fundamentally eager to connect with each other and that the value of human connection can often mean more to a person than an easy solution. After all, solutions do not always come easy but, the imperfections of life become far more tolerable when we know that other people care. I've learned that people yearn to belong, to share in a cause bigger than themselves. I've learned that enemies can quickly become friends if there's a will on one side or the other to make it so. And, I learned that politics need not be a barrier to real friendship with people who wear a different party label. The friendships among the members on this floor are very significant and very valuable things for our democracy. Let me close with this, the genius of our Constitution in seeing is in seeing the capacity of our free institutions to draw on the combined imagination and wisdom of our citizens. Here, we learn and discuss and debate and listen and collaborate and compromise and reason and we do all of that because we love this Evergreen State and our respective corners of it, and because we draw on our traditions of civility, it's a rich inheritance if ever there was one. And, I've been honored beyond the dreams that brought me here in the first place, to take my small part in this time I've been given. May God bless each member here as they press on and serve out their calling. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator O'Ban: "Well, that was a speech that I would expect from the gentleman from the 25th. A thoughtful, even intellectual, but also a very personal statement. And, I will say, as one who didn't know Senator Zeiger that well before he came over from the lesser chamber, that um, that, that he um, you find, you immediately can connect with someone who has a similar view of the world's, a similar kind of approach to policy. And, maybe some of you may have noticed that a bill comes up and we don't always know exactly every detail of the bill, I know that's probably just true of me, but and if it's if it's a bill that has come out of Senator Zeiger's committee or one that I know that he has spent some time on for one reason other, I am was always so grateful for the opportunity to go over to Hans because I knew that he would approach so many of these policy areas similar to myself and it would, would have thought through them and often had a very cogent crisp statement for why he supported or or opposed those bills. I'll miss him very much. He, I don't think I I'm alone in saying, he adds so much to this Chamber, to the committees he served on, to our caucus when it was his turn to opine on a bill. But I have one consolation and that is in my other capacity, I'll be about three floors down from him. Assuming a success for him in the, in the near future. So, I look forward to continuing on in that relationship in a slightly different way in the coming days. Thank you."

PERSONAL PRIVILEGE

Senator Hunt: "Thank you, Mr. President. Well, I would like to thank Senator Zeiger for all his work. He has been the ranking member on the State Government, Tribal Affairs & Elections Committee the last two years. And, it's been very good to work with him. We even came up with a joint amendment on one bill today, this year that surprised everybody, but you know it's always been collegial and very good relationship and I just want to thank him for all of that. And, while he was oftentimes wrong, he was still good about it and we appreciate that."

PERSONAL PRIVILEGE

Senator Conway: "Yes, we will miss Hans and I'm sure glad he's staying in the county. Because, I look forward to him and what he can do for our county. You know, Hans has been one of our key players here as we address transportation issues for Pierce County and I can only thank him for his diligence and his role and helping us address those issues and wish him very well in his next role and hopefully we can continue this dialogue and solve some of these problems. So, thank you Hans."

PERSONAL PRIVILEGE

Senator Hawkins: "Thank you, Mr. President. I just wanted to share some kind words about Senator Zeiger as well. Appreciate all that has been said. You know, Senator Zeiger and I served in the House together and now in the Senate and I guess the words that I would use to describe him are honest, hard-working, open minded, courageous, someone with the real steady temperament, which is sometimes a challenge and here is where all stressed. He brings a real district focus, obviously with his loyalty to Puyallup, but he's always also somehow managed to maintain a statewide interest in issues, which I think is an important balance. And I wish him all the best, him and his family. He has one young child, and another on the way, and I have two young children. Sort of as I mentioned in the previous floor speech on the bill, but I think someday maybe I will tell my kids, and I'll be proud to say, 'Hey kids, I served with Hans Zeiger.' So, thank you for your service, Mr. President through Senator Zeiger. Thank you."

PERSONAL PRIVILEGE

Senator Hobbs: "Yes, Mr. President. I too rise to honor Senator Zeiger. Senator Zeiger and I have worked together on multiple issues going in the past and one thing I want to note is his public service, his deep dedication to public service. He's a fellow National Guard member. Unfortunately, he's in the Air Force, not in the Army, but I still respect you for that. And, you came my promotion. So, thank you. I hope someday I'll go to your promotion as well. But, one thing I, I really enjoy about Senator Zeiger is his willingness to work across the aisle. His willingness to negotiate and compromise. Now, we don't always agree on things. But, you're willing to bend. And, I think that says a lot about you and the fact that you are you willing, you're willing to represent your constituency. Case in point, Senator Zeiger was one of the few Republicans, when he was a Representative in the House, who voted for a transportation package, originally the only one, and I understand you have, you still have scar tissue from that, from your caucus. But you did it because it was the right thing to do and you wanted to bring something back to your constituency because that's what they asked for. And so, you were, you kept at it and because of that work, because you were willing to work across the aisle, you were able to deliver for your district. And, I hope that we can have more people like Senator Zeiger around here. And, we will miss you. I will miss you because that's one less vote on Forward Washington. Hopefully, somebody else will replace you and will vote for it. But, good luck my friend."

PERSONAL PRIVILEGE

Senator Nguyen: "Thank you Mr. President. I also want to stand and say thank you to Senator Zeiger for his work in the Legislature. We actually met before I had even thought about potentially getting in a public office and it was through his authenticity and dedication for his community that I became so hopeful of what we can achieve as a legislative body. We first

started talking about issues around homelessness through a mutual friend and became closer friends through the Jackson Foundation and I've been so honored to serve with him. And, things that I could probably work better on are things that he's been fantastic with is, what we've been mentioning here, is the bipartisanship and being sure that we work across the aisle and make sure that we have civility as well. So, just want to say thank you for his service and the work he's done for Washington state."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, Senator Zeiger and I actually got to go to China together. And, I was a little intimidated because I had learned about how smart he was, and that he'd written a couple books, and that he had done all these really neat things and I have to say that trip to China was probably the very best. It was just Senator Zeiger and myself, on that particular trip, and I found out that guy can hike like he can't believe. I mean on the Great Wall, he had his backpack on and the rest of us are up there going, Ok, we didn't, we got two hours of sleep, but Senator Zeiger off and going. He was making a move like no one to make sure that he covered most of the Great Wall that was public that he could. And, we had a lot of fun. We kind of brought home some Havana cigars that we might not have been really, really truthfully able to do, and people are going 'oh my gosh', but it was a fun trip. We had people from all over China. We had to stand up and pose for pictures when we were in some of the places, and people coming up to us and asking for pictures and Senator Zeiger was always great, especially with those little kids. And, I'm really glad that now he has some of his little kids that he can do the same thing with, and Senator Zeiger, it's been an honor and a privilege to work with you. Thank you."

PERSONAL PRIVILEGE

Senator Kuderer: "Thank you. You know, since I got into the Legislature, in the Senate I should say, I had the opportunity to work with Senator Zeiger on two committees: State Government and House Stability & Affordability and I have to say that, as the ranking of my committee and also the ranking on State Government, I have found him to be a straight shooter and straight forward and truly putting the interests of the people ahead of any political designation. And, that was very evident in our, our discussions on housing and homelessness and a real desire to address the core issues of what causes those problems to begin with. And, I just want to give a personal thank you, through you, Mr. President, to Senator Zeiger, for being open to hearing all sides and to working toward solutions that help everyone."

PERSONAL PRIVILEGE

Senator Saldaña: "I just want to also have, send best wishes to Senator Zeiger as he continues on his journey and his commitment to public service. And, as someone also has had the opportunity to serve on two committees with him; Transportation and Housing, I do appreciate the interest in thinking about things intersectionally. That if we're going to address the issue of housing and transportation, that we also need to think about the impact to our environment and to our education, and have enjoyed our conversations together and if you give me permission I would like to read a quote that I think I would like to send, send to Senator Zeiger and to the body."

President Habib: "Please proceed."

Senator Saldaña: "It is by Ada Maria Isasi-Diaz, she is a mujerista theologian, and this is a quote that I think is apt for today: *'humility is not a matter of self-effacement and self*

negation but of being open always to new ways of being responsible.' And so, I think that is the calling that's sending him on, you know, to leave us in this body, as I do see in him a commitment to the public's, being a servant, and being willing to not have all the answers, being willing to engage in dialogue and conversation, with that commitment and to be responsible to this to our children and to our community and to this earth, and so I wish you all the best."

PERSONAL PRIVILEGE

Senator Das: "Thank you, Mr. President. I want to echo what so many have said today in this chamber. I have had the opportunity to work with Senator Zeiger on the Housing Affordability Committee, as well as Transportation, and I am just very grateful for your commitment to solving our housing crisis and taking care of, not only those in your community, but those in the state. And, I look forward to continuing to work with you in the future and I just want to thank you for your heart and soul that you put into this institution over the last ten years and look forward to seeing you around. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "Senator Zeiger, it's been a pleasure working with you. We were in the House together and sponsored bills together and it's always been a joy to talk to you about public policy because you do love innovative ideas interesting new ideas and working in a collaborative way which is why the Aspen Institute named you as a Rodel Fellow and you've been so recognized. But I know, that for you, from what I know of you, the praise of the members of this body means even more than the various accolades that you've gotten. Thank you on behalf of this entire body for your service to the State Legislature."

The senate rose in recognition of Senator Zeiger as he concluded his legislative service in the House, the Senate and to the people of the 25th Legislative District.

MOTIONS

On motion of Senator Liias, the Senate advanced to the seventh order of business.

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1368,
SUBSTITUTE HOUSE BILL NO. 2632,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,
SECOND SUBSTITUTE HOUSE BILL NO. 2737,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Billig moved that Nancy Isserlis, Senate Gubernatorial Appointment No. 9365, be confirmed as a member of the Public Disclosure Commission.

Senator Billig spoke in favor of the motion.

Senator Padden spoke on the motion.

MOTIONS

On motion of Senator Rivers, Senator Ericksen was excused.

On motion of Senator Mullet, Senator Wellman was excused.

APPOINTMENT OF NANCY ISSERLIS

The President declared the question before the Senate to be the confirmation of Nancy Isserlis, Senate Gubernatorial Appointment No. 9365, as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Nancy Isserlis, Senate Gubernatorial Appointment No. 9365, as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Wellman

Nancy Isserlis, Senate Gubernatorial Appointment No. 9365, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Shiloh Burgess, Senate Gubernatorial Appointment No. 9384, be confirmed as a member of the Recreation and Conservation Funding Board.

Senators Frockt and Warnick spoke in favor of passage of the motion.

APPOINTMENT OF SHILOH BURGESS

The President declared the question before the Senate to be the confirmation of Shiloh Burgess, Senate Gubernatorial

Appointment No. 9384, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of Shiloh Burgess, Senate Gubernatorial Appointment No. 9384, as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Wellman

Shiloh Burgess, Senate Gubernatorial Appointment No. 9384, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

At 2:05 p.m., on motion of Senator Liias, the Senate was declared to be at ease for the purposes of a brief meeting of the Committee on Rules at the bar of the senate.

The Senate was called to order at 2:13 p.m. by President Habib.

PERSONAL PRIVILEGE

Senator Walsh: "Well, I'm after twenty eight years being here in a couple of different capacities, one as a legislative assistant to Representative Dave Mastin, starting in 1993, and then he kind of passed the proverbial baton to me in 2004, and I took over the House seat that November when I was elected and I think, first and foremost, I'd like to thank my constituents in the 16th District. They have been absolutely wonderful to work with and in spite of the fact that once in a while I take a slight deviation from some of their views, I think they've always appreciated that I've been kind of a straight shooter and I think other people, even though maybe we would differ philosophically or politically, I think many of them were, found it refreshing to find a politician who speaks the truth and to be honest with you, I'm just a really stubborn Irish woman and so it's very hard for me not to just work from my heart and my mind and so that's what I've tried to do for all the years that I've been here. But I would be so remiss if I didn't thank the people here. And, that's who makes it all worthwhile. And, I mentioned Dave. Dave Mastin, great guy. I have had really great men in my life. I am one of the most fortunate women in the world. I have my father, just some of the most outstanding people you've ever met and Dave, hiring me when I didn't even hardly know how to type. I certainly had never used a computer when I was hired, but I could write a mean letter it just took me a long time to get it typed up. And of course, Bill Grant. Kind of the reason I'm here. Back in '92 and before, I worked on, I had a degree in commercial art and so I worked on a lot of Bill Grant's campaign flyers, quite frankly, and really enjoyed doing that. He homesteaded, his family homesteaded in the Walla Walla area in 1854 and so some of the pictures he had of agriculture and things like that were just, it was so wonderful to compile some of his

great campaign pieces and I miss Bill and Bill was just a wonderful bipartisan mentor and and we all worked very well together in spite of the fact that we had different political affiliations. Mike Hewitt, the senator who preceded me here, has always been very supportive and I've always kind of avoided any type of a leadership position because I think sometimes when you're in leadership you've got to be a little bit stronger team player for your team and I just said I'm not sure I was quite there. I'm again, a little bit stubborn and a little bit libertarian in my views and getting put in a position where you would have to strike a strong stance one political way or another, is just kind of not me. So, I'm better to be working the policy. I don't care about the politics. I care about good policy for this state and I've tried and endeavored to do things that philosophically I believe were the right direction for Washington state and I'm proud of my history here. I'm proud of working with Representative Ruth Kagi and with the early learning realm and realizing the need for early learning and helping to empower our parents to be great parents to their children and in fact get them excited about their education that we provide in this country and and I think we've had great success it's been great momentum and it's kind of a household term now, early learning for our kids. And so, if anybody asked me what my legacy was here, I think that's what I would say is probably kind of getting the jump start on early learning and again Representative Ruth Kagi and I established in the Department of Early Learning years ago and and moving that initiative forward and so proud to have people like Senator Zeiger to carry on that torch here in the Senate and and others and so I'm very pleased about that. I would also be remiss to not mention my staff. I've had three LA's in my career here. One of them is Marge Plumage, who works for my seatmate, Representative Jenkin. And, Marge worked with me for ten years and just a wonderful person and we had a great time in the House working together, until she went to work for Representative Dent, who is from her district, and it made better sense. She could be home with her grandbabies and not commuting to the Tri-Cities to work in a district office for me. My other stellar LA is been Skyler Rude and I think you all know Representative Skyler Rude and he's going to be a great one. He is so talented and I'm so proud of where he is and what he's doing. And then my LA now is Jan Swenson, and good God, she's been here forever. Forty-two years and she's just so much fun and just a wonderful person. She bakes for the whole campus and she's just a great gal and. And then all of you, I'm going to miss you all. I don't agree with all of you all the time, and I'm not the calm, collected, and well spoken, eloquent senator that sits to my right here. I tend to be a little bit more passionate and speak out loudly about things that I don't like and then also things I do like. But what I do like is the relationships that we build here and you know let this old woman give you one little piece of advice before I leave and that is work together. This is a great state and we all are here because we believe that and we want to do the best on behalf of all of our constituents and I hope that we will continue to reach across the aisle, regardless of how powerful the majority is, or how many numbers in the majority. Listen to the minority and we will listen to you. And my hope and expectation is that we will become united. I'm afraid that many of the Republicans in the House and the Senate of kind of fallen victim to the Trump trickle down, this is what I call it, and we're not all President Trump. That said, I'm not dissing on my president, I just want you all that know that we're all here for the same reason and I'm going to have a great time in retirement. I'm really excited about a new chapter in my life. I was widowed in 2006 here and I was forty-five, didn't know what I was going to do, and my wonderful daughter came home from college and took care of my boys who are fourteen and seventeen and allowed me to continue working here. And, I'm so thankful she did that. So, I think I'll hearken back to the

beginning of this, where I was praising my mother and father for their inspiration and their guidance, but my family has really been the ones who made this possible. My husband Kelly was so excited when I got elected the first time and so excited when I was working here and and my kids have just been so great and they're the ones who really make the sacrifices. And, when we do hurtful things to each other they often become the targets and the victims of the criticism and for that I am so sorry to my family because I've been targeted on a couple of issues that have been uncomfortable. But that being said, I want you all the know that I have great faith in you. I great faith in this state and I hope that you are all satisfied and happy in your positions and again, I implore you to work with each other because only by doing that will we be able to get this state on track and do the best things for all of our constituents. So, my love to you all. My best wishes to you all. And, I'll think of you when I'm out fishing in Mexico."

PERSONAL PRIVILEGE

Senator Schoesler: "Well, Mr. President, I came here when Maureen was a new mom and a brand-new LA to a brand new then Democrat in the neighboring district. And, what I'm going to say probably could get me sent to sensitivity training but, I don't think Senator Walsh will be the one enforcing it. Because she was always pretty clear spoken. Over those twenty-eight years, I've been in the cubicle next to Senator Walsh. When I had my bear rug with my sons draped over it and she had great comments about that bear rug, which I can't repeat, but was always in good fun. And, I watched her and her sister-in-law, Megan, who is still part of the legislative family. When Dave came over and decided to become a Republican, she came with him in the deal and we had a lot of fun together through those years in the cubicle. And, when I came to the Senate, Dave Mastin retired, and I heard rumblings about Maureen. Question I asked her "Which party?" She said Republican when she gave an explanation. I said, 'That's cool, that would be fine.' And she served in the House. We didn't spend as much time together between 2004 and 2016. And, when she came over from the House, somebody said 'Boy, she's going to be a challenging member for you' and I said, 'You know,' and I can honestly say to each and every one of you, over the eight years I've been the leader Maureen Walsh is not the most challenging member I've ever had. I say that, not just because it's your final day, but because I really mean it. And, you know, I knew her late husband Kelly, he was a jovial good fellow. I'm happy that there's somebody in her life again. Really good man. And, I want to go out with just one memory of Senator Walsh, from the darkest moment to now, when me and the boys are playing cards in elk camp, we're going to think of Senator Walsh all the time, because we have a real assortment of playing cards for elk camp now. And, it will be a long-term memory. So, thank you."

PERSONAL PRIVILEGE

Senator Liias: "Thank you, Mr. President. When I first joined the Legislature, I came from a Democratic Democratic background, so I wasn't prepared for the bipartisanship and the friendship that exists across the aisle. But, it actually was folks like Bill Grant who taught me very early on that to be successful in this place you have to make friends on both sides of the aisle, and one of those friends that Bill and others helped me find was Maureen Walsh as a brand new freshman in the House. And, what I appreciate about Senator Walsh, or Mo as I like to call her, is that she exemplifies the principle that I think we all should reflect on that our service here is not about us it's about the people we represent and it's about the people around us. And, I think her

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

point of personal privilege just a few minutes ago, I think she spent three quarters of it talking about other people and a bare minimum talking about herself and that to me is exactly the kind of leader that Mo has been. Principled, but also incredibly humble. And, it's been an honor to serve with her. I also want to thank her for the welcoming place she has made for the Grant family she has, I recall just a few years ago, Sam Grant, one of Bill's granddaughters, a very liberal Democrat from Seattle, working as a session aide in Mo's office and I, I just love the conversations that must have inspired in there. And of course, Mo was such a champion of Gina and her work with the page program and when we lost Gina so early, Mo really took the leadership in making sure that we remember her legacy here and I know all of us are really inspired by that. And, I will join her in how impressed we all are with her mentoring her LA to become her successor in the House, and Representative Rude has become a treasured for the legislative family and I think that will be, in addition to early learning, I think that will be part of Mo's legacy, is the people that she's left here. I also appreciate how principled Mo is. She talked about, you know, she didn't want to be in leadership because it's tough when you got to take tough stands that maybe aren't popular in your own party. In my own life, I think about the pivotal role that Mo played in the debate over marriage equality, and I know that was not an easy issue for any of us to take up. It definitely goes to the core of our values and our beliefs. But Mo was rock solid on making sure that everyone, not the least of her her own daughter, but everyone would have the right to marry the person they love. In that debate in the House floor she also said one of the funniest things I've ever heard in the Legislature. She, she compared domestic partnerships to a Merry Maids franchise, which I thought was hilarious and it reminds me of some other time she's done what I think is also a hallmark of Mo Walsh, is she tells us what she actually thinks about issues. And I think that that honesty and that humility and that courage to just put it all out there and let people hear what's in her heart has been one of her hallmarks. It's also gotten her into a little bit of trouble over the years and in addition to getting Senator Schoesler some playing cards, last year I was visiting friends in Chicago and I stopped by a shop that makes political t-shirts and Mo's quote was on about one hundred t-shirts that were being sold at this store and so it told me that her impact is not just felt here in the state of Washington but all across the country. People were appreciating, or maybe not appreciating, Mo's honesty and candor in that moment. Mr. President, I know that I've made a friend who will last long beyond my time here. I may not be fishing in Mexico, but I do like to get to Walla Walla as often as I can, and I look forward to many more years of friendship with Senator Walsh. I thank her for her great friendship to me and to this institution, and I say fish on Mo."

PERSONAL PRIVILEGE

Senator Short: "Thank you. Well, for those of you didn't know, although that might soon be self-explanatory, you know, Mo was my mentor when I first got to the House. You know, and I just say she was she was always into practical jokes and she was usually right in the middle of them. And, there was one such practical joke where it took us a while to get her there, but a gentleman who used to serve across the rotunda, then Chris Reykdal and I hatched a plan on Representative Johnson's biogas bill, if you could imagine where that's going. So, we decided it'd be good to, you know, get a whoopee cushion and, but we needed to enlist Mo's help because she sat right behind him and we had to do it on a bill that was just a good-natured bill. You know, and she didn't want to do it but, we finally got her talked into it. So,

we have inflated it and then she had to crawl on her hands and knees to set it on his chair. And, you know, Representative Johnson too, was good natured about the whole thing. But you could hear it throughout the halls on the fourth floor of the House of Representatives and definitely in the galleries. And, but I tell you that's just sometimes you need to laugh and laugh really hard and that was one of those moments but Mo, you've stretched all of us in a good way to think about, you know, issues differently and to make sure that we're thinking about other people and learning along the way as we're making the decisions that we do every day during session and you are a friend. I love you."

PERSONAL PRIVILEGE

Senator Billig: "Thank you, Mr. President. Well, I had the honor of serving with Senator Walsh in the House and here in the Senate. And, I've really enjoyed the opportunity to get to know her and work with her. And, I've certainly worked a lot on early learning, and I am so grateful to her for her leadership. Her, the time she took to really understand the importance of early learning and then the work she did to put it into action, to help advance our state, it was so important. It was so important that we had a Democratic lead in Ruth Kagi and a Republican lead in Maureen. She has had an impact and I, it is absolutely the legacy, not just of creating the department, just not in terms of advancing early learning as a policy area, but because of her work she has helped change the trajectory. Excuse me, I'll try that again. She has helped change the trajectory of thousands, if not tens of thousands, of lives of young children that are growing up in a more positive way because of the work that she has done. I had the honor of serving as a co-chair of a task force on early learning. I think it was in 2014, with Maureen, and we spent a bunch of meetings together listening to early learning providers and parents and it was a real, it was the first task force I'd ever co-chaired. First, that I had really served on in such an in-depth way. And, I got to know Maureen so well through that process and appreciated her work on the task force, which was actually the recommendations of which became the Early Start Act. So, she not only created the Department, she also created the Early Start Act, which also had such a big impact. But, I just, I find her to be fun, insightful and honest. That's a great combination. Thank you for your service and good luck and have fun in your retirement. Thank you."

PERSONAL PRIVILEGE

Senator Darneille: "Thank you. Well, Mo, we all love you. This is clear today and it's been clear, I hope, to you all along your pathway in this in this place. I think there will be a lot of us that will miss you and certainly a lot of folks that watch TVW and folks that want to get involved in some of the fun things that you've organized over the years. You have a tremendous gift not only in your voice, but in your organizational skills, and bringing people together and really recognizing that without a little bit of fun in this place it would become very monotonous perhaps. And, you are far from that. So, I, I think back on some of, that we've been on so many committees together, and so many commissions, and I want to think, particularly, I want to thank you for your service on the blue ribbon commission which was our attempt to figure out what we were going to do with DSHS. You know, and what could we build better to better serve children and families. And, for those of you that weren't in any of our very long and and very frequent meetings, Maureen, you were always the champion for parents in that process. And, your voice is so strong. It's so clear. It's so predictable in a way. You know we're not surprised,

but we are surprised every time you speak your mind and really are a voice and a champion for a lot of people. And, serving on the Human Services Committees as you have all these years, your leadership, your voice, your courage in sometimes voting different from your party, and I will say this is as well about Senator Zeiger, I don't know what we're going to do on our committee with the two of you gone. And, I really hope that your colleagues will look at your records collectively and say you want to be a part of that, Senator Brown or Senator Rivers or I could just start naming all of you here because we're going to need, we're going to need voices like like Maureen's and Hans's voices there. But I think in your decision making, that clarity of really recognizing for you when something was wrong, when something was unfair, when something could be done better, really challenged us. Whether it was on it on a commission about creating something new or it's just general work of a committee, you just really dove in and spoke your mind. And I, you know, apart from you being the real deal, you know in terms of a human being, and a woman, and a mom, and a friend, I think back to the days when we had one extra Democrat on this floor. And one of us had to sit on that side of that aisle and I went to our our leaders and I said 'I could be that person but you have to promise me that Maureen would sit with me back at the back', and we had a tremendous time. It was really an extension of our bipartisan efforts over the years, but we had a lot of fun in the back row. And, I am going to miss you a great deal. I love you very much."

PERSONAL PRIVILEGE

Senator Brown: "Thank you, Mr. President. Mo, Mo, Mo. Not only do our districts abut, but so do our floor desks. It has been just an honor to see you with dignity and grace, when life handed you a deck of cards or thousands, how you handled that. But what I'm really going to miss the most, is your ability to bring us back to what's important. And, when I walked out here one day in a really, really bad mood, popped myself into my chair, and I heard this beautiful voice behind me. I thought *What is that voice in my head? What's going on?* and I looked around and it was you singing. And you just really, in that moment, brought us back to what's really important. It made me stop. It made me get out of my head. Made me look up and around and be thankful for being here. Thank you."

PERSONAL PRIVILEGE

Senator Pedersen: "Thank you. Wow. It has been a great 14 years that I've gotten to serve in the House and in the Senate with Senator Walsh. I've been reflecting, as I'm sitting here on the, on the scout law Mr. President. And, I know that if Senator Walsh was a little bit younger, she could be in my Webelos den and say trustworthy, loyal, helpful, friendly, courteous, kind. I think she might get tripped up on obedient, but cheerful, thrifty, brave, clean, reverent and particularly brave. Mr. President, over the years that we have served together, I have on several occasions brought my little blue sheet or my little pink sheet to Senator Walsh with an invitation to join me in some project. And, whether that was domestic partnership or marriage, or parentage or surrogacy, if she believed that whatever it was was the right thing to do, she just plain didn't care what anybody else thought about it. And, that willingness to put herself on the line, at cost to herself, at the cost of censure or whatever it was that came from organizations, county organizations in her district I think is true principle and bravery to which most of us can only aspire. She welcomed me and my family into her home. Fed us a great meal. I love those sausages. I hope that we can have some more of those again some time. And has just been a fantastic friend over these

many years. And, this place is not going to be the same without her here. And, at the strong urging of my colleagues, I guess I'll invite anyone who knows the words to join a little in ..."

[Senator Pedersen went on to sing *Lean on Me*, joined by many members of the Senate.]

PERSONAL PRIVILEGE

Senator Becker: "Thank you, Mr. President. Well, I can't follow the singing like that but I have to say Maureen has been an amazingly, really awesome person. I remember meeting her when she was in the House and I was over here, at conferences. And, she'd come up to me and talk to me like she had known me for years and that was something special to me because I still didn't know that if I felt like I belonged here, yet. But I have to tell you as Caucus Chair in our caucus and having two people so polar opposites sit next to each other: Senator Padden; Senator Walsh. And wondering what catfights we might get into in there and it actually has been really fun to watch them, not necessarily the beginning getting along really well, but watching the two of them laugh. Her poking at him and him poking at her on different things, it was a really a neat thing to see, Senator Walsh, what you were able to do in that caucus. I have to say, I want to say thank you for what you've done on the D.D. community throughout your career. Thank you for your laughter and your jokes, and the way you can make it, when we are in a heated discussion in that room, and Senator Walsh will say something that breaks breaks everybody up and makes us all remember that we're just people in here and we're able to laugh at each other. I think Jim is a very lucky man to have somebody in his life like Maureen. I think those fish are not going to be happy because I imagine she's going to catch a lot of them. But I have one question to ask: "Who's going to lead karaoke?"

PERSONAL PRIVILEGE

Senator Hunt: "Thank you, Mr. President. Well this is tough. I've known Maureen probably long, about as long as anybody in this room, from the days when I lived in the Tri-Cities and Uncle Bill and onions I think it was. Maybe. Nobody said onions tonight. I'm surprised, you know. Onions and sausage and what we've been through, and meeting, and having drinks in a couple of bars in Walla Walla when I was going through town and stuff, and all the things that you have done for us and for this state. I could go on and on. But I just want to say it's been a real pleasure to work with you. Don't be a stranger. Bring us some fish. Bring us some onions. Maybe not together. But we could. But anyway, you know, an outstanding job of accomplishment and leadership in this state, and you will not be forgotten, and we love you."

PERSONAL PRIVILEGE

Senator Rivers: "So, there are, we all feel like we know Mo pretty well. But I'm going to share with you something that you may not know about her and that is she's an incredible mind reader. We can be in caucus and I'll look at her, and she knows precisely what I am thinking and has has a kind and gentle word to get me beyond a moment. But we have made great lengths at this state to change the vocabulary surrounding the way that we do business, and how we refer to individuals. And you might remember, just last week, I think we were talking about changing from the elderly to a person who is experiencing aging. And so, to you Maureen, I hope that you are a person who experiences joy. A person who experiences peace. And sometimes, maybe a little bit of missing all of us, but most of all, I hope that you are a

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

person who is experiencing the profound knowledge of the difference that you've made in this state.”

and Senate together in a world where they can get to know each other and we will miss that and I will miss you. Thank you.”

PERSONAL PRIVILEGE

Senator Carlyle: “Thank you so much, Mr. President. Joining my colleagues in expressing my gratitude, Maureen, for her service and I just want to give voice to the thousands and thousands of young people in our state’s foster care system. One of my favorite memories is the annual event of the Mockingbird Society. When they bring the young people down and they lobby themselves and they develop their agenda. They spend a whole year on that. And a lot of us go and speak to the young folks and just have a fabulous time. And the reverence, the respect, the appreciation, and the gratitude that the young folks have for Senator Walsh’s work is just incredible. It is so well known. It is so well regarded. There are thousands and thousands of young people in this state who really suffer deeply through profoundly difficult life journey and she has had their backs. The work that we’ve done over the years on that has really been meaningful and on their behalf, I just want to thank you. Your, your legacy is incredible. It has nothing to do with serving the majority or the minority. Your voice has been incredible and impactful on their behalf. And I also want to join my colleagues in my gratitude for her incredible sense of courage. You know for the last ten or so years, Senator Walsh and I have basically alternated in the sponsorship of legislation to eliminate the death penalty from our state statute. And for many years we couldn’t get a hearing. For many years we couldn’t move forward in any way and we just sort of took turns being number one and number two on that bill. It just wasn’t about a name, It was just about trying to move that policy forward and the real breakthrough came when she had the idea of asking former-Governor Dan Evans to write a letter and we testified, we had a hearing for the first time and she read that letter to the Committee and that’s what really broke things through on that. And so, I am just deeply grateful for her service, for her integrity, for her bravery and for her moral compass. And again, on behalf of the tens of thousands of lives of young people in our state foster care system that she has to rectally touched, I just want to say thank you.”

PERSONAL PRIVILEGE

Senator Conway: “Maureen, you have been a source of joy to me for your twenty eight years here. You know I came into the Legislature at the same time and I can say personally to you, you have been a source of joy because you recognize it’s not always in this place that we do get to know each other. And you made a point of your legislative wife here to take us out of this world and bring us into a world where we can sit down and talk to each other and even do some good policy there and I can’t thank you for that and the karaoke that you invented. You said Bill invented it, but I think you did it actually. I do believe that Maureen Walsh was a source of this and yes, Senator Peterson, I appreciate your singing but Maureen has a voice that I will never forget because I’ve been listening to her for many, twenty years at these gatherings singing such great songs as *Love Shack*. And also, of course, her favorite *Respect*, Aretha Franklin’s song. So, Maureen, I kind of wish you’d give us a little bit of a goodbye with your voice because I really think you brought joy to all of us in this place. You know we all get tangled in all the bills and all the ideas and certainly you left a legacy here on early childhood education but for me I will miss you because you’ve been the head of the legislative family here, you know, for many years trying to bring the House

REMARKS BY THE PRESIDENT

President Habib: “Senator Walsh, what an honor it has been to serve with you in the House and the Senate. And I just want to say two, share two things: One, is that my seatmate in the house was Ross Hunter. And so, he and I would carpool together from time to time back to the district. And I remember one of the first weeks we were going and I was asking him to tell me about different members I didn’t know and he said something that for, I think most of you know Ross and so you will appreciate this, he goes ‘She’s scary smart’. Now that’s something I’ve only ever heard him say that about one other person and that’s Ruth Kagi but to earn the intellectual respect of Ross Hunter and actually have him come out and say that he’s intimidated by someone else’s knowledge and intelligence is I think high praise and the other thing I’ll share, which I probably shouldn’t, is that in the Democratic caucus when I was a first year, some of us being immature, although not as immature as having whoopee cushions, but being immature. We would sometimes play this game which was who’s your favorite Republican? And after playing this for a little while the rules had to be amended, in the game, to say who’s your favorite Republican other than Maureen Walsh because everyone just loved you so much and I think that’s the reason why only you could get away with marching on to the House Floor as a Senator in the middle of the, the, Frank’s farewell as Speaker, and I think violating decades of tradition between the two Chambers in heading on to the House Floor as a state senator. So, would the Senate please join me in congratulating our friend on her retirement and sharing our love.”

The senate rose in recognition of Senator Walsh as she concluded her legislative service in the House, the Senate and to the people of the 16th Legislative District.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2486, by House Committee on Finance (originally sponsored by Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins)

Extending the electric marine battery incentive.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.996 and 2019 c 287 s 21 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of new battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts((-));

(b) The sale of new vessels equipped with propulsion systems that qualify under (a) of this subsection((-));

(c)(i) The sale of batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection;

(d)(i) The sale of new shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving shoreside batteries;

(iii) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving shoreside batteries infrastructure; and

(iv) The sale of tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4))~~ For the purposes of this section:

(a) "Battery" means a secondary battery or storage cell that can be charged, discharged into a load, and recharged many times; and includes one of several different combinations of electrode materials and electrolytes;

(b) "Battery pack" means a group of any number of secondary or rechargeable batteries within a casing and used as a power source for battery-powered electric marine propulsion systems or hybrid electric marine propulsion systems;

(c) "Battery-powered electric marine propulsion system" means a fully electric outboard or inboard motor used by vessels, the sole source of propulsive power of which is the energy stored in the battery packs. The term includes required accessories, such as throttles, displays, and battery packs; ~~(and~~

~~(b))~~ (d) "Hybrid electric marine propulsion system" means a propulsion system that includes two or more sources of propulsion in one design, one of which must be electric;

(e) "Shoreside batteries" means batteries installed at a dock or similar location to provide an electric charge to a vessel powered by an electric marine propulsion system;

(f) "Shoreside batteries infrastructure" means the shoreside battery bank, charging apparatus, and emergency services generator; and

(g) "Vessel" includes every watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

~~((§))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

Sec. 2. RCW 82.12.996 and 2019 c 287 s 22 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) New battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts; ~~((and))~~

(b) New vessels equipped with propulsion systems that qualify under (a) of this subsection;

(c)(i) Batteries and battery packs used to exclusively power electric marine propulsion systems or hybrid electric marine propulsion systems, if such systems operate with a continuous power greater than fifteen kilowatts;

(ii) Labor and services rendered in respect to installing, repairing, altering, or improving batteries or battery packs that qualify under (c)(i) of this subsection; and

(d)(i) New shoreside batteries purchased and installed for the purpose of reducing grid demand when charging electric and hybrid vessels;

(ii) Labor and services rendered in respect to installing, altering, or improving shoreside batteries; and

(iii) Tangible personal property that will become a component of shoreside batteries infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

~~(3) ((On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.~~

~~(4) For the purposes of this section, "battery-powered electric marine propulsion system" and "vessel" have the same meanings as provided in section 22 of this act))~~ The definitions in RCW 82.08.996 apply to this section.

~~((§))~~ (4) This section expires July 1, ~~((2025))~~ 2030.

Sec. 3. 2019 c 287 s 20 (uncodified) is amended to read as follows:

This section is the tax preference performance statement for the tax preferences contained in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of electric vessels in Washington. It is the legislature's intent to establish a sales and use tax exemption on certain electric vessels in order to reduce the price charged to customers for electric vessels and to create and retain jobs associated with electric marine battery manufacturing and the construction of new electric ferries in Washington.

(3) To measure the effectiveness of the tax preferences in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act) and sections 21 and 22, chapter 287, Laws of 2019 in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of electric vessels titled in the state.

(4) If a review finds that jobs in Washington associated with electric marine battery manufacturing and the construction of new electric ferries using electric battery power are created and

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

retained, then the legislature intends to extend the expiration date of these tax preferences.

(5) In order to obtain the data necessary to perform the reviews in subsections (3) and (4) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

NEW SECTION. Sec. 4. This act takes effect July 1, 2020."

On page 1, line 2 of the title, after "incentive;" strike the remainder of the title and insert "amending RCW 82.08.996 and 82.12.996; amending 2019 c 287 s 20 (uncodified); providing an effective date; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2486.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2486 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2486 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2486 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen and Hasegawa

SUBSTITUTE HOUSE BILL NO. 2486 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House grants the request for a further conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280. The

Speaker has appointed the following members as Conferees: Representatives Entenman, Hudgins, Boehnke and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1154 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Frockt moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1154.

The President declared the question before the Senate to be motion by Senator Frockt that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1154.

The motion by Senator Frockt carried and the Senate receded from its amendments to Substitute House Bill No. 1154.

MOTION

On motion of Senator Frockt, the rules were suspended and Substitute House Bill No. 1154 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1154, by House Committee on Capital Budget (originally sponsored by DeBolt)

Concerning the financing of Chehalis basin flood damage reduction and habitat restoration projects.

MOTION

Senator Frockt moved that the following striking floor amendment no. 1378 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the office of Chehalis basin, established in RCW 43.21A.730, is faithfully carrying out one of the prime directives of legislative intent from chapter 194, Laws of 2016, by drafting a strategic plan and accompanying environmental assessments, as the legislation called for a Chehalis basin strategy that "must include an implementation schedule and quantified measures for evaluating the success of implementation."

(2) The legislature also finds that the office of Chehalis basin has been successful in its initial work to secure both state and federal funds for projects in the near term. However, specificity is needed for consideration of the long-term funding needs.

(3) In enacted appropriations to date, the legislature has provided significant funding for projects of the office of Chehalis basin, and it is the intent of the legislature to continue to do so.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The office of Chehalis basin shall, based on the anticipation of completing the strategic plan with an implementation schedule,

submit agency decision packages in preparation for the 2021-2023 fiscal biennium omnibus capital appropriations act, with a report of out-biennia detail, containing:

- (a) A specific list of projects;
- (b) Project costs and suggested fund sources;
- (c) Location information; and
- (d) A time frame, including initiation and completion.

(2) The total cost for all submitted projects are expected to be consistent with biennial amounts of prior requests, which were fifty million dollars in state bonds in 2017-2019 and seventy-three million two hundred thousand dollars in 2019-2021 in state bonds.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21A RCW to read as follows:

The office of Chehalis basin shall submit a report by January 1, 2021, to the legislature that meets the requirement of a finalized strategic plan containing an implementation schedule and quantified measures for evaluating the success of implementation, and the appropriate policy and fiscal committees of the legislature shall, within one hundred twenty days of the receipt, conduct a joint hearing for the purposes of: (1) Receiving a report from the office of Chehalis basin; and (2) considering potential funding strategies to achieve the implementation schedule.

NEW SECTION. Sec. 4. A new section is added to chapter 43.21A RCW to read as follows:

The Chehalis basin taxable account is created in the state treasury. All receipts from the proceeds of taxable bonds for the office of Chehalis basin, as well as other moneys directed to the account, must be deposited in the account. Interest earned by deposits in the account will be retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in RCW 43.21A.730 and for the payment of expenses incurred in the issuance and sale of the bonds.

Sec. 5. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding new sections to chapter 43.21A RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1378 by Senator Frockt to Substitute House Bill No. 1154.

The motion by Senator Frockt carried and striking floor amendment no. 1378 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1154, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Braun, Liias and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1154 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1154, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 1154, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and asks the Senate to recede therefrom. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate adhere to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2816 and ask the House to concur thereon.

Senator Wellman spoke in favor of the motion.

Senators Hawkins and Padden spoke against the motion.

The President declared the question before the Senate to be motion by Senator Wellman that the Senate adhere to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2816 and ask the House to concur thereon.

The motion by Senator Wellman carried and the Senate adhered to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2816 and asked the House to concur thereon by voice vote.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. So, as I've said before, this is my last year, but I will still be a senator until January 10th and on the 11th of January a new senator will be sworn in. And, I hope that everyone in this room shares with that new person all of the things that they can to help make that person successful. Mr. President, there's a few people that I called out before and recognized but, I have to say, it's been an honor to be in this body. And, I do believe what Senator Walsh said, in recognizing the people of my district. Mr. President, my district goes from the other side of Mt. Rainier all the way over here to Olympia, all the way up on South Hill in Puyallup, Orting, all the way over to Frederickson and I we abut Senator Conway's district. We go to, um, boy, I'm going to go blank on all my district, on Roy and Yelm and Rainier and over to north Thurston County School District but over into parts of Olympia and the Lacey area. That was a new area for me when we did the redistricting and it's been really an amazing place, but the people of the 2nd Legislative District, last night I went out and I looked at the vote count from last, my last election, and it was over 62% of the people voted for me, and I'm I'm so proud of that Mr. President. That people actually believed in little old Randi Becker for Enumclaw on a dairy farm and had the courage to say we wanted her to be our voice and that meant, and that means more to me than anything else Mr. President. The thing that I'm most proud of down here is getting to know each and every person down here, and Senator Pedersen, I love you. I think that you are one of my favorite people down here and I've told you that my favorite favorite D, and Senator Liias I'm sorry but but but I've respected so much and learned so much from you and listening to you speak about things on the floor. If I had my druthers, I would say that we would shift seats for the day and be a D, R, D, R, D, R and get rid of the aisle. I'm so serious about how we look about, look in this, in this body. Looking to look for commonalities that would enable a lot of us to get the different perspective and talk to the person from the other side of the aisle more and more, because we're not all on the same committees and we don't all get to have that interaction. But, Mr. President, I think that the one thing that I I hope that we recognize and what I've stood up for and a lot of members here voted for is the importance of telemedicine, and I can get in my one last ad for telemedicine. But, Mr. President, I think that telemedicine is the wave of the future. I think this state, unbeknownst to maybe some of the members, we were the first in the nation to adopt the telemedicine training program and we had people from other states reaching out to us asking us about the why and how and what not and but I look at today with the coronavirus and I look at how people, I'm hoping the Department of Health sends out protocols to all the providers that would give them the ability to do an evaluation via telemedicine so that the people don't have to leave their homes. That they can talk to that provider and do a triage to where they can maybe not expose a lot of other people. And, I think that is one of the things that I'm most proud of, I know when I talk about telemedicine in our caucus they go 'Oh Randi, that bill passed' and the you know 'Oh Randi that bill passed', but it is something I think is so important. I mean, what we've done is we've said to people you can be in your own home and you can talk to your doctor or our your nurse and get it and go through the triage and get the help that you need that way for you know for so many different things. Mr. President, I'm looking forward to retirement. I'm going to go rock hounding. I

took a oil painting class last year and I was going to bring in my first two paintings in over forty-some years. Actually, my instructor, who is a very well known in Wyoming and Colorado, told me he was completely impressed and I'm proud of that and now I'm going to do stained glass and I'm going to do more of my fastening of gemstones and I'm going to read some of those books that I wanted to read. Thank you, Senator Dhingra. And, a lot of others that I'm going to have time to do that and not between going to another task force and so, I have to say, I bid a fond farewell to this place and to all of the people that I've met down here and the way you've made me feel like I had the ability to stand up and stand up for what I believe in and to speak out about it and I think that's been one of the things that has meant more to me. I did get a Facebook post from Mary Margaret Haugen saying, 'There is life after retire after the Senate' and I believe that, and I'm looking forward to it and I want to say thank you again to everybody."

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you, Mr. President. It's just been a pleasure to be in this chamber and listen to these three individuals and I'd like to speak to them all. They all are tremendous state senators and legislators. They advocate for their districts. They've worked so hard and work so closely with all of us. So, Mr. President, I just briefly totaled up all the experience here. We're going to lose nearly 50 years of experience in the Senate. That's a lot. That's a lot. So, I think we'll recover. We always seem to. New people come in. On this side of the aisle there's been a lot of new members and I've enjoyed working with every one of them. So, it's it's a great experience, a great journey, you have have added so much to myself, for my journey through the Senate, I just want to thank all three of you for your long and and dedicated service. Thank you."

PERSONAL PRIVILEGE

Senator Braun: "Thank you, Mr. President. Sorry, I get carried away. I rise also in honor of Senator Randi Becker. It's been a real pleasure to serve with her. And she was here when I got here and the last eight years, I've had the good pleasure of serving with her. She's just so genuine. You know, she has an ease of connecting with people that makes you feel very comfortable and for folks like myself that are kind of shy I admire that a lot. She's got a great sense of humor. In fact, a little story I don't do stories often but, you know, in honor of Randi Becker, I'll tell a story. So, I work with, I work with an exceptional naval officer in my other part time job. Her name is Captain Beth Creighton. She is an F-18 pilot. One of the first female combat pilots in U.S. Navy. And every time I see her, I think of Randy Becker. And, you wonder why. A couple reasons: Well one, they actually look a little bit alike and so and the other thing is is they are both exceptionally capable and very good at what they do and the last thing Mr. President, is being a pilot Beth Creighton has a callsign. Her call sign is Gabby. So, it's just too much of a connection Mr. President not to, not to think of Randy Becker every time I I see Beth Creighton. So, but, but Randy has a has she has a real gift. A real gift when she speaks. When she speaks, either on the floor or in committee. To connect it, to connect to folks I think for me and I think for many folks it you know you always the most meaningful part of this experience is when you connect with the regular folks from your district around the districts and and every time I hear. Randy speak I feel that connection in her. She she gets, you know her breath of experience, where she's come from, what she's done. Is she gets it and she relates it very well. We always, we always going to story. We, in fact, was kind of

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

laughing at myself or as I usually heard or spoke speaker earlier and we always know we're going to hear about being an airline stewardess or maybe about, I believe she's worked in the medical field before. And, if not those, we're certainly going to hear that she grew up on a dairy farm. But, but, it's fun to laugh about that, but it really does keep us connected to real people, from the real Washington, that we're all here to represent. I think, Randi does, has done, a super job of doing just that. She is, as I said earlier, exceptionally capable. She's absolutely committed to her district and to our state, and she has been very effective in making this a better state for all of us. And, I thank you for that."

PERSONAL PRIVILEGE

Senator Rolfes: "My point is that I would like to honor Senator Randi Becker. I would like to say first off, that Randi, I will really miss you. Am I allowed to address Senator Becker or not?"

President Habib: "Madam Chair, for you anything. Please proceed."

Senator Rolfes: "Even though we miss the block chain bill, yeah. I want to, I want to first of all say, I'm going to miss your presence, Senator Becker, on our committee. When we had the power shift in 2018 and I became the Ways & Means Chair, I wasn't sure how accepting the members of that committee would be to me as the new leader. It was awkward and it was, you know, something I'd never done before. I know I was the whole, that whole special, that whole short session I asked my ranking member when do I gavel? When do I make the motion? And Senator Becker was the most gracious and welcoming and kind person on the entire committee. Constantly supportive. Constantly cheering me on in a quiet way and just there, knowing that, maybe as a woman, but as a human, I needed to know that I was accepted and that things would be fine on my watch. And so, I want to acknowledge, I think what other, I think what Senator Braun just said, just the welcoming and human approach that Senator Becker takes to her job. Her job here and I'm assuming back in the district when she gets over sixty percent of the vote. I also want to acknowledge that Senator Becker is one of only a handful of members who I have not seen on the Ways & Means Committee reading the news, watching a sports game or listening to music. Senator Becker pays attention. She asks questions. She's fully engaged with the folks that are coming before us during public testimony and she reliably will lean back and say, 'I have a question' or 'Can they repeat that' or 'This doesn't make any sense.' And that is extremely valuable committee member to have. And for that reason, she's somebody that I rely on a lot for input and her expertise and her perception of the way her perspective and her perception on things. And, I think that we've worked really well together over the last three years. She's, she's cheerful and she has a really easy laugh and even when she's doing her partisan stuff on the floor it doesn't feel personal, it feels like she's got a point to make and she's defending the minority and we better be paying attention. But it never feels like gotcha or mean and that's a real skill to be able to pull off. And then, finally, I want to say something about her legacy and we kind of laughed about when she mentioned telemedicine because we do hear that almost as often as we hear dairy farm and flight attendant but, I think with the public health emergency that our state is facing right now, the wisdom of telemedicine and the sound telemedicine policy and funding for telemedicine and support at the University of Washington for telemedicine, all of that is crystal clear of how important that is to our state, and I think to

the whole country. I think that our state's policy on telemedicine will prove to be a really key tool in fighting this coronavirus epidemic. So, I would hope that you leave knowing that you, you achieved a ton and your focus on telemedicine is a life-giving focus. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you, Mr. President. Speaking in support of my colleague who I'm going to really miss. Bob's a lucky man to have you back all the time now, and I told him so, and we've joked and teased a lot over the last twelve years. I recall in a little off campus thing when we met then candidate Randy Becker and we saw something that she could win. It took a chance in a primary and we won. Over the years I watched Randi take on a lot of new challenges and then she became Health Care Chairman when Senator Parlette moved ahead. And, boy did she teach me about health care. She made me learn health care. She made me sit through meetings. By the time she became Caucus Chair, I actually say, maybe I knew something about health care because she would never, she believed that the leader had to be knowledgeable, had to be engaged and damn well better agree with her. So, I learned that. And then, being Caucus Chair, Senator McCoy you probably know, sometimes kind of a thankless job. And, I've known caucus chairs in both bodies and in it's a tough job. It's detail oriented. It's a position I never want and hopefully will never take, because it is tough keeping order and details, a lot of details. So, I appreciate all of that. I'm going to miss my close friend. Sometimes, I feel like if Eatonville would have been in eastern Washington, we probably would have been at the at the fair together and we probably would have been buds, but she probably would have slapped me around once or twice. Because, now she was the first women's libber of her generation, and even though she would have been my good buddy, she probably would have knocked me around once or twice just to keep me in order. And Randi, on behalf of myself, those that preceded you here, helped bring you here, we're going to miss you. Thank you."

PERSONAL PRIVILEGE

Senator Liias: "Thank you, Mr. President. I, I do admit I was a little bit hurt when Senator Becker mentioned that Senator Pedersen was her favorite Democrat. But, Mr. President, it dawned on me that every time Senator Becker had told me that I was her favorite Democrat it was right before she asked me for a telehealth bill to be put on the run list. So, I'm beginning to think that maybe there was a connection between the two. I, I was serving in the House when Senator Becker arrived, and I remember what a changeover it was. Her predecessor had been here for a very long time. Was very well known at the Capitol and I remember wondering who this lady was that had a) beat Marilyn Rasmussen, and b) was coming to the Senate and watching from the House, Senator Becker's early work, she definitely had a formidable path. I think, there were many of us who were, maybe a little bit afraid of Senator Becker. She asked tough questions. Just like Senator Walsh, she actually says what she thinks sometimes and so you really hear what she is thinking on a particular point but when I came over to the Senate I discovered that Senator Becker, beneath that tough exterior is a very very very soft interior and a huge heart. We became great friends sitting on the Higher Education Committee next to each other. Such good friends that Senator Bailey I think was on the verge of ejecting us from committee because we would giggle and tell too many jokes to one another. But that experience was where the

future Becker-Lias College was born. So, I was we were sitting on Higher Ed, we decided that we would found a college together in her district. It started as a joke for me, but Senator Becker has been an incredible advocate to make sure the students in her district have access to higher education and that definitely will be a piece of her legacy. The other thing I will attest to, Senator Rolfes is right, Senator Becker is very detail oriented, is always paying attention and any time I get frustrated with Senator Short and say 'Where are you guys? Why are you on the floor?' Senator Short assures me that Senator Becker just working through her questions on a bill in caucus, and so it's good that she's as detailed in caucus as she is in committee and elsewhere. Senator Becker has truly become a friend and even though I'm not her favorite Democrat. I'm proud to be among her favorite Democrats and we will definitely miss her presence here and we wish her all the best in her next adventures and as I said before a week ago I say it again today I'm, sign me up to be the first contributor to the Randi Becker for Wyoming State Senate campaign. I think your career in public service does not need to be over Senator Becker."

PERSONAL PRIVILEGE

Senator Brown: "I'm going to coin Senator Schoesler's moniker for you *Randude*, because you have been our *Randude*. It is then such an honor. You've taught me so much. You've taken me under your wing, giving me the courage and confidence to do things that I didn't think I could possibly do, and I'm just so thankful for that. You will be so so missed."

PERSONAL PRIVILEGE

Senator Pedersen: "Thank you. You know, Mr. President, my experience is in some ways the mirror image of Senator Rolfes' experience. I had been a committee chair over on the other side for five years and then came over here and on my first day, Senator Nelson, who had prepared me for the idea that I was going to be on one committee that I wanted to be on, Law & Justice, and two that I had told her specifically that I did not want to be on, told me that instead she had a shiny new opportunity for me. I was going to become the ranking member on the Healthcare Committee. Which was quite a surprise to me. I had served a little bit on the Health Care & Wellness Committee in the House but had not for several years at that point. And so, I went into the office of Senator Becker, who was who was the Chair of the committee, and Mr. President, I will tell you that at a time when relationships weren't that great between the two caucuses, Senator Becker was astonishingly welcoming and inclusive of me. She involved me in all of the scheduling meetings, in every decision that she made about which bills we were going to hear and how we were going to proceed. She had was really, I think, a model for how I think we can take advantage of the knowledge of each other in the process of trying to do our best to perfect and make good legislation here. And I, I have really done my best to follow that, as and from her I think I learned an awful lot about about how to be a good chair. Mr. President, Senator Becker is unfailingly polite. Unfailingly kind. Unfailingly warm. And, it has been a great pleasure for these twelve years to serve with her. We're going to miss her a lot. Thank you."

PERSONAL PRIVILEGE

Senator Billig: "Thank you, Mr. President. Well rising also to recognize Senator Becker for service and I am going to miss her a lot. I'm not going to miss her all of the time. In F & O Committee, I'm not going to miss her. She, Randi is kind, as is been said. She's smart and she's really persistent. And, she asks

great questions. And, when we're in F & O Committee and sometimes we're dealing with fairly weighty issues and she always just raises her hand, Senator McCoy is the chair, recognizes her and she always brings up excellent points. And she holds us accountable. And that's the role of the minority. She doesn't do it in a mean way. She doesn't do it in an aggressive way. She does it in a way that is completely appropriate, and she equally spends time collaborating to get things done. And that is probably the perfect role for the caucus chair of the minority to do those things. To hold accountable and to collaborate. So, I appreciate that. The other thing I appreciate about her is she has a little bit of, I don't know what the right word is, that of a mischievous streak. And we had a meeting not long ago and she informed me of a covert operation that she was going to undertake. And it became less covert when she told the Majority Leader, but it was still covert. And I am going to not disclose what it is because I don't want, I don't want, I don't want, it's really, it's up to her to disclose that. If it has not been completed, maybe tonight I'll even help you with it. All right. We're going to miss you. Thank you for your service and enjoy your retirement. Thank you."

PERSONAL PRIVILEGE

Senator Short: "Thank you. Mr. President. You know, when I joined this body in the middle of session in 2017, I can tell you that having served as Caucus Chair and the body across the rotunda, you know, Randi was immediately someone that I looked to. I was very nervous, felt a little out of place. I love what I'm doing over here but she just gave such comfort and encouragement and reassurance in my new role in the Senate Chamber. And, I've never forgotten that. I see her, you know, Caucus Chair. The caucus chair is a tough position and you want to make sure everybody has the time to talk and and to get the points out they need and ask their questions, but it's it's obvious it's one of those positions where you're kind of darned if you do and darned if you don't and she has held that position with such grace. And, she cares about each and every one of us not only in our caucus, but in this institution. And, her, her personality and her efforts and the way she does things, you know, show that about Randi. And, I think my most fun time, well actually one more, on health care we're working on a big piece of legislation with the good Senator Rolfes and I was getting in the weeds on all of this health care definitional things and she came back and sat me down and she like blurred it out in about thirty seconds in a way I could understand it and only someone with such experience and health care could do that in a way that got out of the minutia and really creating something that along with the gentle lady from the forty ninth we you know we came to some good language on and I appreciate that about you Randi but most of all I appreciate the stories and the love we have of horses and how we all of a sudden realize that our conversations on horses turned to injuries of accidents but if anyone's ridden horses you know it's only a matter of time before you have an accident. We love those incredible gifted animals but just the love of the outdoors and a love of animals and how much you're so courageous I just you have been a mentor to me as well and I just thoroughly enjoy our time and I'm going to miss you."

PERSONAL PRIVILEGE

Senator Dhingra: "Thank you, Mr. President. This is actually the first time I am rising for a point of personal privilege and I am doing it to speak about Senator Becker. I have gotten to know her in the last year and a half with our leadership meetings, our meetings up to now, and I have to say, she is one strong, feisty

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

woman with a wicked sense of humor. Just my kind of gal. And, I actually have always enjoyed what she has to say in our leadership meetings and in F & O. And, she really brings laughter to this place. I love that she wants to have a good time. That she wants to get to know people. She wants to explore a different point of view and that she's able to do that so respectfully. So, I have greatly enjoyed getting to know her and I will say I fully support her covert mission for tonight."

PERSONAL PRIVILEGE

Senator Warnick: "Thank you, Mr. President. So, I've been pretty quiet today with all three of our senators and I'd like to recognize all three of them at once. First of all, Senator Becker, I really really enjoyed working with her. Getting to know her. We have so much in common. I was caucus chair when I was in the House. I grew up on a dairy farm. We were both dairy princesses and it was so much fun to share that. And, we both love horses, as Senator Short shared with us as well, so it's been great learning from her. Being a caucus chair, as was stated earlier, is not easy and I think Senator Becker and I made a very good team. Every once in a while, she would be ready to come over that table at one of our members. I'm not naming names. All I had to do is just put my hand on her arm 'Ok. Ok. I'll settle down.' So, so anyway, but we did make a great team. Senators Zeiger, I was in the House when he was elected and I thought 'My goodness, did he just get out of high school?' He was so young looking. He has matured so much. It's been great learning his respect for the law, respect for the Constitution, and watching him mature. And finally, Senator Walsh. I met her in the House as well. My first interduction to her was a bit scary. In the House Caucus rooms, they don't have tables. they have just chairs that are lined up and I was told when I went in the first day just pick a chair wherever you want to sit. Well, I sat in the wrong chair. It was Senator Walsh's, at that time Representative Walsh's chair. She came up, stood over me, looked down. I don't know what, I said 'Well hi. How are you? Who are you?' and I learned that I sat in her chair. But it's been great. Just laughing with her. Walking through so many different challenges, with her health challenge and she always did that with the grace to and just we're going to keep charging on, but she does a different drum than most of the caucuses that I've been in and it's been wonderful. I think Senator Padden, you need to pick up that mantra with the singing, because again, she she did so much singing and so much laughing. And I wish them all, all three, the best in their life's journeys. It will be, it will be good, I think all three of you being gone, not from here, we're going to miss all of you but I just wish you the best and as Assistant Caucus Chair, I want to issue an invitation, we have a cake recognizing all three of these senators in our caucus room and it is there now so when we get a break you're welcome to come in and have cake in the Republican Caucus Room. Thank you very much, Mr. President."

PERSONAL PRIVILEGE

Senator Wellman: "Thank you so much. Well, I have three points to make. One has to do with Senator Becker, who I've so enjoyed working with. And, it's a bit disconcerting to hear so much laughter about telemedicine, partly because, you know, sometimes we say what's old is new again. I remember the first time I talked about telemedicine was in Sydney Australia talking about the Outback. In the Outback, unless you had remote imaging, you had issues in the Outback. And, this was back in 1996, so it's a long time. But, I so admire the fact that you, Senator Becker, were so open to technology and not necessarily the

person I would have thought on this floor that would say 'you know this is something that we really need to be aware of, that's going to make a difference in the lives of people and especially in our rural economies' so vital, and so I so much appreciate that about you. And, I've met very early on in my second year, really kind of met Senator Zeiger, when he came over to my office to present me with a giant apple. The apple that is passed to the Chair of the Early Learning K-12 Education Committee. And, he was so sweet about it. And, so gentle and welcoming. And, even though we were passing that leadership, I really so appreciated your warmth and how lovely that was. I do think the apple looks like a giant red pepper but that's beside the point. And, Senator and Senator Walsh, you've just been such a pleasure to work with. I love the fact, there's no guessing where Senator Walsh is. She is exactly who she is and she lets you know what she thinks about things, and I really appreciate that straightforwardness about her. And, I also I have seen her in grace under fire. She said so, there have been times when it's been really hard and I so appreciate the fact that you came back and you were here and you had a great attitude and I just love working with you and I am intend to spend more time with you. I'm very happy to have had these three colleagues during my time in the Senate. It certainly has been so much of an addition to the this this place and how we act together to all three of them and so you will be missed. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "Senator Becker, it's been an honor to work with you. And, you and I, in our leadership roles, when we came in and when I came into this job and this particular role and you in Caucus Chair, we didn't always understand one another, I think, fully at first and we had some conflicts and I think it was because I think truly because I didn't I didn't really fully understand how earnest you are, how generous and sometimes I thought things that you were saying were sarcastic and they weren't. And so, as I got to know you better and perhaps also as you got to know me better, we've we've grown to respect, I hope in a mutual way, one another so much more. And, I want to echo what Senator Braun said because I'm the only one here who, other than the folks at the rostrum, we're the ones who have to sit up and listen to every single speech and I will say one of the reasons why I think the rules do ask that members not read without permission is because there is real value to a floor speech that is given, that comes from the mind and the heart. That is persuasive because it's not prewritten by by by our talented staff. That's not, you know, out of, you know, a constituent or a lobbyist e-mail or something but that comes from one's personal experience as a citizen legislator. And you really exemplify that as as Senator Braun said and Senator Rolfes and others the ability to really speak from your personal experience and connect it to the issues and you will be missed. And, you've done a fantastic job for your district, for your caucus. And, will the Senate please join me in congratulating Senator Becker on her retirement and wishing her all the best."

The senate rose in recognition of Senator Becker as she concluded her legislative service in the Senate and to the people of the 2nd Legislative District.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 6068,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6248,
ENGROSSED SENATE BILL NO. 6690,
ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 5549,
 SECOND ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5720,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5829,
 SECOND SUBSTITUTE SENATE BILL NO. 5947,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6040,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6097,
 SUBSTITUTE SENATE BILL NO. 6152,
 SENATE BILL NO. 6164,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
 SUBSTITUTE SENATE BILL NO. 6190,
 SECOND SUBSTITUTE SENATE BILL NO. 6211,
 ENGROSSED SENATE BILL NO. 6239,
 SUBSTITUTE SENATE BILL NO. 6259,
 SENATE BILL NO. 6263,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6268,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6404,
 SENATE BILL NO. 6417,
 SENATE BILL NO. 6420,
 SECOND SUBSTITUTE SENATE BILL NO. 6478,
 SENATE BILL NO. 6507,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 6518,
 SENATE BILL NO. 6623,
 ENGROSSED SENATE BILL NO. 6626,
 and ENGROSSED SUBSTITUTE SENATE BILL NO. 6641.

MOTION

At 3:52 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:46 p.m. by President Habib.

MOTION

On motion of Senator Lias, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2797, by Representatives Robinson, Macri, Davis, Shewmake, Peterson, Ramel, Lekanoff and Pollet

Concerning the sales and use tax for affordable and supportive housing.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.540 and 2019 c 338 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Nonparticipating city" is a city that does not impose a sales and use tax in accordance with the terms of this section.

(b) "Nonparticipating county" is a county that does not impose a sales and use tax in accordance with the terms of this section.

(c) "Participating city" is a city that imposes a sales and use tax in accordance with the terms of this section.

(d) "Participating county" is a county that imposes a sales and use tax in accordance with the terms of this section.

(e) "Qualifying local tax" means the following tax sources, if the tax source is ~~((instated no later than twelve months after July 28, 2019))~~ adopted by December 31, 2021:

(i) The affordable housing levy authorized under RCW 84.52.105;

(ii) The sales and use tax for housing and related services authorized under RCW 82.14.530, provided the city has imposed the tax at a minimum ~~((or of))~~ of at least half of the authorized rate;

(iii) The sales tax for chemical dependency and mental health treatment services or therapeutic courts authorized under RCW 82.14.460 imposed by a city; and

(iv) The levy authorized under RCW 84.55.050, if used solely for affordable housing.

(2) Starting on the effective date of this section, a city that has not adopted a qualifying local tax but intends to before December 31, 2021, must adopt a notice of intent to adopt the qualifying local tax and send a copy to the department, and to the county the city is located within, by July 28, 2020. If a notice of intent has not been adopted by July 28, 2020, the tax sources in subsection (1)(e)(i) through (iv) of this section are not considered a qualifying local tax for the purposes of this section, unless the tax was being imposed before July 28, 2020.

(3)(a) A county or city legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this section.

(b) The tax under this section is assessed on the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(c) ((The)) For taxes authorized under this section after the effective date of this section, the rate of the tax under this section for an individual participating city and an individual participating county may not exceed:

((i)) ((Beginning on July 28, 2019, until twelve months after July 28, 2019:

((A)) 0.0073 percent for a:

((H)) (A) Participating city, ((unless the participating city levies a qualifying local tax)) that does not levy a qualifying tax; and

((H)) (B) Participating county, within the limits of ((nonparticipating cities)) participating cities within the county ((and within participating cities)) that do not ((currently)) levy a qualifying tax;

((B)) ((ii)) 0.0146 percent for a:

((H)) (A) Participating city that ((currently)) levies a qualifying local tax;

((H)) (B) Participating city ((if the county in which it is located declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section)) within a nonparticipating county; and

((H)) (C) Participating county within the unincorporated areas of the county and within any nonparticipating city ((that declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section;

((ii)) Beginning twelve months after July 28, 2019:

((A) 0.0073 percent for a:

((I) Participating city that is located within a participating county if the participating city is not levying a qualifying local tax; and

((II) Participating county, within the limits of a participating city if the participating city is not levying a qualifying local tax;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

~~(B) 0.0146 percent within the limits of a:~~
~~(I) Participating city that is levying a qualifying local tax; and~~
~~(II) Participating county within the unincorporated area of the county and within the limits of any nonparticipating city that is located within the county.)~~

(d) A county may not levy the tax authorized under this section within the limits of a participating city that levies a qualifying local tax.

(e)(i) In order for a county or city legislative authority to impose the tax under this section, the authority must adopt:

(A) A resolution of intent to adopt legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within six months of July 28, 2019; and

(B) Legislation to authorize ~~((the maximum capacity of))~~ the tax in this section within one year of July 28, 2019, and send a copy to the department within forty-five days of adopting such legislation.

(ii) Adoption of the resolution of intent and legislation to authorize the tax requires simple majority approval of the enacting legislative authority.

~~((iii) If a county or city has not adopted a resolution of intent in accordance with the terms of this section, the county or city may not authorize, fix, and impose the tax.~~

~~(3))~~ (4) The tax imposed under this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

~~((4))~~ (5) By ~~((December 31, 2019, or within thirty days of a))~~ January 1, 2021, for every county or city authorizing the tax under this section, ~~((which ever is later))~~ including those counties and cities currently imposing the tax authorized under this section, the department must calculate ((the)) or recalculate a preliminary annual maximum amount of tax distributions for each county and city authorizing the tax under this section and assign the authorized tax rate as provided in subsection (3)(c) of this section. The annual maximum must be calculated as follows:

(a) The annual maximum amount for a participating county equals the taxable retail sales within the unincorporated area of a county, within the nonparticipating cities, and within the participating cities without a qualifying local tax, in state fiscal year 2019 multiplied by the tax rate imposed under this section. ((If a county imposes a tax authorized under this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2019 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount)) The annual maximum amount for a participating county does not include the taxable retail sales within the participating cities with a qualifying local tax within the county; and

(b) The annual maximum amount for a participating city equals the taxable retail sales within the city in state fiscal year 2019 multiplied by the tax rate imposed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (6) By June 30, 2022, the department must calculate a final annual maximum amount of tax distributions for each county and city authorizing the tax under this section using the method in subsection (5)(a) and (b) of this section. The department must also assign the authorized tax rate as provided in subsection (3)(c) of this section.

(7)(a) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds:

(i) Until June 30, 2022, the preliminary annual maximum amount calculated in subsection ~~((4))~~ (5) of this section; and

(ii) Beginning July 1, 2022, the final annual maximum amount calculated in subsection (6) of this section.

(b) The department must remit any annual tax revenues above the annual maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the annual maximum amount must resume at the beginning of the next fiscal year.

~~((6))~~ (8)(a) If, when the tax is first imposed, a county has a population greater than four hundred thousand or a city has a population greater than one hundred thousand, the moneys collected or bonds issued under this section may only be used for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or

(ii) Funding the operations and maintenance costs ~~((of new units))~~ of affordable or supportive housing including, but not limited to, staffing necessary for daily operations of permanent supportive housing.

(b) If, when the tax is first imposed, a county has a population of four hundred thousand or less or a city has a population of one hundred thousand or less, the moneys collected under this section may only be used for the purposes provided in (a) of this subsection or for providing rental assistance to tenants.

~~((7))~~ (c) Administrative costs of the county or city associated with administering this section may not exceed six percent of the annual tax distributed to the jurisdiction under this section.

(d) Operations and maintenance costs or rental assistance under this section may not be funded with bonds.

(9) The housing and services provided pursuant to subsection ~~((6))~~ (8) of this section may only be provided to persons whose income, at each required income certification or recertification, is at or below sixty percent of the median household income of the ((county or city)) standard metropolitan statistical area within which the county, city, or town imposing the tax is located.

~~((8))~~ (10) In determining the use of funds under subsection ~~((6))~~ (8) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and the housing needs within the jurisdiction of the taxing authority.

~~((9))~~ (11)(a) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, the moneys collected under this section for repayment of such bonds.

(b) However, a county may not pledge for repayment of such bonds any moneys collected from retail sales within the limits of a participating city:

(i) Before July 28, 2020; or

(ii) Before June 30, 2022, within the limits of a participating city that has adopted a notice of intent under subsection (2) of this section.

~~((10))~~ (12) To carry out the purposes of this section, a county or city may enter into a contract or an interlocal agreement, or utilize an existing contract or interlocal agreement, in accordance with chapter 39.34 RCW with one or more ((counties, cities, or public housing authorities in accordance with chapter 39.34 RCW)) public entities or nonprofit organizations. The contract or interlocal agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the

agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such contract or interlocal agreement and this section. The contract or interlocal agreement must include a requirement, or otherwise ensure through contractual obligations, that the housing or services provided with moneys collected under this section comply with the use restrictions in subsection (8) of this section and the income restrictions in subsection (9) of this section.

((44)) (13) Counties and cities imposing the tax under this section must report annually to the department of commerce on the collection and use of the revenue. Counties and cities that have pooled funds may submit joint reports on their collective activities. The department of commerce must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce must submit a report annually to the appropriate legislative committees with regard to such uses.

((42)) (14) The tax imposed by a county or city under this section expires twenty years after the date on which the tax is first imposed."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "and amending RCW 82.14.540."

MOTION

Senator Zeiger moved that the following floor amendment no. 1364 by Senator Zeiger be adopted:

On page 5, line 13, after "exceed" strike "six" and insert "three"

Senator Zeiger spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1364 by Senator Zeiger on page 5, line 13 to the committee striking amendment.

The motion by Senator Zeiger did not carry and floor amendment no. 1364 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2797.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed House Bill No. 2797, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2797 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2797, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, King, O'Ban, Padden, Rivers, Sheldon, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED HOUSE BILL NO. 2797, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2950, by House Committee on Finance (originally sponsored by Macri and Ramel)

Addressing affordable housing needs through the multifamily housing tax exemption by providing an extension of the exemption until January 1, 2022, for certain properties currently receiving a twelve-year exemption and by convening a work group.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 2950 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Zeiger and Das spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2950.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2950 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Ericksen, Hasegawa, Hawkins, Honeyford, Randall and Wagoner

SUBSTITUTE HOUSE BILL NO. 2950, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "You know this is this is always important. We normally actually do this at cutoffs and because of whatever circumstances we didn't get a chance properly to to to to to

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

thank folks and so you know it is such a privilege let's just remember this is been going on for 121 years in this body 121 years that the Washington State Senate has been doing its work on behalf of the people of the state of Washington as part of this great legislative branch what an honor it is for me what an honor it is for you all of us to be a part of this great work but we know that even though we have the elected titles and often the press coverage in the and the respect that comes with that and the title of Senator or Lieutenant Governor we know that there are so many hard working individuals who make us look good they make us look good in in so many different ways and that are really the the the sinew of this great institution and I want to take this opportunity I know we have a few more bills left to do but I want to take this opportunity to have us recognize them and I'm going to do them in it in a few groups so first of all. It gives me great pleasure to recognize the individuals that I work with whom I work with the most closely here up here at the rostrum Victoria Cantore and Jeannie Gorrell do so much you all I don't think you all realize maybe only the floor leaders realize how much they do these two brilliant attorneys to make you successful and they catch issues that you may not even know existed and solve them so we are so grateful to them and I want to of course also on the rostrum and work room staff we have Sarah Bannister; Sean Kochaniewicz, sorry he does such a good job pronouncing names and I screwed it up; Britney Yunker Carlson; Breann O'Leary; Laura Bell; Aldo Melchiori and all of them all of them led by our phenomenal elected Secretary of the Senate please thank our staff Brad Hendrickson Please thank all of them for their work.

But, there's more. There are more. We owe a tremendous debt of gratitude to our Senate security led by our always professional Sergeant-at-Arms and Director of Security Andy Staubitz and his Deputy Les Watson and all of the security personnel who have kept us whether there year round of the ones that are brought on during the session who keep us safe who have escorted some of you through different rallies and so on who make sure that your here to vote when sometimes they have to come and find you from all over the place but above all for doing the doing the sacrificial work of working long long hours being here and being alert to make sure that we are safe as we do the public's work please thank them as well.

And there's more. You all know this. Even better than I do day to day we have a phenomenal set of policy staffers in Senate Committee Services led by Kurt Gavigan and Kim Johnson. These are the folks who work so hard whether it's in committee or your scrawl, scrawled amendment at the very last minute all the things that are needed to to give you as many options and information and clarity as possible all while preserving the highest level of professionalism and courtesy and confidentiality please thank our S.C.S. for the work that they do. Many of them are still working right now.

This is important. our our our civic education team that run our page and intern programs these are so important to me personally and I know to many of you Margaret Viarreal; Sharon Robinson; Coleen Rust; Louis Lindstrom all of them please thank them for their hard work all throughout the session.

And because the way to a senator's heart is through their stomachs. We know that we're so blessed to have this amazing team in our Senate dining room Kerry Simon Britney Cleaves Ariel Simon and Skyler Simon they love us so much and we love them to please thank them for what they've done.

But there's more. I want to thank the the caucus staffs the staff staff for the Democratic and Republican caucuses your personal staff your legislative assistants your session aides as well as your interns my staff in the office of the office of lieutenant governor

please thank all of them for the work that they do all year around and during the session

I want to highlight this one in particular because of the added. Safety concerns health and safety concerns right now I particularly want to thank the D.E.S. custodial staff who you need to understand are at added risk because of the work that they do to make sure that our spaces, public and private, in this building and in the other Senate office buildings are are disinfected and germ free and clean and and professional looking and particularly during this time they have gone the extra mile to make sure that we can do this work when we many other workplaces of course are working remotely our work had to be done in this fashion this year under these extraordinary circumstances they went the extra mile please thank D.E.S custodial staff for what they've done.

The final the final group the final group I want to recognize are are individuals who work for the legislature. Overall and have done so much for all of us as well as for the House of Representatives. The hard-working folks from LEG-TECH Michael Rohrbach and his team. L.S.S. photographers who literally make us look good Aaron Barna and Aaron's team and probably the hardest working folks in an ongoing fashion in the next couple weeks next couple days and weeks the Code Revisor's Office. Please thank all of them for the work that they do its extraordinary work.

Thank you for indulging me. thank you all so much."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you. I think we also ought to thank the interns that are serving us probably now. Delivering papers and things on our desks and have done so whenever we've stayed late after the pages have gone home. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "Thank you to the interns thank you so much thank you. We only asked them I think to work on one Saturday and the one Saturday they did work they got to see some fireworks so..."

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6168

March 11, 2020

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6168, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. 2019 c 415 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General	Fund—State	Appropriation	(FY 2020)
			((\$40,202,000))
			<u>\$40,403,000</u>
General	Fund—State	Appropriation	(FY 2021)
			((\$43,039,000))
			<u>\$44,256,000</u>

Pension Funding Stabilization Account—State	
Appropriation	\$4,266,000
TOTAL APPROPRIATION	<u>\$87,507,000</u>
	<u>\$88,925,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

Sec. 102. 2019 c 415 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State	Appropriation	(FY 2020)	
			<u>(((\$28,693,000))</u>
			<u>\$28,736,000</u>
General Fund—State	Appropriation	(FY 2021)	
			<u>(((\$32,675,000))</u>
			<u>\$33,869,000</u>
Pension Funding Stabilization Account—State			
Appropriation			\$2,932,000
TOTAL APPROPRIATION			<u>\$64,300,000</u>
			<u>\$65,537,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

(3) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint legislative task force created in section 923 to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

Sec. 103. 2019 c 415 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Performance Audits of Government Account—State	
Appropriation	<u>(((\$9,867,000))</u>
	<u>\$9,844,000</u>
TOTAL APPROPRIATION	<u>\$9,867,000</u>
	<u>\$9,844,000</u>

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

~~((3))~~ (2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

~~((4))~~ (3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

~~((5))~~ (4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

Sec. 104. 2019 c 415 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government Account—State	
Appropriation	<u>(((\$4,573,000))</u>
	<u>\$4,585,000</u>
TOTAL APPROPRIATION	<u>\$4,573,000</u>
	<u>\$4,585,000</u>

Sec. 105. 2019 c 415 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State	Appropriation	(FY 2020)	
			<u>(((\$12,081,000))</u>
			<u>\$12,086,000</u>
General Fund—State	Appropriation	(FY 2021)	
			<u>(((\$12,233,000))</u>
			<u>\$13,946,000</u>
Pension Funding Stabilization Account—State			
Appropriation			\$822,000
TOTAL APPROPRIATION			<u>\$25,136,000</u>
			<u>\$26,854,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Sec. 106. 2019 c 415 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2020)	\$333,000
General Fund—State Appropriation (FY 2021)	\$347,000
State Health Care Authority Administrative Account—State Appropriation	\$471,000
Pension Funding Stabilization Account—State Appropriation	\$28,000
Department of Retirement Systems Expense Account—State Appropriation	(\$5,700,000))
	<u>\$5,721,000</u>
TOTAL APPROPRIATION	<u>\$6,879,000</u>
	<u>\$6,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW. In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

Sec. 107. 2019 c 415 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2020) (\$5,002,000))	
	<u>\$5,000,000</u>
General Fund—State Appropriation (FY 2021) (\$5,503,000))	
	<u>\$5,520,000</u>
Pension Funding Stabilization Account—State Appropriation	\$566,000
TOTAL APPROPRIATION	<u>\$11,071,000</u>
	<u>\$11,086,000</u>

Sec. 108. 2019 c 415 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) (\$4,212,000))	
	<u>\$4,213,000</u>
General Fund—State Appropriation (FY 2021) (\$4,681,000))	
	<u>\$4,694,000</u>
Pension Funding Stabilization Account—State Appropriation	\$436,000
TOTAL APPROPRIATION	<u>\$9,329,000</u>
	<u>\$9,343,000</u>

Sec. 109. 2019 c 415 s 111 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2020) (\$8,989,000))	
	<u>\$9,016,000</u>
General Fund—State Appropriation (FY 2021) (\$9,397,000))	
	<u>\$9,433,000</u>
Pension Funding Stabilization Account—State Appropriation	\$674,000
TOTAL APPROPRIATION	<u>\$19,060,000</u>
	<u>\$19,123,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund—state appropriation for fiscal year 2020 and \$167,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for staff attorneys and law clerks based on a 2014 salary survey.

Sec. 110. 2019 c 415 s 112 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2020) (\$1,707,000))	
	<u>\$1,708,000</u>
General Fund—State Appropriation (FY 2021) (\$1,728,000))	
	<u>\$1,739,000</u>
Pension Funding Stabilization Account—State Appropriation	\$128,000
TOTAL APPROPRIATION	<u>\$3,563,000</u>
	<u>\$3,575,000</u>

Sec. 111. 2019 c 415 s 113 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2020) (\$1,217,000))	
	<u>\$1,280,000</u>
General Fund—State Appropriation (FY 2021) (\$1,280,000))	
	<u>\$1,614,000</u>
Pension Funding Stabilization Account—State Appropriation	\$130,000
TOTAL APPROPRIATION	<u>\$2,627,000</u>
	<u>\$3,024,000</u>

Sec. 112. 2019 c 415 s 114 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2020) (\$20,390,000))	
	<u>\$20,575,000</u>
General Fund—State Appropriation (FY 2021) (\$21,313,000))	
	<u>\$21,371,000</u>
Pension Funding Stabilization Account—State Appropriation	\$1,492,000
TOTAL APPROPRIATION	<u>\$43,195,000</u>
	<u>\$43,438,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,000 of the general fund—state appropriation for fiscal year 2020 and \$311,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary step increases for eligible employees.

(2) \$606,000 of the general fund—state appropriation for fiscal year 2020 and \$606,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for court of appeals law clerks based on a 2014 salary survey.

Sec. 113. 2019 c 415 s 115 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General	Fund—State	Appropriation (FY 2020)	(\$64,569,000))
			<u>\$64,580,000</u>
General	Fund—State	Appropriation (FY 2021)	(\$66,736,000))
			<u>\$72,151,000</u>
General Fund—Federal Appropriation			\$2,203,000
General Fund—Private/Local Appropriation			\$681,000
Judicial Stabilization Trust Account—State Appropriation			\$6,692,000
Pension Funding Stabilization Account—State Appropriation			\$4,572,000
Judicial Information Systems Account—State Appropriation			(\$63,220,000))
			<u>\$63,233,000</u>
TOTAL APPROPRIATION			<u>\$208,673,000</u>
			<u>\$214,112,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources. Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) ~~(\$1,027,000))~~ \$750,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$377,000))~~ \$2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(11) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the YWCA Clark county court-appointed special advocates (CASA) program to fund volunteer efforts, staff, recruitment efforts, public awareness, and programs that assist abused and neglected children involved in legal proceedings.

(20) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

Sec. 114. 2019 c 415 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General	Fund—State	Appropriation	(FY 2020)
			(\$46,538,000)
			\$47,200,000
General	Fund—State	Appropriation	(FY 2021)
			(\$46,394,000)
			\$47,644,000

Judicial Stabilization Trust Account—State

Appropriation	(\$3,805,000)
	\$3,809,000
Pension Funding Stabilization Account—State	
Appropriation	\$278,000
TOTAL APPROPRIATION	\$97,015,000
	\$98,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(3) The office of public defense shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for parent representation services.

(4) \$288,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$244,000)~~ \$444,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the parents for parents program. Funds must be used to expand services in new sites and maintain and improve service models for the current programs. Of the amounts provided in this subsection, \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for continuing services in Grant, Cowlitz, Jefferson, Okanogan, and Chelan counties and for providing oversight, coordination, start-up training, technical assistance, and quality monitoring for all sites across the state.

(5)(a) \$305,000 of the general fund—state appropriation for fiscal year 2020 and \$305,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to contract with a nonprofit organization for:

(i) Continuing legal education and case-specific resources for public defense attorneys; and

(ii) The incarcerated parents project to support incarcerated parents and their families, and public defenders representing incarcerated parents in the child welfare, juvenile, and criminal systems.

(b) The nonprofit organization must have experience providing statewide training and services to state-funded public defense attorneys for indigent clients.

(6) \$4,532,000 of the general fund—state appropriation for fiscal year 2020 and \$4,532,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for salary increases for state-contracted public defense attorneys representing indigent persons on appeal and indigent parents involved in dependency and termination cases.

(7) \$1,389,000 of the general fund—state appropriation for fiscal year 2020 and \$1,388,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional attorneys, social workers, and staff support, for the parents' representation program.

(8) \$180,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost-of-living increase for contracted social workers.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to compensate parents representation program attorneys to prepare parenting plans at the culmination of dependency cases.

Sec. 115. 2019 c 415 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General	Fund—State	Appropriation (FY 2020)	((20,348,000))
			<u>\$20,949,000</u>
General	Fund—State	Appropriation (FY 2021)	((22,142,000))
			<u>\$22,951,000</u>
Judicial Stabilization Trust Account—State			
Appropriation			\$1,464,000
Pension Funding Stabilization Account—State			
Appropriation			\$44,000
TOTAL APPROPRIATION			<u>\$43,998,000</u>
			<u>\$45,408,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) ~~((300,000))~~ \$307,500 of the general fund—state appropriation for fiscal year 2020 and ~~((300,000))~~ \$317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study

of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by ~~((March 31))~~ June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) \$165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

Sec. 116. 2019 c 415 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General	Fund—State	Appropriation (FY 2020)	((10,871,000))
			<u>\$9,858,000</u>
General	Fund—State	Appropriation (FY 2021)	((8,900,000))
			<u>\$10,454,000</u>
Economic Development Strategic Reserve Account—State			
Appropriation			((2,000,000))
			<u>\$7,000,000</u>
Pension Funding Stabilization Account—State			
Appropriation			\$674,000
TOTAL APPROPRIATION			<u>\$22,445,000</u>
			<u>\$27,986,000</u>

The appropriations in this section are subject to the following conditions and limitations:

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(1) \$703,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$703,000))~~ \$803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) ~~(((\$375,000))~~ \$397,000 of the general fund state—appropriation for fiscal year 2020 and ~~(((\$375,000))~~ \$353,000 of the general fund state—appropriation for fiscal year 2021 are provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) ~~(((\$2,003,000))~~ \$966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation, including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

(9) \$1,289,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of the Washington state office of equity.

Sec. 117. 2019 c 415 s 119 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2020) (((\$1,276,000))	<u>\$1,313,000</u>
General Fund—State Appropriation (FY 2021) (((\$1,312,000))	<u>\$1,545,000</u>
General Fund—Private/Local Appropriation	\$90,000
Pension Funding Stabilization Account—State Appropriation	\$54,000
TOTAL APPROPRIATION	<u>\$2,732,000</u>
	<u>\$3,002,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) \$195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

Sec. 118. 2019 c 415 s 120 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2020) (((\$5,229,000))	<u>\$5,532,000</u>
General Fund—State Appropriation (FY 2021) (((\$5,109,000))	<u>\$5,456,000</u>
Public Disclosure Transparency Account—State Appropriation	(((\$574,000))
	<u>\$714,000</u>
Pension Funding Stabilization Account—State Appropriation	\$260,000
TOTAL APPROPRIATION	<u>\$11,172,000</u>
	<u>\$11,962,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course

must be provided in a format able to be used both in person and remotely via the internet.

(3) \$140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

Sec. 119. 2019 c 415 s 121 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State	Appropriation	(FY 2020)
		(\$33,449,000)
		\$34,997,000
General Fund—State	Appropriation	(FY 2021)
		(\$18,313,000)
		\$19,562,000
General Fund—Federal	Appropriation	(\$8,097,000)
		\$8,098,000
Public Records Efficiency, Preservation, and Access		
Account—State	Appropriation	(\$9,363,000)
		\$9,677,000
Charitable Organization Education Account—State		
Appropriation		\$900,000
Washington State (Heritage Center) Library		
Operations Account—State	Appropriation	(\$11,498,000)
		\$11,516,000
Local Government Archives Account—State		
Appropriation		(\$11,019,000)
		\$11,027,000
Pension Funding Stabilization Account—State		
Appropriation		\$960,000
Election Account—State	Appropriation	\$1,800,000
Election Account—Federal	Appropriation	(\$4,887,000)
		\$13,687,000
TOTAL APPROPRIATION		\$98,486,000
		\$112,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to (reimburse) counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

2020 REGULAR SESSION

issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

Sec. 121. 2019 c 415 s 123 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC
AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020)	(\$318,000)
	<u>\$332,000</u>
General Fund—State Appropriation (FY 2021)	(\$330,000)
	<u>\$425,000</u>
Pension Funding Stabilization Account—State Appropriation	\$26,000
TOTAL APPROPRIATION	\$674,000
	\$783,000

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

Sec. 122. 2019 c 415 s 124 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State Appropriation	(((\$19,982,000))
	<u>\$20,045,000</u>
TOTAL APPROPRIATION	<u>\$19,982,000</u>
	\$20,045,000

Sec. 123. 2019 c 415 s 125 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2020)	\$28,000
General Fund—State Appropriation (FY 2021)	\$32,000
((State)) Auditing Services Revolving Account—State Appropriation	((<u>\$12,650,000</u>)) <u>\$13,492,000</u>
Performance Audits of Government Account—State Appropriation	((<u>\$1,679,000</u>)) <u>\$2,502,000</u>
TOTAL APPROPRIATION	<u>\$14,389,000</u> \$16,054,000

The appropriations in this section are subject to the following conditions and limitations:

(c) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the

course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2).

(3) The state auditor must conduct a performance and accountability audit of practices related to awarding, tracking, and reporting contracts with outside entities and contracts between the University of Washington and affiliated entities. Utilizing the information gathered under section 606(1)(z) of this act, similar provisions from prior biennia, and best practices in contract management and oversight, the auditor must recommend a plan to make contract information, including those for contracted services and consulting, available in a centralized and searchable form. The recommendations of the auditor must be reported to the fiscal committees of the legislature and the office of financial management no later than December 30, 2020.

(4) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

(5) Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit of the 2020 general election for five counties with low ballot rejection rates and five counties with high ballot rejection rates as chosen by the state auditor. The audit must: Review each county's procedures for identifying, correcting if appropriate, and reviewing and rejecting questionable ballots; examine the accuracy of the ballot rejections; compare each county's practices with requirements of the law and with best practices; compare the counties' practices to one another to determine why ballot rejection rates vary; identify any trends in rejected ballots, including the demographics of the voters whose ballots were rejected; and make recommendations about process or procedure to reduce the rate of rejected ballots while protecting broad access to the ballot. The state auditor shall submit a report containing the results of the audit to the appropriate committees of the legislature and make the report available on its web site.

Sec. 124. 2019 c 415 s 126 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2020)	(((\$226,000)) \$238,000
General Fund—State Appropriation (FY 2021)	(((\$243,000)) \$270,000
Pension Funding Stabilization Account—State Appropriation	\$30,000
TOTAL APPROPRIATION	\$499,000 \$538,000

Sec. 125. 2019 c 415 s 127 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2020)	(((\$14,972,000)) \$15,564,000
General Fund—State Appropriation (FY 2021)	(((\$14,940,000)) \$16,531,000
General Fund—Federal Appropriation	(((\$15,992,000)) \$17,801,000
Public Service Revolving Account—State Appropriation	(((\$4,195,000)) \$4,228,000

New Motor Vehicle Arbitration Account—State Appropriation	\$1,693,000
Medicaid Fraud Penalty Account—State Appropriation	(((\$5,556,000)) \$5,584,000
Child Rescue Fund—State Appropriation	\$500,000
Legal Services Revolving Account—State Appropriation	(((\$276,544,000)) \$291,952,000
Local Government Archives Account—State Appropriation	(((\$348,000)) \$356,000
Local Government Archives Account—Local	\$330,000
Pension Funding Stabilization Account—State Appropriation	\$1,602,000
Tobacco Prevention and Control Account—State Appropriation	\$273,000
TOTAL APPROPRIATION	\$336,945,000 \$356,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((44))~~ (13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

~~((45))~~ (14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

~~((46))~~ (15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

~~((47))~~ (16) ~~\$4,292,000~~ \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

~~((48))~~ (17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$82,000 of the general fund—federal appropriation, \$32,000 of the public service revolving account—state appropriation, \$27,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) \$605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) \$1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) \$1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) \$394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

Sec. 126. 2019 c 415 s 128 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2020) ((\$1,907,000))	<u>\$2,040,000</u>
General Fund—State Appropriation (FY 2021) ((\$1,922,000))	<u>\$2,063,000</u>
Pension Funding Stabilization Account—State Appropriation	\$168,000
TOTAL APPROPRIATION	<u>\$3,997,000</u>
	<u>\$4,271,000</u>

The appropriations ((~~within~~)) in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

Sec. 127. 2019 c 415 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2020) ((\$94,046,000))	<u>\$96,462,000</u>
General Fund—State Appropriation (FY 2021) ((\$92,285,000))	<u>\$146,437,000</u>
General Fund—Federal Appropriation ((\$327,876,000))	<u>\$327,896,000</u>
General Fund—Private/Local Appropriation ((\$9,107,000))	<u>\$9,112,000</u>
Public Works Assistance Account—State Appropriation ((\$8,207,000))	

	<u>\$8,212,000</u>
Lead Paint Account—State Appropriation	\$251,000
Building Code Council Account—State Appropriation	\$16,000
Liquor Excise Tax Account—State Appropriation	\$1,291,000
((Economic Development Strategic Reserve Account—State Appropriation))	<u>\$5,000,000</u>
Home Security Fund Account—State Appropriation	((\$60,422,000))
	<u>\$120,425,000</u>
Energy Freedom Account—State Appropriation	\$5,000
Affordable Housing for All Account—State Appropriation	\$13,895,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation ((\$1,975,000))	<u>\$2,325,000</u>
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$1,399,000
Statewide Tourism Marketing Account—State Appropriation	\$3,028,000
Community and Economic Development Fee Account—State Appropriation	\$4,200,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$5,800,000
Pension Funding Stabilization Account—State Appropriation	\$1,616,000
Liquor Revolving Account—State Appropriation	\$5,918,000
Washington Housing Trust Account—State Appropriation	((\$12,944,000))
	<u>\$67,947,000</u>
Prostitution Prevention and Intervention Account—State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation	((\$903,000))
	<u>\$1,076,000</u>
<u>Model Toxics Control Stormwater Account—State Appropriation</u>	<u>\$150,000</u>
<u>Dedicated Marijuana Account—State Appropriation (FY 2021)</u>	<u>\$1,100,000</u>
<u>Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation</u>	<u>\$7,454,000</u>
<u>Community Preservation and Development Authority Account—State Appropriation</u>	<u>\$1,000,000</u>
TOTAL APPROPRIATION	<u>\$650,210,000</u>
	<u>\$827,041,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$804,000))~~ \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$804,000))~~ \$3,304,000 of the general fund—state appropriation for fiscal year 2021 (~~(and \$5,000,000 of the economic development strategic reserve account—state appropriation)~~) are provided solely for associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness.

Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$1,500,000))~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

(i) Is dedicated as permanent supportive housing units;

(ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) (~~(\$2,735,000))~~ \$2,091,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$2,265,000))~~ \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

(i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

(ii) (~~(\$625,000))~~ \$91,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$625,000))~~ \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$36,650,000))~~ \$51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current

staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits. By July 1, 2020, the department, in collaboration with the department of social and health services, the department of health, and the health care authority, must submit to the office of financial management and the appropriate committees of the legislature, a report on behavioral health treatment facility capacity. The department must submit updates of the report every six months to the office of financial management and the appropriate committees of the legislature. The format of the report must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the legislature. The report must identify current capacity, capacity in development, and average daily utilization by state funded clients for the prior period. The report must summarize data by type of facility and location and must include all facilities licensed by the department of health to provide behavioral health treatment or residential services and all facilities licensed or operated by the department of social and health services that provide behavioral health treatment services or residential support for individuals with enhanced behavioral health support needs. The department of social and health services, the department of health, and the health care authority must provide timely information to the department for inclusion in the reports.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444

(appliance efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

~~((38))~~ (37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

~~((39))~~ (38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((40))~~ (39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

~~((41))~~ (40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

~~((42))~~ (41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

~~((44))~~ (42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((45))~~ (43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

~~((46))~~ (44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

~~((47))~~ (45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

~~((48))~~ (46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

~~((49))~~ (47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. ~~((The department must submit a report to the appropriate committees of the legislature by October 1, 2020.))~~ The report must contain, at a minimum:

~~((a))~~ (i) An analysis of the arrests and bookings for individuals served in the pilot program;

~~((b))~~ (ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

~~((c))~~ (iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

~~((d))~~ (iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

~~((50))~~ (48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

~~((51))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

~~((52))~~ (50)(a) ~~((50,000))~~ \$12,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by ~~((June 30, 2020))~~ January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by ~~((December 1, 2020))~~ June 1, 2021.

~~((53))~~ (51) \$500,000 of the general fund—state appropriation for fiscal year 2020, ~~((500,000))~~ \$1,500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

~~((54))~~ (52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((55))~~ (53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((56))~~ (54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((57))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~((58))~~ (56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and ~~((264,000))~~ \$676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

~~((59))~~ (57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

~~((60))~~ (58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

~~((61))~~ (59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

~~((62))~~ (60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

~~((63))~~ (61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital

trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((64)(a))~~ (62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

~~((i))~~ (a) The department of corrections to support offender betterment projects; and

~~((ii))~~ (b) The department of social and health services to provide access and visitation services.

~~((65))~~ (63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

~~((66))~~ (64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

~~((67))~~ (65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

~~((68))~~ (66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

~~((69))~~ (67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((70))~~ (68) \$270,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant

to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

~~((71))~~ (69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;

(b) \$500,000 is provided solely for administration costs to the department; and

(c) \$300,000 is provided solely for a grant to the Washington real estate research center.

~~((72))~~ (70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) \$7,454,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

(74) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) \$1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) \$607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide a grant to a nonprofit organization in King county to provide adult culinary skills training, housing, and other services to students who are experiencing or at risk of experiencing homelessness.

(80) \$391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

(81) \$350,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group to review and make recommendations for legislation to update the growth management act in light of the road map to Washington's future report produced by the Ruckelshaus center. The task force must involve stakeholders from diverse perspectives in the process, including but not limited to representatives of counties, cities, the forestry and agricultural industries, the environmental community, Native American tribes, and state agencies. The work group must report on its activities and recommendations by December 1, 2020.

(82) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(83) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

(84) \$23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

(85) \$60,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(86) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.

(87)(a) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to continue and expand the el nuevo camino pilot project for the purpose of addressing serious youth gang problems in counties in eastern Washington. The department shall adopt policies and procedures

as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicants, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipients must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by April 1, 2021, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by June 1, 2021.

(88) \$421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of

Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(89)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

(i) Are dedicated as permanent supportive housing units;

(ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and

(iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

(90) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(91) \$420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(92) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

(a) The department must recommend a plan that:

(i) Serves all residents in long term care equally;

(ii) Is reactive to changes in service costs; and

(iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

(93) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

(94) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicaid issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(95) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

(96) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

(97) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the Pacific science center for a maker and innovation lab. Grant funds are to be used to develop and operate new experiential learning opportunities.

(98) \$1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities

address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

(99) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a regional museum that is working with a national museum of American history and a regional theater to provide educational tools and experiences to students statewide relating to the democratic system in the state of Washington.

(100) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(101) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Fredrickson, Midland, North Clover Creek, Collins, Parkland, Spanaway, Summit-Waller, and Summit View into a single city. The study must include, but not be limited to, the impacts of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the study to the appropriate committees of the legislature by June 1, 2021.

(102) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

(103) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

(104) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

(105) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract

must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

(106) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

(107) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

(108) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(109) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

(110) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

(111) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(112) \$46,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2405 (comm. property/clean energy). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(113) \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(114) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

(115) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(116) \$1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(117)(a) \$40,000,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(118)(a) \$10,000,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(119)(a) \$5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

(120) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

Sec. 128. 2019 c 415 s 130 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2020) ~~(((\$860,000))~~
\$874,000

General Fund—State Appropriation (FY 2021) ~~(((\$888,000))~~
\$914,000

Pension Funding Stabilization Account—State Appropriation
\$102,000

Lottery Administrative Account—State Appropriation \$50,000
TOTAL APPROPRIATION \$1,900,000

\$1,940,000

Sec. 129. 2019 c 415 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2020) ~~(((\$28,833,000))~~

\$29,306,000

General Fund—State Appropriation (FY 2021) ~~(((\$12,303,000))~~
\$13,799,000

General Fund—Federal Appropriation ~~(((\$32,512,000))~~
\$33,013,000

General Fund—Private/Local Appropriation \$5,526,000

Economic Development Strategic Reserve Account—State
Appropriation \$330,000

Personnel Service Account—State Appropriation ~~(((\$35,133,000))~~
\$35,360,000

Higher Education Personnel Services Account—State
Appropriation \$1,497,000

Statewide Information Technology System Development
Maintenance and Operations Revolving

Account—State Appropriation ~~(((\$13,298,000))~~
\$32,921,000

Office of Financial Management Central Service Account—
State Appropriation ~~(((\$20,710,000))~~
\$21,118,000

Pension Funding Stabilization Account—State
Appropriation \$2,446,000

Performance Audits of Government Account—State
Appropriation \$678,000

TOTAL APPROPRIATION \$153,266,000

\$175,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) ~~(((\$10,000,000))~~ \$29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for ~~((continuation of readiness activities for))~~ the one Washington program agency financial reporting system replacement, phase 1A core financials.

Of the amounts provided in this subsection:

(i) ~~(((\$7,082,000))~~ \$7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) ~~(((\$459,000))~~ \$1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) \$442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) \$140,000 of the statewide information technology system development revolving account—state appropriation is provided solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) ~~(((\$1,000,000))~~ \$19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how ~~((funding was spent for the prior quarter))~~ funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and

(iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) \$12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) \$12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims database), and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act. ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of ~~((section 719 of this act))~~ section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

- (a) The house;
- (b) The senate;
- (c) The legislative evaluation and accountability program committee;
- (d) The joint legislative audit and review committee; and
- (e) The Washington state institute for public policy.

~~((11)) (((\$345,000 of the statewide information technology system development revolving account—state appropriation is provided solely for modifications to the facilities portfolio management tool to expand the ability to track leases of land, buildings, equipment, and vehicles. This is subject to the conditions, limitations, and review requirements of section 719 of this act.~~

~~((14)))~~ \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

- (a) Fund balance of the information technology pool account;
- (b) Amount by project of funding approved to date and for the last fiscal month;
- (c) Amount by agency of funding approved to date and for the last fiscal month;
- (d) Total amount approved to date and for the last fiscal month; ~~((and))~~
- (e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

~~((15)))~~ (12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

- (a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;
- (b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;
- (c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;
- (d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) \$192,000 of the general fund—state appropriation for fiscal year 2020 and \$288,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

(15) When determining financial feasibility and submitting a request for funds necessary to implement collective bargaining agreements for the 2021-2023 fiscal biennium, the office of financial management should request funds from the state general fund rather than the state wildlife account for the department of fish and wildlife cost. The legislature intends that requests for funds not be made from accounts with insufficient fund balances and where the administering agency lacks the statutory authority to generate additional revenue to the account.

(16) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

(17) The education research and data center must provide data requested by the joint legislative audit and review committee or the Washington state institute for public policy within six months from the date of the initial formal request. The education research

and data center and data contributors must notify the joint committee or the institute in writing if they determine the data request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial formal request.

(18) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and

(d) A summary of the billing methodology for the vendor rates.

(19) \$150,000 of the general fund—state appropriation for fiscal year 2021 and \$150,000 of the general fund—federal appropriation are provided solely for the office to seek an independent audit of the health care authority's administrative costs and expenditures. The audit must be provided to the legislature no later than September 1, 2021, and must include all administrative costs associated with the medicaid program, including, but not limited to costs expended by the authority for:

- (a) Staff necessary to operate the program;
- (b) Administrative costs associated with managed care plan operation;
- (c) Other administrative costs incurred through additional third party administrators or administrators of medicaid or medicaid-related programs; and

(d) Fiscal intermediaries and third party administrators engaged on behalf of the authority.

(20) \$350,000 of the general fund—state appropriation for fiscal year 2021, and \$350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

(a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;

(b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and

(c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

(21) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget,

expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

(22) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

(a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:

(i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;

(ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;

(iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and

(iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

(i) No diploma;

(ii) High school diploma or high school equivalency certificate;

(iii) Some higher education but no degree;

(iv) Associates degree;

(v) Bachelor's degree;

(vi) Graduate degree or higher; and

(vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

(i) Not employed;

(ii) Part-time; and

(iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

Sec. 130. 2019 c 415 s 132 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS	
Administrative Hearings Revolving Account—State	
Appropriation	((\$45,688,000))
	\$47,550,000
TOTAL APPROPRIATION	\$45,688,000
	\$47,550,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations:

(1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 131. 2019 c 415 s 133 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation	(((\$29,854,000))
	<u>\$29,858,000</u>
TOTAL APPROPRIATION	<u>\$29,854,000</u>
	<u>\$29,858,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2019 c 415 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2020)	(((\$401,000))
	<u>\$438,000</u>
General Fund—State Appropriation (FY 2021)	(((\$413,000))
	<u>\$465,000</u>
Pension Funding Stabilization Account—State Appropriation	\$26,000
TOTAL APPROPRIATION	<u>\$840,000</u>
	<u>\$929,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

Sec. 133. 2019 c 415 s 135 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2020)	(((\$318,000))
	<u>\$321,000</u>
General Fund—State Appropriation (FY 2021)	(((\$301,000))
	<u>\$408,000</u>
Pension Funding Stabilization Account—State Appropriation	\$26,000
TOTAL APPROPRIATION	<u>\$645,000</u>
	<u>\$755,000</u>

Sec. 134. 2019 c 415 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—State Appropriation	(((\$60,059,000))
	<u>\$61,964,000</u>
TOTAL APPROPRIATION	<u>\$60,059,000</u>
	<u>\$61,964,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$160,000))~~ \$166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, ~~((2019))~~ 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5350 (optional life annuity). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of chapter 259, Laws of 2019 (E2SHB 1139).

(9) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 135. 2019 c 415 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2020)	(((\$150,681,000))
	<u>\$150,901,000</u>
General Fund—State Appropriation (FY 2021)	(((\$144,287,000))
	<u>\$153,625,000</u>
Timber Tax Distribution Account—State Appropriation	(((\$7,289,000))
	<u>\$7,368,000</u>
Business License Account—State Appropriation	(((\$20,606,000))
	<u>\$20,666,000</u>

Waste Reduction, Recycling, and Litter Control

Account—State Appropriation	\$168,000
Model Toxics Control Operating Account—	
State Appropriation	\$119,000
Financial Services Regulation Account—State	
Appropriation	\$5,000,000
Pension Funding Stabilization Account—State	
Appropriation	\$13,486,000
TOTAL APPROPRIATION	\$341,636,000
	<u>\$351,333,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2)(a) ~~(((\$4,150,000)) \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and (((\$1,921,000)) \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.~~

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, ~~(((\$1,061,000)) \$711,000 of the general fund—state appropriation for fiscal year 2020 and (((\$977,000)) \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.~~

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include ~~((nonvoting)) voting~~ members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside

consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December ~~((4))~~ 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects

located adjacent to the geographic area established by the authority.

Sec. 136. 2019 c 415 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2020)	(\$2,382,000))
	<u>\$2,543,000</u>
General Fund—State Appropriation (FY 2021)	(\$2,421,000))
	<u>\$2,598,000</u>
Pension Funding Stabilization Account—State Appropriation	\$162,000
TOTAL APPROPRIATION	<u>\$4,965,000</u>
	<u>\$5,303,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

Sec. 137. 2019 c 415 s 139 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund—State Appropriation (FY 2020)	\$109,000
General Fund—State Appropriation (FY 2021)	(\$101,000))
	<u>\$760,000</u>
Minority and Women's Business Enterprises Account—State Appropriation	(\$5,347,000))
	<u>\$5,352,000</u>
TOTAL APPROPRIATION	<u>\$5,557,000</u>
	<u>\$6,221,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

Sec. 138. 2019 c 415 s 140 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation	\$4,661,000
Insurance Commissioner's Regulatory Account—State Appropriation	(\$69,673,000))
	<u>\$68,917,000</u>
Insurance Commissioner's Fraud Account—State Appropriation	<u>\$1,784,000</u>
TOTAL APPROPRIATION	<u>\$74,334,000</u>
	<u>\$75,362,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$536,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(2) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1879 (Rx drug utilization management). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$397,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 1075 (consumer competitive group

insurance). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$1,015,000 of the insurance commissioners regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 1065 (out-of-network health). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(5) \$60,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2019 (HB 1001) (service contract providers).

(6) \$84,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 56, Laws of 2019 (SSB 5889) (insurance communications confidentiality).

(7) \$125,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$125,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for staffing and supporting the work of the natural disaster and resiliency workgroup for Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(9) Within the amounts appropriated in this section, the commissioner shall review how pharmacy benefit managers are regulated in other states and report the findings to the governor and appropriate committees of the legislature by September 15, 2019.

(10) \$333,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5601 (health care benefit managers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$1,784,000 of the insurance commissioners fraud account—state appropriation is provided solely for the implementation of Senate Bill No. 6049 (insurance fraud account). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6050 (insurance guaranty fund). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$61,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6051 (medicare part D supplement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$30,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6052 (life insurance/behavior). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$45,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$323,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6331 (captive insurance). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(17) \$15,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6404 (health plans/prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$10,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Second Engrossed Senate Bill No. 5887 (prior authorization). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19)(a) The office of the insurance commissioner and the health care authority shall convene a work group to determine next steps for insurance coverage of specialty palliative care as defined in the Bree collaborative's 2019 palliative care report. The office of the insurance commissioner and the health care authority shall cochair the work group.

(b) The work group shall consist of the executive director of the Bree collaborative; commercial health insurance companies regulated by the office of the insurance commissioner; managed care organizations; the Washington state hospital association; an organization representing palliative care providers; an organization representing home health agencies; an organization representing hospice services; and a pediatric palliative care provider.

(c) The work group shall report its recommendations to the health care committees of the legislature, and the joint legislative executive committee on aging and disability issues by November 1, 2020.

(20) \$23,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$32,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$71,000 of the insurance commissioner's regulatory account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2642 (sub. use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 139. 2019 c 415 s 142 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State Appropriation	(\$60,028,000)
	\$60,101,000
TOTAL APPROPRIATION	\$60,028,000
	\$60,101,000

Sec. 140. 2019 c 415 s 143 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

General Fund—State Appropriation (FY 2020)	(\$356,000)
	\$355,000
General Fund—State Appropriation (FY 2021)	(\$392,000)
	\$566,000
General Fund—Federal Appropriation	(\$3,034,000)
	\$3,035,000
General Fund—Private/Local Appropriation	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	(\$11,662,000)
	\$11,649,000
Dedicated Marijuana Account—State Appropriation	

(FY 2021)	(\$11,625,000)
	\$12,148,000

Pension Funding Stabilization Account—State Appropriation	\$80,000
Liquor Revolving Account—State Appropriation	(\$74,514,000)
	\$74,902,000

TOTAL APPROPRIATION	\$101,738,000
	\$102,810,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for

implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

- (i) The state liquor and cannabis board;
- (ii) The department of ecology;
- (iii) The department of health;
- (iv) The Washington state department of agriculture;
- (v) A state association of counties;
- (vi) A state association of cities; and
- (vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by December 31, 2020.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by December 31, 2020.

Sec. 141. 2019 c 415 s 144 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2020)	\$173,000
General Fund—State Appropriation (FY 2021)	\$123,000
General Fund—Private/Local Appropriation	(\$16,725,000)
	\$16,642,000

Public Service Revolving Account—State Appropriation	(\$41,545,000)
	\$42,054,000

Public Service Revolving Account—Federal Appropriation	\$230,000
--	-----------

Pipeline Safety Account—State Appropriation	(\$3,506,000)
	\$2,571,000

Pipeline Safety Account—Federal Appropriation	(\$3,202,000)
	\$4,163,000

TOTAL APPROPRIATION	\$65,274,000
	\$65,956,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(4))~~ (3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~

~~(6))~~ (4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

~~((7))~~ (5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((8)))~~ (6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((9)))~~ (7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 142. 2019 c 415 s 145 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2020) ~~((\$9,900,000))~~
\$10,101,000

General Fund—State Appropriation (FY 2021)
~~((\$10,269,000))~~
\$11,403,000

General Fund—Federal Appropriation ~~((\$118,165,000))~~
\$119,228,000

Enhanced 911 Account—State Appropriation ~~((\$43,745,000))~~
\$43,746,000

Disaster Response Account—State Appropriation
~~((\$28,774,000))~~
\$49,998,000

Disaster Response Account—Federal Appropriation
~~((\$97,048,000))~~
\$134,058,000

Military Department Rent and Lease Account—State
 Appropriation ~~((\$615,000))~~
\$1,066,000

Military Department Active State Service Account—State
 Appropriation \$400,000

Oil Spill Prevention Account—State Appropriation
 \$1,040,000

Worker and Community Right to Know Fund—State
 Appropriation ~~((\$1,848,000))~~
\$1,849,000

Pension Funding Stabilization Account—State
 Appropriation \$1,244,000

TOTAL APPROPRIATION \$313,048,000
\$374,133,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees ~~((on))~~ by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local

jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 and \$625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) ~~((\$464,000))~~ \$659,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$464,000))~~ \$2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install ~~((sixteen))~~ thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

Sec. 143. 2019 c 415 s 146 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2020)	((2,238,000))
	\$2,237,000
General Fund—State Appropriation (FY 2021)	((2,283,000))
	\$2,291,000
Personnel Service Account—State Appropriation	((4,282,000))
	\$4,343,000
Higher Education Personnel Services Account—State Appropriation	((1,410,000))
	\$1,412,000
Pension Funding Stabilization Account—State Appropriation	\$228,000
TOTAL APPROPRIATION	\$10,441,000
	\$10,511,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 144. 2019 c 415 s 148 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State Appropriation	((3,631,000))
	\$3,833,000
TOTAL APPROPRIATION	\$3,631,000
	\$3,833,000

Sec. 145. 2019 c 415 s 147 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	((1,020,000))
	\$1,121,000
TOTAL APPROPRIATION	\$1,020,000
	\$1,121,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

Sec. 146. 2019 c 415 s 149 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State Appropriation	((692,000))
	\$746,000
TOTAL APPROPRIATION	\$692,000
	\$746,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

Sec. 147. 2019 c 415 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2020)	((4,732,000))
	\$4,810,000
General Fund—State Appropriation (FY 2021)	((4,795,000))
	\$6,324,000
General Fund—Private/Local Appropriation	\$102,000
Building Code Council Account—State Appropriation	((1,519,000))
	\$1,966,000
TOTAL APPROPRIATION	\$11,148,000
	\$13,202,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((4,371,000))~~ \$4,343,000 of the general fund—state appropriation for fiscal year 2020 and ~~((4,371,000))~~ \$4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) ~~(((\$5,000))~~ \$45,000 of the general fund—state appropriation for fiscal year 2020 ~~((=))~~ and \$70,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a legislative work group to study and make recommendations on a monument on the capital campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by ~~((November 1, 2020))~~ June 30, 2021.

~~((9) ((The department may expend private local funds for new signage designating the Joan Benoit Samuelson marathon park if the private local funds are received for that specific purpose. ((10))~~

~~((10))~~(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type

of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

~~((44))~~ (10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) \$447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 148. 2019 c 415 s 151 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2020)	(\$1,926,000))
	<u>\$2,133,000</u>
General Fund—State Appropriation (FY 2021)	(\$1,979,000))
	<u>\$2,328,000</u>
General Fund—Federal Appropriation	(\$2,150,000))
	<u>\$2,300,000</u>
General Fund—Private/Local Appropriation	\$14,000
Pension Funding Stabilization Account—State Appropriation	\$136,000
TOTAL APPROPRIATION	<u>\$6,205,000</u>
	<u>\$6,911,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

Sec. 149. 2019 c 415 s 152 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2020)	\$188,000
General Fund—State Appropriation (FY 2021)	\$188,000
Consolidated Technology Services Revolving Account—State Appropriation	(\$25,048,000))
	<u>\$29,522,000</u>
((Consolidated Technology Services Revolving Nonappropriated Account State Appropriation	\$244,176,000))
TOTAL APPROPRIATION	<u>\$269,600,000</u>

\$29,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$12,297,000))~~ \$11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) ~~(\$2,000,000))~~ \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are subject to the provisions of ~~((section 719 of this act))~~ section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) ~~(\$12,751,000))~~ \$13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) ~~(((\$1,524,000 of the consolidated technology services revolving account—non appropriated is provided solely for the logging and monitoring project and is subject to the conditions, limitations, and review provided in section 719 of this act.~~

~~((9)))~~ \$750,000 of the ((general fund—state appropriation for fiscal year 2020)) consolidated technology services revolving

account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

~~((49))~~ (9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

((10)) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

Sec. 150. 2019 c 415 s 153 (uncodified) is amended to read as follows:

FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineers' Account—State Appropriation

~~(((\$4,863,000))~~

\$5,534,000

TOTAL APPROPRIATION

\$4,863,000

\$5,534,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,172,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(2) \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.~~

Sec. 151. 2019 c 415 s 141 (uncodified) is amended to read as follows:

FOR THE LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' PLAN 2 RETIREMENT BOARD

General Fund—State Appropriation (FY 2020) \$50,000

Law Enforcement Officers' and Firefighters' Plan 2

Expense Nonappropriated Fund—State Appropriation \$50,000

TOTAL APPROPRIATION \$100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The \$50,000 general fund—state appropriation in this section is for the law enforcement officers' and firefighters' retirement system plan 2 board to study the tax, legal, fiscal, policy, and administrative issues related to allowing tribal law enforcement officers to become members of the law enforcement officers' and firefighters' plan 2 retirement system. This funding is in addition to other expenditures in the nonappropriated law enforcement officers' and firefighters' retirement system plan 2 expense account. In preparing this study, the department of retirement systems, the attorney general's office, and the office of the state actuary shall provide the board with any information or assistance the board requests. The board shall also receive stakeholder input as part of its deliberation. The board shall submit a report of the results of this study to the legislature by January 1, 2020.

(2) \$50,000 of the law enforcement officers' and firefighters' plan 2 expense nonappropriated fund—state appropriation is provided solely for a study of the pension benefits provided to emergency medical technicians providing services in King county between October 1, 1978 and January 1, 2003. The board shall examine the legal and fiscal implications of extending membership in the plan for these periods, including King county employers that might be included, the benefits that would be paid to members on a prospective and retroactive basis, and the contribution requirements and plan liability that would be created for employers, employees, and the state.

PART II

HUMAN SERVICES

Sec. 201. 2019 c 415 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund

moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year 2020.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

Sec. 202. 2019 c 415 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) INSTITUTIONAL SERVICES

General	Fund—State	Appropriation	(FY 2020)
			((\$117,745,000))
			<u>\$423,815,000</u>
General	Fund—State	Appropriation	(FY 2021)
			((\$117,578,000))
			<u>\$440,131,000</u>

General Fund—Federal Appropriation	((\$117,745,000))
	<u>\$119,930,000</u>
General Fund—Private/Local Appropriation	((\$27,800,000))
	<u>\$26,965,000</u>
Pension Funding Stabilization Account—State Appropriation	\$33,300,000
TOTAL APPROPRIATION	<u>\$997,163,000</u>
	<u>\$1,044,141,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this

information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) ~~(\$2,982,000)~~ \$2,097,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,199,000)~~ \$3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion

and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) ~~(\$67,463,000)~~ \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,463,000)~~ \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. ~~((Of the amounts provided in each fiscal year, \$33,102,000 is provided on a one-time basis.))~~

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) \$4,262,000 of the general fund—state appropriation for fiscal year 2021 and \$2,144,000 of the general fund—federal appropriation are provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(o) Within the amounts provided in this subsection, the department must facilitate the development of a volunteer support group and create a pilot program to encourage the visitation of patients by families and loved ones.

(i) The department must organize and coordinate the activities of a volunteer support group. The activities of the support group may include but are not limited to raising funds and providing support for (A) assisting family members who want to visit western state hospital with transportation and housing costs; (B) increasing patient opportunities to participate in activities such as arts and crafts, library, sports, and music; (C) allowing for the provision of service dogs to live at western state hospital; and (D) engaging in education about western state hospital to the public and public officials.

(ii) The department must establish a pilot program to increase visitation by families and loved ones. The department must designate a staff person to coordinate the pilot program. The pilot program shall: (A) Direct western state hospital staff at all levels that families will be encouraged to visit selected patients; (B) allow for the decision on whether a patient and or family would benefit from a visit to be made by a patients clinical care team; (C) facilitate communication between case workers and families and loved ones regarding invitations to visit; (D) provide for a welcoming space for family visits to occur in a location outside of the patient's ward; and (E) arrange, within available resources, for travel and accommodation subsidies for families of limited means.

(p) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

(q) \$1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

(r) \$1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)	(\$5,884,000)
	\$5,812,000
General Fund—State Appropriation (FY 2021)	(\$5,763,000)
	\$5,736,000
General Fund—Federal Appropriation	\$315,000
TOTAL APPROPRIATION	\$11,962,000
	\$11,863,000

Sec. 203. 2019 c 415 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, 2020, unless prohibited by this act, the department may transfer appropriations for fiscal year 2020 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2020)	(\$737,825,000)
	\$732,559,000
General Fund—State Appropriation (FY 2021)	(\$803,041,000)
	\$810,256,000
General Fund—Federal Appropriation	(\$1,591,789,000)
	\$1,579,826,000
General Fund—Private/Local Appropriation	\$4,024,000
Pension Funding Stabilization Account—State Appropriation	\$6,364,000
Developmental Disability Community Trust Account—State Appropriation	\$1,000,000
TOTAL APPROPRIATION	\$3,143,043,000
	\$3,134,029,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are

anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$41,933,000)~~ \$44,855,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$60,976,000)~~ \$63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with developmental disabilities. The amounts in this subsection (l)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

~~((m))~~ (m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

~~((n))~~ (n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

~~((o))~~ (o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

~~((p))~~ (p) \$63,000 of the general fund—state appropriation for fiscal year 2020, \$44,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$62,000)~~ \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

~~((q))~~ (q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

~~((r))~~ (r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

~~((s))~~ (s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

~~((t))~~ (t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are

provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((w))~~ (u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family ~~((homes))~~ homes specialty services).

~~((v))~~ (v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

~~((z))~~ (w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

~~((aa))~~ (x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

~~((bb))~~ (y) \$51,000 of the general fund—state appropriation for fiscal year 2020, ~~((54,000))~~ \$108,000 of the general fund—state appropriation for fiscal year 2021, and ~~((134,000))~~ \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

~~((cc))~~ (z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$120,000 of the general fund—state appropriation for fiscal year 2021, and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) \$145,000 of the general fund—state appropriation for fiscal year 2020, \$146,000 of the general fund—state appropriation for fiscal year 2021, and \$214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) \$6,000 of the general fund—state appropriation for fiscal year 2021 and \$4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

~~((2))~~ (3) INSTITUTIONAL SERVICES

General Fund—State	Appropriation	(FY 2020)
		((119,201,000))
		<u>\$119,274,000</u>
General Fund—State	Appropriation	(FY 2021)
		((120,511,000))
		<u>\$120,754,000</u>
General Fund—Federal Appropriation		((233,122,000))
		<u>\$233,430,000</u>
General Fund—Private/Local Appropriation		\$27,041,000
Pension Funding Stabilization Account—State Appropriation		\$11,396,000
TOTAL APPROPRIATION		<u>\$511,271,000</u>
		<u>\$511,895,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

~~((3))~~ (4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) ~~((2,558,000))~~
\$2,536,000

General Fund—State Appropriation (FY 2021) ~~((2,660,000))~~
\$2,640,000

General Fund—Federal Appropriation ~~((3,080,000))~~
\$3,203,000

Pension Funding Stabilization Account—State
 Appropriation \$270,000

TOTAL APPROPRIATION \$8,568,000
\$8,649,000

~~((4))~~ (5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020) \$62,000

General Fund—State Appropriation (FY 2021) \$62,000

General Fund—Federal Appropriation \$1,092,000

Pension Funding Stabilization Account—State
 Appropriation \$4,000

TOTAL APPROPRIATION \$1,220,000

Sec. 204. 2019 c 415 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2020)
~~((1,313,688,000))~~
\$1,320,605,000

General Fund—State Appropriation (FY 2021)
~~((1,454,323,000))~~
\$1,482,768,000

General Fund—Federal Appropriation ~~((3,465,113,000))~~
\$3,457,726,000

General Fund—Private/Local Appropriation ~~((37,765,000))~~
\$37,729,000

Traumatic Brain Injury Account—State Appropriation
 \$4,558,000

Skilled Nursing Facility Safety Net Trust Account—
 State Appropriation \$133,360,000

Pension Funding Stabilization Account—State
 Appropriation \$12,392,000

Long-Term Services and Supports Trust Account—State
 Appropriation ~~((2,437,000))~~
\$2,937,000

TOTAL APPROPRIATION \$6,423,636,000
\$6,452,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed ~~((220.37))~~ \$229.10 for fiscal year 2020 and may not exceed ~~((251.49))~~ \$250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than ~~((\$102,880,000))~~ \$79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, ~~((\$446,000))~~ \$1,761,000 of the general fund—state appropriation for fiscal year 2021, and ~~((\$896,000))~~ \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide

educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and ~~((\$543,000))~~ \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in ~~((section 719 of this act))~~ section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) ~~((\$2,437,000))~~ \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, ~~((\$217,000))~~ \$717,000 is provided solely for a contract with the

state actuary. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$317,000))~~ \$634,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$794,000))~~ \$1,198,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

~~(((\$34)))~~ (30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more ~~((medicare))~~ medicaid clients.

~~(((\$32)))~~ (31) \$375,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$375,000))~~ \$637,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$750,000))~~ \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

~~(((\$33)))~~ (32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(34) \$926,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based resources for dementia education and support in two areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their family caregivers.

(35) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(36) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(37)(a) The department is authorized, when granting a limited exception to a nursing facility from the registered nurse coverage requirement under the process described in RCW 74.42.360(3)(b), to consider the competitiveness of wages and benefits offered by the facility as compared to nursing facilities with comparable geographic or metropolitan areas within Washington state and the provider's recruitment and retention efforts.

(b) In addition to the review required in RCW 74.42.360(3)(b)(ii), the department, along with a stakeholder work group, shall conduct a review of the exceptions process to determine if it is still necessary. As part of this review, the department shall provide the legislature with a report that includes enforcement and citation data for facilities that received an exception in the three previous fiscal years compared to comparable facilities that did not receive an exception. The report must include a similar comparison of data, provided to the department by the long-term care ombuds, on long-term care ombuds referrals for facilities that were granted an exception in the three previous fiscal years versus those without an exception. This report, along with a recommendation as to whether the exceptions process should continue, is due to the legislature no later than June 30, 2021.

(38) \$1,364,000 of the general fund—state appropriation for fiscal year 2021 and \$1,633,000 of the general fund—federal appropriation are provided solely to increase rates for specialized dementia care services.

(39) \$77,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(40) \$17,000 of the general fund—state appropriation for fiscal year 2021 and \$12,000 of the general fund—federal appropriation is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

Sec. 205. 2019 c 415 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation	(FY 2020)
	(\$362,649,000)
	<u>\$354,021,000</u>
General Fund—State Appropriation	(FY 2021)
	(\$365,538,000)
	<u>\$364,531,000</u>
General Fund—Federal Appropriation	(\$1,453,819,000)
	<u>\$1,460,971,000</u>
General Fund—Private/Local Appropriation	\$5,416,000
Domestic Violence Prevention Account—State Appropriation	\$2,404,000
Pension Funding Stabilization Account—State Appropriation	(\$26,754,000)
	<u>\$26,349,000</u>
Administrative Contingency Account—State Appropriation	\$4,000,000
TOTAL APPROPRIATION	<u>\$2,220,580,000</u>

\$2,217,692,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(\$77,346,000)~~ \$67,875,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$74,058,000)~~ \$68,063,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$808,761,000)~~ \$835,701,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and ~~(\$5,662,000)~~ \$5,585,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) ~~(\$266,668,000)~~ \$265,980,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(c)(i) ~~(\$158,316,000)~~ \$155,622,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) \$2,430,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(d) ~~(\$4)~~ \$353,402,000 of the general fund—federal appropriation is for the working connections child care program

under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) ~~(\$122,945,000))~~ \$137,723,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~(If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)~~

(iii) Of the amount in (f) of this subsection, \$284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(iv) Of the amount in (f) of this subsection, \$291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) \$3,682,000 of the general fund—state appropriation for fiscal year 2020, \$1,344,000 of the general fund—state appropriation for fiscal year 2021, and \$10,333,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and ~~((are))~~ implementation of a disaster recovery plan. The funding is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) ~~(((\$996,000))~~ \$748,000 of the general fund—state appropriation for fiscal year 2020, \$2,930,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$775,000))~~ \$576,000 of the general fund—federal appropriation are provided solely to ~~((begin implementing))~~ implement an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) \$164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14)(a) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff and information technology costs associated with extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The department must coordinate system changes with the health care authority and the health benefit exchange.

(15) \$1,121,000 of the general fund—state appropriation for fiscal year 2021 and \$1,107,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(16) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

Sec. 206. 2019 c 415 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General	Fund—State	Appropriation	(FY 2020)
			(((\$16,656,000))
			<u>\$16,663,000</u>
General	Fund—State	Appropriation	(FY 2021)
			(((\$17,605,000))
			<u>\$17,632,000</u>
General Fund—Federal	Federal Appropriation		(((\$109,571,000))

Pension Funding Stabilization Account—State	
Appropriation	\$2,024,000
TOTAL APPROPRIATION	<u>\$145,856,000</u>
	<u>\$145,914,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

Sec. 207. 2019 c 415 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General	Fund—State	Appropriation	(FY 2020)
			(((\$53,965,000))
			<u>\$52,711,000</u>
General	Fund—State	Appropriation	(FY 2021)
			(((\$54,800,000))
			<u>\$53,921,000</u>

Pension Funding Stabilization Account—State	
Appropriation	\$4,580,000
TOTAL APPROPRIATION	<u>\$113,345,000</u>
	<u>\$111,212,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and \$784,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.

(3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.

(4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

Sec. 208. 2019 c 415 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General	Fund—State	Appropriation	(FY 2020)
			(((\$31,403,000))
			<u>\$31,806,000</u>

General Fund—State Appropriation	(FY 2021)
	(((\$32,427,000))
	<u>\$36,863,000</u>
General Fund—Federal Appropriation	(((\$44,592,000))
	<u>\$48,142,000</u>
Pension Funding Stabilization Account—State Appropriation	(((\$6,044,000))
	<u>\$6,449,000</u>
TOTAL APPROPRIATION	<u>\$114,466,000</u>
	<u>\$123,260,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

Sec. 209. 2019 c 415 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation	(FY 2020)
	(((\$36,426,000))
	<u>\$36,524,000</u>
General Fund—State Appropriation	(FY 2021)
	(((\$38,154,000))
	<u>\$41,064,000</u>
General Fund—Federal Appropriation	(((\$41,143,000))
	<u>\$42,178,000</u>
TOTAL APPROPRIATION	<u>\$115,723,000</u>
	<u>\$119,766,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(2) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

Sec. 210. 2019 c 415 s 210 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

assumptions, the authority may transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

Sec. 211. 2019 c 415 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
MEDICAL ASSISTANCE**

General Fund—State	Appropriation (FY 2020)	((\$2,281,076,000))
		<u>\$2,378,633,000</u>
General Fund—State	Appropriation (FY 2021)	((\$2,325,882,000))
		<u>\$2,440,100,000</u>
General Fund—Federal	Appropriation ((\$11,597,642,000))	<u>\$12,319,236,000</u>
General Fund—Private/Local	Appropriation ((\$285,918,000))	<u>\$246,218,000</u>
Emergency Medical Services and Trauma Care Systems		
Trust Account—State	Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State	Appropriation	((\$721,718,000))
		<u>\$715,909,000</u>
Medicaid Fraud Penalty Account—State	Appropriation	((\$10,364,000))
		<u>\$10,208,000</u>
Dedicated Marijuana Account—State	Appropriation (FY 2020)	((\$18,951,000))
		<u>\$20,870,000</u>
Dedicated Marijuana Account—State	Appropriation (FY 2021)	((\$19,341,000))
		<u>\$20,953,000</u>
Pension Funding Stabilization Account—State	Appropriation	\$4,544,000
Medical Aid Account—State	Appropriation	\$538,000
TOTAL APPROPRIATION		<u>\$17,281,060,000</u>
		<u>\$18,172,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with

other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ((~~\$305,659,000~~)) \$153,357,000 of the general fund—federal appropriation and no more than ((~~\$157,284,000~~)) \$86,190,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than \$79,829,000 of the general fund—federal appropriation may be expended for supported housing and

employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$89,476,000 of the general fund—federal appropriation and no more than \$36,548,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical

utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13) ~~(\$6,000,000)~~ (a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(((\$37,000))~~ \$759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$22,000))~~ \$740,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise

end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(28) Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care – primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face-to-face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.

(29)(a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the

fiscal year close process following generally accepted accounting practices.

(30) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(31) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$300,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

(32) Within the amounts appropriated in this section, the authority shall reimburse for maternity ~~((support))~~ services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

(33) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

- (a) Reimbursement for telemedicine;
- (b) Reimbursement for social work for clients with behavioral health needs;
- (c) An additional add-on for services in rural or underserved areas;
- (d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;
- (e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and
- (f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

(34) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

(35) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

amount, is provided solely for medication interaction services through the Washington state poison center.

(36) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

- (a) Outlines several options for increasing the threshold;
- (b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and
- (c) Identifies any technical challenge or limitations of changes to the threshold.

(37) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(38) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

(39) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

(40) ~~(((\$400,000)) \$439,000 of the general fund—state appropriation for fiscal year 2020 ((is)) and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Bill No. 5526 (individual health insurance market). ((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$290,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$165,000)) \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium. ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(43) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

(45) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the

intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

- (a) The progress of the procurement;
- (b) The estimated savings resulting from lower medication costs;
- (c) Funding needed for public health interventions to eliminate the hepatitis C virus;
- (d) The current status of treatment; and
- (e) A plan to implement the elimination effort.

(46) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(47) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(48) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(49) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

(50) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

- (a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(51) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

(52) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

(53) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

(54) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

(55) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

(56) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

(57) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. ~~(((\$500,000))~~ \$338,000 of the general fund—state appropriation for fiscal year 2020 ~~((=))~~ and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

(58) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(59) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

(60) \$612,000 of the general fund—state appropriation for fiscal year 2021 and \$1,088,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate to ensure access to health care services for medicaid patients.

(61) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.

(62)(a) \$1,192,000 of the general fund—state appropriation for fiscal year 2020 and \$3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The

authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4 methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(63) \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(64) \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees

eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for mental health training for maternity support services and infant case managers across the state. The authority must use the amounts provided in this subsection for scholarships or other support for training that assists maternity support services and infant case management providers in identification, referral, and provision of culturally competent, evidence-based mental health interventions.

(69) \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

(70) \$66,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(72) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

(73) \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(74) \$331,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to an organization managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing feedback to health care organizations.

(75) \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

(76)(a) Within amounts provided in this section, the authority must establish a primary care collaborative. The authority shall invite representatives from at least the following to participate:

- (i) Health care consumers;
- (ii) Behavioral health treatment providers;
- (iii) Employers that offer self-insured health benefit plans;
- (iv) The office of the insurance commissioner;
- (v) Medicaid-managed care organizations;
- (vi) Commercial health insurance carriers;
- (vii) The University of Washington school of medicine;
- (viii) The Elson S. Floyd college of medicine;
- (ix) The Pacific Northwest University of Health Sciences;
- (x) A statewide organization representing federally qualified health centers;
- (xi) A statewide organization representing hospitals and health systems;
- (xii) A statewide organization representing local public health districts;
- (xiii) A statewide professional association for family physicians;
- (xiv) A statewide professional association for pediatricians;
- (xv) A statewide professional association for physicians;
- (xvi) A statewide professional association for nurse practitioners; and

(xvii) The centers for medicare and medicaid services.

(b) By December 1, 2020, the collaborative shall report findings and recommendations, including any recommended statutory changes, to the governor and appropriate committees of the legislature regarding statewide spending on primary care, addressing:

- (i) How to define "primary care" for purposes of determining current and desired levels of primary care spending by public and private payers as a proportion of overall health care spending;
- (ii) Barriers to the access and use of all the data needed to determine current and desired levels of primary care spending, and how to overcome them;
- (iii) What the desired level of primary care spending is in this state, and the annual progress needed to achieve that level of spending in a reasonable period of time;
- (iv) How and by whom it should annually be determined whether desired levels of primary care spending are being achieved;
- (v) Methods to incentivize the achievement of desired levels of primary care spending;

(vi)(A) Specific practices and methods of reimbursement to achieve and sustain desired levels of primary care spending, including but not limited to: Supporting advanced, integrated primary care involving a multidisciplinary team of health and social service professionals; addressing social determinants of health within the primary care setting; leveraging innovative uses

of efficient, interoperable health information technology; increasing the primary care workforce; and reinforcing to patients the value of primary care, and eliminating any barriers to access.

(B) As much as possible, the practices and methods specified must hold primary care providers accountable for improved health outcomes, not increase the administrative burden on primary care providers or overall health care spending in the state, allow for uniform implementation across payers, and take into account differences in urban and rural delivery settings; and

(vii) The ongoing role of the collaborative in guiding and overseeing the development and application of primary care spending targets, and the implementation and evaluation of strategies to achieve them.

(c) In developing its report, the collaborative shall be informed by existing work in this state and others regarding primary care, including but not limited to the December 2019 report by the office of financial management, the work of the Bree collaborative, the work of the AIMS center and the center for health workforce studies at the University of Washington, and the work of the health care authority to strengthen primary care within state purchased health care.

(77) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(78) \$1,857,000 of the general fund—state appropriation for fiscal year 2021 and \$3,146,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective in January 2021 and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in Engrossed House Bill No. 2584 (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to fifteen percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning in calendar year 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (79) of this section.

(79) \$9,922,000 of the general fund—state appropriation for fiscal year 2021 and \$19,072,000 of the general fund—federal appropriation are provided solely to maintain and increase access

for primary care services for medicaid-enrolled patients through increased provider rates beginning January 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least fifteen percent above medical assistance rates in effect on January 1, 2020;

(b) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least twenty-one percent above medical assistance rates in effect on January 1, 2020;

(c) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(d) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2020; and

(e) Not duplicate rate increases provided in subsection (78) of this section.

(80) \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

(81) \$100,000 of the general fund—state appropriation for fiscal year 2021 and \$100,000 of the general fund—federal appropriation are provided solely for the authority to lead, in coordination with the department of health and other agencies and purchasers, a comprehensive procurement strategy for the purchase of HIV antiviral drugs. The authority is directed to develop a strategy to cover antiviral drugs with preferred status and without any prior authorization or expedited prior authorization requirements or protocols. The authority is directed to collaborate with agencies and issue a single request for proposals for a joint, value-based purchasing agreement for HIV antiviral drugs from one or more pharmaceutical manufacturers in January 2021. This joint purchasing agreement will aim to reduce the costs of the drugs, increase the numbers of Washingtonians treated, and improve the health outcomes of people living with HIV. The authority is directed to collaborate with other state agencies, and to engage multi-state or national organizations, to develop a strategy to assess the interest and ability of extending the state's purchasing and public health strategy to not only Washington's other major purchasers of health care and commercial insurers, but also other states or purchasers. This work may include either working to partner with a multi-state collaborative or other states individually. The authority shall work with Washington's health benefit exchange and the office of the insurance commissioner to explore purchasing options for the health insurance markets.

(82)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an

organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than \$25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

(83) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

(84) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6088 (Rx drug affordability board). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(85) \$2,362,000 of the general fund—state appropriation for fiscal year 2021 and \$4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

(86) \$242,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6128 (postpartum period/medicaid). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The funding in this subsection is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage. The authority must coordinate system changes with the department of social and health services and the health benefit exchange.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Sec. 212. 2019 c 415 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
PUBLIC EMPLOYEES' BENEFITS BOARD AND
EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—State Appropriation	((\$35,274,000))
	\$37,604,000
TOTAL APPROPRIATION	\$35,274,000
	\$37,604,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(6) \$1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189

(SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

(7) \$149,000 of the state health care authority administrative account—state appropriation is provided solely for a full-time equivalent employee dedicated to work on retiree health care. The authority will provide any necessary information to the office of the state actuary to support an analysis of medicare eligible health care benefits. The authority will convene a stakeholder work group to discuss the plans available to medicare eligible retirees. The stakeholder work group, at a minimum, must include representatives of the office of financial management and representatives of the largest associations representing retirees receiving benefits under the public employees' benefits board. The work group shall identify priorities and preferences that should be considered if changes were made to the medicare eligible retiree plans. A summary of the work group's feedback must be provided to the office of the state actuary by September 1, 2020.

Sec. 213. 2019 c 415 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—State Appropriation	((\$25,343,000))
	\$27,766,000
TOTAL APPROPRIATION	\$25,343,000
	\$27,766,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) \$2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 214. 2019 c 415 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020)	\$6,407,000
--	-------------

General Fund—State Appropriation (FY 2021)	(\$5,234,000)
	\$5,659,000
General Fund—Federal Appropriation	(\$52,128,000)
	\$50,055,000
Health Benefit Exchange Account—State Appropriation	(\$57,720,000)
	\$60,117,000
TOTAL APPROPRIATION	\$121,489,000
	\$122,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9)(a) \$325,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff and information technology costs associated with system changes required in preparation for extending health care coverage for an additional ten months for postpartum persons who are eligible under pregnancy eligibility rules at the end of the sixty day postpartum period, to provide a total of twelve months postpartum coverage.

(b) The exchange must coordinate system changes with the department of social and health services and the health care authority.

(10) \$100,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

Sec. 215. 2019 c 415 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)	(\$556,003,000)
	\$579,402,000
General Fund—State Appropriation (FY 2021)	(\$604,424,000)
	\$652,344,000
General Fund—Federal Appropriation	(\$1,966,699,000)
	\$2,076,337,000
General Fund—Private/Local Appropriation	\$36,513,000
Criminal Justice Treatment Account—State Appropriation	(\$12,986,000)
	\$17,486,000
Problem Gambling Account—State Appropriation	(\$1,461,000)
	\$1,961,000
Medicaid Fraud Penalty Account—State Appropriation	\$51,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$28,490,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$28,493,000
Pension Funding Stabilization Account—State Appropriation	\$1,714,000
TOTAL APPROPRIATION	\$3,236,834,000
	\$3,422,791,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) ~~(\$8,777,000)~~ \$7,657,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$10,424,000)~~ \$11,544,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$81,930,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$81,930,000)~~ \$85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency

housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in

administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, \$10,015,000 of the general fund—state appropriation for fiscal year 2021, and \$12,965,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, \$36,095,000 of the general fund—state appropriation for fiscal year 2021, and ~~(((\$60,644,000))~~ \$46,889,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. ((The)) In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report. ((The authority in collaboration with the Washington state hospital association must convene a work group to develop a methodology for reimbursing community hospitals serving these clients. In developing this methodology, the authority must account for cost structure differences between teaching hospitals and other hospital types. The authority must provide a report to the appropriate committees of the legislature by December 1, 2019. The report must:

- (a) Describe the methodology developed by the work group;
- (b) Identify cost differences between teaching hospitals and other hospital types;
- (c) Provide options for incentivizing community hospitals to offer long-term inpatient care beds day beds including a rate recommendation;
- (d) Identify the cost associated with any recommended changes in rates or rate setting methodology; and

(e) Outline an implementation plan.))

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(c) The authority must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, on the impact of the rate increases provided in fiscal year 2021 on long-term psychiatric inpatient provider capacity and utilization. The report must also include information on short-term psychiatric inpatient provider capacity and utilization and clearly identify which providers increased overall capacity and which converted short-term to long-term beds.

(d) It is the intent of the legislature that future rate increases for long-term inpatient providers be informed by the health care growth benchmark established by the health care cost transparency board pursuant to Second Substitute House Bill No. 2457 (health care cost board). The legislature also intends to prioritize future rate increases for providers that increase their overall psychiatric inpatient capacity and utilization.

(e) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) (~~(\$24,819,000)~~) \$29,288,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health ((organization)) entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to

receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health ((organization)) entities where the individual resides. If a behavioral health ((organization)) entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services). ~~((If the bill is not enacted by June 30, 2019, the amount in this subsection shall lapse.))~~

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill. ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or

waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, \$3,396,000 of the general fund—state appropriation for fiscal year 2021, and \$12,150,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal ~~((year))~~ year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning ~~((January))~~ July 1, 2020, in

accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) ~~(((\$250,000)) \$250,000 of the general fund—state appropriation for fiscal year 2020 ((and \$250,000 of the general fund—state appropriation for fiscal year 2021 are)) is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.~~

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$225,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020, \$18,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts in this subsection shall lapse.))~~

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(53) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-

time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

(54) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

(55) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

(56) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for training support grants for community mental health and substance abuse providers. The authority must implement these services in partnership with and through the regional accountable communities of health or the University of Washington behavioral health institute. The grants must provide flexible funding for training and mentoring of clinicians serving children and youth. The authority must consult with stakeholders, including but not limited to, behavioral health experts in services for children and youth, providers, and consumers, to develop guidelines for how the funding could be used, with a focus on evidence-based and promising practices, continuing education requirements, and quality-monitoring infrastructure.

(57) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

(58) \$281,000 of the general fund—state appropriation for fiscal year 2020, \$259,000 of the general fund—state appropriation for fiscal year 2021 and \$1,285,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(59) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(60) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(61) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(62) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

(63) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(64) \$864,000 of the general fund—state appropriation for fiscal year 2021 and \$1,788,000 of the general fund—federal appropriation are provided solely for the implementation of

Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(65) \$200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

(67) \$1,260,000 of the general fund—state appropriation for fiscal year 2021 and \$840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

(68) \$2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

(69) \$846,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a statewide pilot project to provide increased access to emergent and nonemergent transportation to secure withdrawal management and stabilization services facilities under the involuntary treatment act for individuals detained with substance use disorders. The authority shall review the implementation of the statewide pilot and provide a report to the legislature no later than December 15, 2020, to include data on costs and the increased number of trips.

(70) \$15,000 of the general fund—state appropriation for fiscal year 2021 and \$15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

(71) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and

attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.

(72) \$4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(73) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

(74) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.

(75) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(76) \$1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

(f) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

Sec. 216. 2019 c 415 s 216 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2020) ((\$2,510,000))	\$2,510,000
General Fund—State Appropriation (FY 2021) ((\$2,543,000))	\$2,543,000
General Fund—Federal Appropriation ((\$2,613,000))	\$2,613,000
Pension Funding Stabilization Account—State Appropriation	\$190,000
TOTAL APPROPRIATION	\$7,856,000
	\$8,441,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(2) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 217. 2019 c 415 s 217 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right to Know Fund—State Appropriation	\$10,000
Accident Account—State Appropriation ((\$24,326,000))	

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

	<u>\$24,437,000</u>
Medical Aid Account—State Appropriation	(((\$24,327,000))
	<u>\$24,438,000</u>
TOTAL APPROPRIATION	<u>\$48,663,000</u>
	<u>\$48,885,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

Sec. 218. 2019 c 415 s 218 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation	(FY 2020)
	(((\$25,649,000))
	<u>\$27,447,000</u>
General Fund—State Appropriation	(FY 2021)
	(((\$25,697,000))
	<u>\$31,639,000</u>
General Fund—Private/Local Appropriation	(((\$6,630,000))
	<u>\$7,339,000</u>
Death Investigations Account—State Appropriation	\$682,000
Municipal Criminal Justice Assistance Account—State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation	\$8,167,000
24/7 Sobriety Account—State Appropriation	\$20,000
Pension Funding Stabilization Account—State Appropriation	\$460,000
TOTAL APPROPRIATION	<u>\$67,765,000</u>
	<u>\$76,214,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) ~~(((\$2,248,000))~~ \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,269,000))~~ \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing ~~((nine))~~ eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least ~~((two))~~ three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) ~~(((\$429,000))~~ \$1,179,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$429,000))~~ \$1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) ~~(((\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$75,000))~~ \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase ~~((of seven tenths of one percent))~~ for the Washington association of sheriffs and police chiefs.

(11) \$2,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

(17) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Substitute Senate Bill No. 6570 (law enforcement officer mental health and wellness). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 219. 2019 c 415 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State	Appropriation	(FY 2020)	(\$13,107,000))
			\$14,426,000
General Fund—State	Appropriation	(FY 2021)	(\$11,696,000))
			\$26,698,000
General Fund—Federal	Appropriation		\$11,876,000
Asbestos Account—State	Appropriation		\$590,000
Electrical License Account—State	Appropriation		(\$58,068,000))
			\$58,124,000
Farm Labor Contractor Account—State	Appropriation		\$28,000
Worker and Community Right to Know Fund—			
State	Appropriation		\$1,039,000
Construction Registration Inspection Account—			
State	Appropriation		(\$23,888,000))
			\$25,453,000
Public Works Administration Account—State			
Appropriation			(\$10,988,000))
			\$11,001,000
Manufactured Home Installation Training Account—			
State	Appropriation		\$412,000

Pension Funding Stabilization Account—State	Appropriation		\$1,434,000
Accident Account—State	Appropriation	(\$392,548,000))	\$396,164,000
Accident Account—Federal	Appropriation	(\$15,674,000))	\$16,439,000
Medical Aid Account—State	Appropriation	(\$397,545,000))	\$399,802,000
Medical Aid Account—Federal	Appropriation	(\$3,515,000))	\$3,650,000
Plumbing Certificate Account—State	Appropriation	(\$2,004,000))	\$3,401,000
Pressure Systems Safety Account—State	Appropriation	(\$4,667,000))	\$4,672,000
TOTAL APPROPRIATION			\$949,079,000
			\$975,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,988,000 of the accident account—state appropriation and \$40,986,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act. ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) ~~(((\$4,676,000))~~ \$5,721,000 of the general fund—state appropriation for fiscal year 2020 and (((\$2,092,000)) \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for

fiscal year 2021 is provided solely for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~(((\$313,000 of the accident account—state appropriation and \$312,000 of the medical aid account—state appropriation))~~ \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(20) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted

by June 30, 2020, the amounts provided in this subsection shall lapse.

(21) \$1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) \$320,000 of the accident account—state appropriation and \$75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) \$1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$150,000 of the accident account—state appropriation and \$26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(25) \$625,000 of the accident account—state appropriation and \$625,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(26) \$255,000 of the accident account—state appropriation and \$45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) \$280,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(28) \$918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. The department shall report to the legislature no later than July 31, 2021, the following information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

(a) The number of claims received by month;

(b) The number of claims rejected by month;

(c) The number and amounts of claims paid by month; and

(d) The average processing time for claims.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 220. 2019 c 415 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, ((2019)) 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020) (((\$4,088,000))

\$3,369,000

General Fund—State Appropriation (FY 2021) (((\$4,119,000))

\$4,173,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation	\$10,000
Pension Funding Stabilization Account—State Appropriation	\$185,000
TOTAL APPROPRIATION	\$8,402,000
	\$7,737,000
(3) FIELD SERVICES	
General Fund—State Appropriation (FY 2020)	\$6,602,000
General Fund—State Appropriation (FY 2021) (((\$6,770,000))	(\$6,770,000)
	\$7,029,000
General Fund—Federal Appropriation (((\$4,435,000))	(\$4,435,000)
	\$5,253,000
General Fund—Private/Local Appropriation (((\$4,958,000))	(\$4,958,000)
	\$5,324,000
Veteran Estate Management Account—Private/Local Appropriation	\$708,000
Pension Funding Stabilization Account—State Appropriation	\$444,000
Veterans Stewardship ((Nonappropriated)) Account—State Appropriation	\$300,000
Veterans Innovation Program Account—State Appropriation	\$100,000
TOTAL APPROPRIATION	\$24,317,000
	\$25,760,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)	(((\$13,379,000))
	\$13,155,000
General Fund—State Appropriation (FY 2021)	(((\$14,565,000))
	\$14,453,000
General Fund—Federal Appropriation (((\$85,479,000))	(\$85,479,000)
	\$101,679,000
General Fund—Private/Local Appropriation (((\$28,737,000))	(\$28,737,000)
	\$20,744,000
Pension Funding Stabilization Account—State Appropriation	\$1,464,000
TOTAL APPROPRIATION	\$143,624,000
	\$151,495,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020)	\$100,000
General Fund—State Appropriation (FY 2021)	\$100,000
General Fund—Federal Appropriation	\$688,000
TOTAL APPROPRIATION	\$888,000

Sec. 221. 2019 c 415 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2020)	(((\$75,208,000))
	\$79,582,000
General Fund—State Appropriation (FY 2021)	(((\$72,760,000))
	\$85,728,000
General Fund—Federal Appropriation (((\$581,269,000))	(\$581,269,000)
	\$579,457,000
General Fund—Private/Local Appropriation (((\$184,174,000))	(\$184,174,000)
	\$192,631,000
Hospital Data Collection Account—State Appropriation	\$362,000
Health Professions Account—State Appropriation (((\$144,746,000))	(\$144,746,000)
	\$147,610,000

Aquatic Lands Enhancement Account—State Appropriation	\$633,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$10,091,000
Safe Drinking Water Account—State Appropriation	(\$6,050,000)
	<u>\$6,057,000</u>
Drinking Water Assistance Account—Federal Appropriation	(\$16,974,000)
	<u>\$17,000,000</u>
Waterworks Operator Certification Account—State Appropriation	\$1,990,000
Drinking Water Assistance Administrative Account—State Appropriation	(\$1,228,000)
	<u>\$1,628,000</u>
Site Closure Account—State Appropriation	\$183,000
Biotoxin Account—State Appropriation	(\$1,693,000)
	<u>\$1,694,000</u>
Model Toxics Control Operating Account—State Appropriation	(\$4,465,000)
	<u>\$4,468,000</u>
Medicaid Fraud Penalty Account—State Appropriation	(\$1,326,000)
	<u>\$1,374,000</u>
Medical Test Site Licensure Account—State Appropriation	(\$2,703,000)
	<u>\$3,233,000</u>
Secure Drug Take-Back Program Account—State Appropriation	<u>\$1,008,000</u>
Youth Tobacco and Vapor Products Prevention Account—State Appropriation	(\$4,373,000)
	<u>\$4,237,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$10,786,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$10,616,000
Public Health Supplemental Account—Private/Local Appropriation	(\$3,668,000)
	<u>\$5,237,000</u>
Pension Funding Stabilization Account—State Appropriation	\$3,816,000
Accident Account—State Appropriation	\$362,000
Medical Aid Account—State Appropriation	\$54,000
TOTAL APPROPRIATION	<u>\$1,139,530,000</u>
	<u>\$1,169,837,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal

committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The

curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) ~~(((\$94,000))~~ \$126,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020 ~~((;))~~ and \$61,000 of the general fund—state appropriation for fiscal year 2021 ~~((; and \$2,007,000 of the general fund—federal appropriation))~~ are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year ~~((one))~~ two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) ~~((Increasing immunizations for bacterial pneumonia and influenza; (b) screening, brief intervention, and referral to treatment for alcohol, tobacco, and other drugs, and for depression; and (c) the sharing of health system wide data regarding usage and access patterns. By December 15, 2019, the collaborative shall provide a report to the legislature that illustrates the successes and challenges of the project.))~~ Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to

firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All

digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure,

including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(55) \$66,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(56) \$111,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to distribute a fruit and vegetable benefit of no less than thirty-two dollars per summer farmers market season to each eligible participant in the women, infant, and children farmers market nutrition program.

(57) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

(58) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to collaborate, pursuant to section 501 of this act, with the office of the superintendent of public instruction in preparation of its report of findings related to statewide implementation of RCW 28A.210.383, authorizing prescriptions for, and the use of, school supplies of epinephrine autoinjectors.

(59)(a) Within amounts provided in this section, the department of health must convene a work group to collect information and establish guidelines and recommendations for how the office of the insurance commissioner can include telemedicine services in network adequacy requirements. The work group must consider the following:

(i) Changes to state statutes or rulemaking necessary for network adequacy to accommodate the use of telemedicine;

(ii) Changes to state statutes or rulemaking necessary regarding telemedicine and the scope of practice for providers;

(iii) Any other changes necessary for state statutes or rulemaking;

(iv) The best process for initial determinations of appropriate providers and services for telemedicine; and

(v) A method for updating the initial determinations as technology and practices change.

(b) The work group shall consist of the following members:

(i) State agency medical directors from the department of health, the health care authority, the department of labor and industries, the state board of health, the department of veteran affairs, the office of the insurance commissioner, and the department of corrections;

(ii) The chair of the Washington state telehealth collaborative;

(iii) The association of Washington health care plans; and

(iv) Health care providers.

(c) The work group must submit a final report with the work group recommendations to the appropriate legislative committees by January 1, 2021.

(60) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

(61) \$1,674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of this amount, \$1,164,000 is for implementation of the ingredient tracking system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(62) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse);

(d) Senate Bill No. 6038 (acupuncture and eastern med.); and

(e) Substitute Senate Bill No. 6663 (eating disorders & diabetes).

(63) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to convene a work group of relevant stakeholders to propose funding and policy initiatives to address the spread of sexually transmitted infections in Washington. The work group should focus on the prevention of infections and expanding access to pre- and post-exposure prophylaxis treatments. The department must provide a report of the work group recommendations to the legislature by December 15, 2020.

(64) \$19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(65) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(66) \$83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical

grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(67) \$20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(68) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used to support the costs of the development and adoption of rules, policies, and procedures, and for technical assistance, training, and other program-related costs.

(69) \$1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and creating a safer homes community campaign on suicide prevention.

(70) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

(71) \$6,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

(72) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

(73) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

Sec. 222. 2019 c 415 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

in this act. However, after May 1, 2020, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State	Appropriation (FY 2020)	
		(\$68,636,000)
		\$68,583,000
General Fund—State	Appropriation (FY 2021)	
		(\$69,672,000)
		\$74,332,000
General Fund—Federal Appropriation		\$400,000
Pension Funding Stabilization Account—State		
Appropriation		\$7,616,000
TOTAL APPROPRIATION		\$146,324,000
		\$150,931,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of ~~((section 719 of this act))~~ section 701 of this act.

~~((c))~~ (b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((d))~~ (c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from

a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((e))~~ (d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State	Appropriation (FY 2020)	
		(\$563,549,000)
		\$564,329,000
General Fund—State	Appropriation (FY 2021)	
		(\$582,774,000)
		\$599,334,000
General Fund—Federal Appropriation		\$818,000
Washington Auto Theft Prevention Authority Account—		
State Appropriation		(\$4,680,000)
		\$4,679,000
Pension Funding Stabilization Account—State		
Appropriation		\$62,920,000
TOTAL APPROPRIATION		\$1,214,741,000
		\$1,232,080,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject

to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) ~~(((\$1,774,000))~~ \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) ~~(((\$764,000 of the general fund—state appropriation for fiscal year 2020 and))~~ \$663,000 of the general fund—state appropriation for fiscal year 2021 ~~((are))~~ is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(i) \$335,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to install one additional body scanner at the Washington corrections center for women and one body scanner at the Monroe correctional complex. By November 1, 2021, the department shall submit a report to the governor and legislature on the effectiveness of the body scanners in detecting contraband in state correctional facilities. At a minimum, the report must include the following:

(i) How the increased custody and health care staff funded in state fiscal years 2020 and 2021 changed the working conditions and overtime usage relating to the implementation of the body scanner pilots at both facilities;

(ii) An overview of the effectiveness of the body scanner pilot at the male facility including but not limited to the differences in policies and practices implemented between male and female facilities;

(iii) The number of strip searches conducted at each piloted facility before and after installation of a body scanner;

(iv) The types of contraband intercepted and whether the person found in possession of the contraband was an incarcerated individual in the state correctional institution or whether the contraband was confiscated from a person other than a prisoner in the institution;

(v) The methods used for the possession or attempted delivery of contraband into or on the premises of the state correctional facility; and

(vi) The number of dry cell watches that occurred as a result of the body scanner installation, and the length of time individuals were placed on dry cell watch.

(j) \$97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State	Appropriation (FY 2020)
	(((\$220,368,000))
	<u>\$227,667,000</u>
General Fund—State	Appropriation (FY 2021)
	(((\$240,790,000))
	<u>\$242,885,000</u>
General Fund—Federal Appropriation	\$3,632,000
Pension Funding Stabilization Account—State	
Appropriation	\$12,800,000
TOTAL APPROPRIATION	<u>\$477,590,000</u>
	<u>\$486,984,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~(((\$))~~ (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

~~(((\$))~~ (d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020)	(\$6,448,000)
	\$6,471,000
General Fund—State Appropriation (FY 2021)	(\$6,590,000)
	\$6,580,000
Pension Funding Stabilization Account—State Appropriation	\$510,000
TOTAL APPROPRIATION	\$13,548,000
	\$13,561,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020)	(\$46,625,000)
	\$47,835,000
General Fund—State Appropriation (FY 2021)	(\$45,238,000)
	\$49,181,000
TOTAL APPROPRIATION	\$91,863,000
	\$97,016,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020)	(\$59,538,000)
	\$59,452,000
General Fund—State Appropriation (FY 2021)	(\$61,135,000)
	\$62,460,000
Pension Funding Stabilization Account—State Appropriation	\$4,430,000
TOTAL APPROPRIATION	\$125,103,000
	\$126,342,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$250,000)~~ \$224,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include

postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

(A) Adult basic education;

(B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.

(ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020)	(\$160,657,000)
	\$164,516,000
General Fund—State Appropriation (FY 2021)	(\$164,466,000)
	\$174,549,000
General Fund—Federal Appropriation	\$1,400,000
TOTAL APPROPRIATION	\$325,123,000
	\$340,465,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) ~~(\$174,000)~~ \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 223. 2019 c 415 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2020)	(\$3,653,000)
	<u>\$3,611,000</u>
General Fund—State Appropriation (FY 2021)	\$3,971,000
General Fund—Federal Appropriation	\$25,492,000
General Fund—Private/Local Appropriation	\$60,000
Pension Funding Stabilization Account—State Appropriation	\$172,000
TOTAL APPROPRIATION	<u>\$33,348,000</u>
	<u>\$33,306,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

Sec. 224. 2019 c 415 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2020)	\$35,000
General Fund—State Appropriation (FY 2021)	(\$35,000)
	<u>\$910,000</u>
General Fund—Federal Appropriation	(\$224,813,000)
	<u>\$252,209,000</u>
General Fund—Private/Local Appropriation	(\$36,401,000)
	<u>\$36,421,000</u>
Unemployment Compensation Administration Account—Federal Appropriation	(\$299,413,000)
	<u>\$278,678,000</u>
Administrative Contingency Account—State Appropriation	(\$26,248,000)
	<u>\$26,256,000</u>
Employment Service Administrative Account—State Appropriation	(\$54,315,000)
	<u>\$66,060,000</u>
Family and Medical Leave Insurance Account—State Appropriation	(\$78,290,000)
	<u>\$129,563,000</u>
Long-Term Services and Supports Trust Account—State Appropriation	\$14,103,000
TOTAL APPROPRIATION	<u>\$733,653,000</u>
	<u>\$804,235,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(7) \$875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) \$50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) \$491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, \$208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) \$11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

Sec. 225. 2019 c 415 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2020, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2020 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2020 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

(2) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation	(FY 2020)
	(\$399,796,000))
	<u>\$401,235,000</u>
General Fund—State Appropriation	(FY 2021)
	(\$412,306,000))
	<u>\$411,209,000</u>
General Fund—Federal Appropriation	(\$542,242,000))
	<u>\$458,790,000</u>
General Fund—Private/Local Appropriation	\$2,824,000
Pension Funding Stabilization Account—State Appropriation	(\$27,892,000))
	<u>\$24,916,000</u>
TOTAL APPROPRIATION	<u>\$1,385,060,000</u>
	<u>\$1,298,974,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$253,000))~~ \$662,000 of the general fund—state appropriation for fiscal year 2021 ~~((is))~~ are provided solely for the costs of hub home foster families that provide a foster care

delivery model that includes a ~~((licensed))~~ hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,884,000))~~ \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$533,000))~~ \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) ~~(\$3,291,000))~~ \$2,799,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$5,998,000))~~ \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$5,876,000))~~ \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. ~~((The))~~ To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and

identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the

department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,230,000))~~ \$2,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) ~~(\$1,740,000))~~ \$5,040,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$1,741,000))~~ \$6,051,000 of the general fund—state appropriation for fiscal year 2021 ~~((is)), and \$846,000 of the general fund—federal appropriation~~ are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) \$530,000 of the general fund—state appropriation for fiscal year 2021 and \$106,000 of the general fund—federal appropriation are provided solely to contract with a community organization with expertise in the yvlfeset case management model to serve youth and young adults currently being served or exiting the foster care, juvenile justice, and mental health systems to successfully transition into self-reliant adults.

(((\$767,000 of the general fund—state appropriation for fiscal year 2020 and \$766,000)) (v) \$1,533,000 of the general fund—state appropriation for fiscal year 2021 ((are)) is provided solely for implementation of ((Second Substitute Senate Bill No. 5718 (child welfare housing assistance). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)) chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

(((\$w)) (w) \$413,000 of the general fund—state appropriation for fiscal year 2020, ((\$413,000)) \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

(((\$x)) (x) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(((\$y)) (y) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

(((\$z)) (z) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(((\$aa)) (aa) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children, youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first

prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

(((\$ab)) (bb) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

(((\$bb)) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a county wide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.))

(((\$cc)) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(((\$dd)) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(((\$ee)) \$937,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(((\$ff)) \$499,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2525 (family connections program). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(((\$gg)) \$498,000 of the general fund—state appropriation for fiscal year 2021 and \$93,000 of the general fund—federal appropriation are provided solely to increase all fees paid to child-placing agencies by 7.5 percent, effective July 1, 2020.

(hh) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of \$110 per month per child for all age groups effective July 1, 2020.

(ii) \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

(jj) \$696,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization or organizations with expertise in foster youth advocacy to help cover the costs of extracurricular activities for foster youth. The uses of amounts provided in this subsection must reflect foster youth choice regarding their participation in extracurricular activities.

(kk) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(ll) No later than October 1, 2020, the department shall complete the following and report its findings to the appropriate legislative committees:

(a) Develop a proposed rate for contracted parent-child visitation providers that would accommodate a supportive visitation approach. The report must include a cost estimate to implement the proposed rate, and information on potential cost savings associated with supportive visitation; and

(b) Work with a University of Washington-based research organization that is overseeing implementation of the supportive visitation model in described in section 225(1)(x) of this act to evaluate the impact of the model on outcome measures and cost savings. To facilitate this work, the department must establish data collection and evaluation methodologies to assess the impact of this model, as well as that of any other supportive visitation efforts undertaken by the department.

(mm) \$1,080,000 of the general fund—state appropriation for fiscal year 2021 and \$720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff-to-child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.

(nn) \$139,000 of the general fund—state appropriation for fiscal year 2021 and \$26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

((22)) (3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020)
 ((\$100,860,000))

	\$100,445,000
General Fund—State Appropriation (FY 2021)	(\$101,604,000))
	\$111,895,000
General Fund—Federal Appropriation	\$3,464,000
General Fund—Private/Local Appropriation	(\$1,985,000))
	\$1,790,000
Washington Auto Theft Prevention Authority Account—State Appropriation	\$196,000
Pension Funding Stabilization Account—State Appropriation	\$8,362,000
TOTAL APPROPRIATION	\$216,471,000
	\$226,152,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$557,000)~~ \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The

department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) ~~(\$2,063,000)~~ \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,606,000)~~ \$7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(r) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

~~((3))~~ (4) EARLY LEARNING PROGRAM

General Fund—State Appropriation	(FY 2020)
	((232,310,000))
	\$206,082,000
General Fund—State Appropriation	(FY 2021)
	((246,369,000))
	\$347,513,000
General Fund—Federal Appropriation	((444,984,000))
	\$412,831,000
General Fund—Private/Local Appropriation	((100,000))
	\$1,115,000
Education Legacy Trust Account—State Appropriation	((28,336,000))
	\$28,156,000
Home Visiting Services Account—State Appropriation	((14,798,000))
	\$14,926,000
Home Visiting Services Account—Federal Appropriation	((27,677,000))
	\$28,523,000
Washington Opportunity Pathways Account—State Appropriation	\$80,000,000
Pension Funding Stabilization Account—State Appropriation	\$3,900,000
TOTAL APPROPRIATION	\$1,078,474,000
	\$1,123,046,000

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) ~~((81,236,000))~~ \$80,273,000 of the general fund—state appropriation for fiscal year 2020, ~~((89,410,000))~~ \$97,570,000 of the general fund—state appropriation for fiscal year 2021, ~~((24,250,000))~~ \$24,070,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) ~~((The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked~~

~~to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.))~~ \$6,903,000 of the general fund—state appropriation in fiscal year 2021 is for a slot rate increase of five percent beginning in fiscal year 2021.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) ~~((76,453,000))~~ \$51,815,000 of the general fund—state appropriation in fiscal year 2020, ~~((82,736,000))~~ \$80,265,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under ~~((RCW 43.215.135))~~ RCW 43.216.135. Of the amounts provided in this subsection:

(i) \$78,101,000 of the general fund—state appropriation shall be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education) ~~((or Engrossed Second Substitute House Bill No. 2158 (workforce education investment). If neither bill is enacted by June 30, 2019, the amounts provided in this subsection (d)(iii) shall lapse.))~~

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (d)(iv) shall lapse.))~~

(v) \$1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vi) \$7,000 of the general fund—state appropriation for fiscal year 2020 and \$645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(vii) ~~((101,414,000))~~ \$133,354,000 is for subsidy rate increases for child care center providers. Funding in this

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

~~((vii))~~ (viii) \$6,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to reduce working connections child care monthly copayments for consumers with income that is less than two hundred twenty percent of the federal poverty guidelines to twelve percent or less of a consumer's countable income. Funding provided within this subsection shall also be used to reduce the child care subsidy cliff by expanding second tier eligibility for the program to consumers with countable income below two hundred fifty percent of the federal poverty level. The department shall report to the legislature no later than June 1, 2020, regarding the estimated number of consumers with income below two hundred twenty percent of the federal poverty level whose copayments will be relieved; the estimated number of consumers who will qualify for the expanded second tier eligibility under this subsection; and the copayment amounts that consumers who qualify for the expanded second tier eligibility under this subsection will pay in order for the department to implement these changes within the funding provided.

(ix) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent of the federal poverty level or below; and

(H) All other eligible families.

~~((viii))~~ (x) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;

(B) An updated and comprehensive description of all processes, including computer algorithms and additional rule

development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

~~((viii))~~ (xi) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 and \$1,560,000 of the general fund—state appropriation for fiscal year 2021 and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce

county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) ~~(((\$4,674,000))~~ \$4,653,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$3,598,000))~~ \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

~~(((\$)))~~ (i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (h)(iii) shall lapse.~~

~~(((\$)))~~ (v) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

~~(((\$)))~~ (k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

~~(((\$)))~~ (l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

~~(((\$)))~~ (m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

~~(((\$)))~~ (n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

~~(((\$)))~~ (o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(vi) \$226,000 is to provide an increase to monthly health care premiums.

~~((p))~~ (p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

~~((q))~~ (q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

~~((r))~~ (r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

~~((s))~~ (s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

~~((t))~~ (t) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

~~((u))~~ (u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

~~((v))~~ (v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

~~((w))~~ (w) \$3,779,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

~~((x))~~ (x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

implementation of Second Substitute House Bill No. 1344 (child care access work group). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((y))~~ (y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

(cc) \$246,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop and administer the early learning dual language grant program.

(i) The program shall consist of two competitive grant processes: One for child care providers and one for early childhood education and assistance program contractors. The department shall identify criteria for awarding the grants, evaluate applicants, and award grant funds. Beginning September 1, 2020, the department must award up to:

(A) Five two-year grants to eligible child care providers interested in establishing or converting to a dual language program; and

(B) Five two-year grants to early childhood education and assistance program contractors to support new early childhood education and assistance program dual language classrooms. At least two of the five grants must be awarded to tribal early childhood education and assistance program contractors.

(ii) It is the intent of the legislature that the department shall award grants in every even-numbered year, and that grant awards must be limited to one award per contractor or provider per biennium.

(dd) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If

the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ee) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(ff) \$91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

((4)) (5) PROGRAM SUPPORT

General Fund—State Appropriation	(FY 2020)
	(\$75,435,000)
	<u>\$118,341,000</u>
General Fund—State Appropriation	(FY 2021)
	(\$76,908,000)
	<u>\$119,408,000</u>
General Fund—Federal Appropriation	(\$55,824,000)
	<u>\$162,520,000</u>
<u>General Fund—Private/Local Appropriation</u>	<u>\$195,000</u>
<u>Education Legacy Trust Account—State Appropriation</u>	<u>\$180,000</u>
<u>Home Visiting Services Account—State Appropriation</u>	<u>\$472,000</u>
<u>Home Visiting Services Account—Federal Appropriation</u>	<u>\$354,000</u>
Pension Funding Stabilization Account—State Appropriation	(\$14,000)
	<u>\$2,990,000</u>
TOTAL APPROPRIATION	<u>\$208,181,000</u>
	<u>\$404,460,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in ((section 719 of this act)) section 701 of this act.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$300,000)~~ \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(e) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections ~~((1), (2), and (3))~~ (2), (3), and (4) of this section to this subsection ((4) of this section)) (5).

(h) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

PART III

NATURAL RESOURCES

Sec. 301. 2019 c 415 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2020) ~~(\$544,000))~~
\$605,000

General Fund—State Appropriation (FY 2021) ~~(\$570,000))~~
\$668,000

General Fund—Federal Appropriation \$32,000

General Fund—Private/Local Appropriation ~~(\$1,138,000))~~
\$1,158,000

Pension Funding Stabilization Account—State Appropriation \$46,000

TOTAL APPROPRIATION \$2,330,000
\$2,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

Sec. 302. 2019 c 415 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2020) ~~(\$30,725,000))~~
\$30,696,000

General Fund—State Appropriation (FY 2021) ~~(\$29,342,000))~~
\$31,396,000

General Fund—Federal Appropriation ~~(\$110,053,000))~~
\$110,069,000

General Fund—Private/Local Appropriation ~~(\$23,406,000))~~
\$27,066,000

Reclamation Account—State Appropriation ~~(\$4,906,000))~~

Flood Control Assistance Account—State Appropriation \$4,919,000
~~(\$4,174,000))~~
\$4,184,000

State Emergency Water Projects Revolving Account—State Appropriation \$40,000

Waste Reduction, Recycling, and Litter Control Account—State Appropriation ~~(\$24,951,000))~~
\$26,052,000

State Drought Preparedness Account—State Appropriation \$204,000

State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation \$183,000

Aquatic Algae Control Account—State Appropriation \$528,000

Water Rights Tracking System Account—State Appropriation \$48,000

Site Closure Account—State Appropriation \$582,000

Wood Stove Education and Enforcement Account—State Appropriation \$577,000

Worker and Community Right to Know Fund—State Appropriation ~~(\$1,995,000))~~
\$1,996,000

Water Rights Processing Account—State Appropriation \$39,000

Model Toxics Control Operating Account—State Appropriation ~~(\$237,148,000))~~
\$257,389,000

Model Toxics Control Operating Account—Local Appropriation \$499,000

Water Quality Permit Account—State Appropriation ~~(\$47,872,000))~~
\$48,068,000

Underground Storage Tank Account—State Appropriation ~~(\$3,963,000))~~
\$3,976,000

Biosolids Permit Account—State Appropriation ~~(\$2,703,000))~~
\$2,709,000

Hazardous Waste Assistance Account—State Appropriation ~~(\$7,150,000))~~
\$7,170,000

Radioactive Mixed Waste Account—State Appropriation ~~(\$19,626,000))~~
\$21,239,000

Air Pollution Control Account—State Appropriation ~~(\$4,452,000))~~
\$4,463,000

Oil Spill Prevention Account—State Appropriation ~~(\$11,351,000))~~
\$9,179,000

Air Operating Permit Account—State Appropriation ~~(\$4,679,000))~~
\$4,692,000

Freshwater Aquatic Weeds Account—State Appropriation \$1,497,000

Oil Spill Response Account—State Appropriation ~~(\$7,076,000))~~
\$8,576,000

Dedicated Marijuana Account—State Appropriation (FY 2020) \$465,000

Dedicated Marijuana Account—State Appropriation (FY 2021) \$464,000

Pension Funding Stabilization Account—State Appropriation \$2,920,000

Water Pollution Control Revolving Administration Account—State Appropriation	(\$3,858,000) \$4,220,000
Paint Product Stewardship Account—State Appropriation	\$182,000
TOTAL APPROPRIATION	\$587,658,000 \$616,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$1,432,000)~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.

(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.

(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$67,000)~~ \$569,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) ~~(\$807,000)~~ \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((11))~~ (10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((12))~~ (11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((13))~~ (12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((14))~~ (13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((15))~~ (14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((16))~~ (15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((17))~~ (16) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$290,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

~~((18))~~ (17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

~~((19))~~ (18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and \$319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

~~((20))~~ (19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and \$435,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

~~((24)))~~ (20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

~~((22)))~~ (21) \$500,000 of the model toxics control operating account—~~(local)~~ state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

~~((23)))~~ (22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~(24)))~~ (23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((25))~~ ~~(\$10,000,000))~~ (24) \$17,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

~~((26)))~~ (25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

~~((27)))~~ (26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

~~((28)))~~ (27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((29)))~~ (28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(29) \$535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop

a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

(30) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to San Juan county for a study to build on the existing knowledge of the islands' water resources to gain a current understanding of the state of groundwater in the county, including hydrologic data evaluation, completing recharge estimates, and updating the water balance.

(31) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to offer a grant to Clark county for the purpose of designing the process for developing a long-term plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water, as well as designing an institutional structure to take responsibility for the plan's implementation in a financially sustainable manner. The plan will build on existing work completed by the county, state agencies, and nonprofit organizations. The department will support the work of the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, the department of fish and wildlife, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the lake's health. The design should address timelines for plan development, roles and responsibilities of governmental and nonprofit entities, potential funding sources and options for plan implementation, including formation of a potential lake management district under chapter 36.61 RCW, and the management objectives to be included in the plan.

(32) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to support the Pierce county health department and the friends of Spanaway lake to treat and clean up elevated phosphorus and algae levels in Spanaway lake.

(33) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the Guemes island planning advisory committee to follow on to a United States geologic survey study of the island's aquifer recharge areas, quantify an updated water budget, and provide an accurate water-level analysis and water-table map of the two aquifers on the island.

(34) \$75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

(35) \$283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter . . . , Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(36) \$149,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(37)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected

entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

- (i) Federally recognized Indian tribes;
- (ii) Local governments including cities, counties, and special purpose districts;
- (iii) Environmental advocacy organizations;
- (iv) The farming industry in Washington;
- (v) Business interests; and
- (vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

(38) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

(39) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

(40) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

(41) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

(42) \$70,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2722 (minimum recycled content). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 303. 2019 c 415 s 303 (unmodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General	Fund—State	Appropriation	(FY 2020)
			(\$16,013,000)

			\$16,270,000
General	Fund—State	Appropriation	(FY 2021)
			(\$16,501,000)
			\$20,906,000
General Fund—Federal Appropriation			(\$7,079,000)
			\$7,080,000
Winter Recreation Program Account—State Appropriation			\$3,310,000
ORV and Nonhighway Vehicle Account—State Appropriation			\$403,000
Snowmobile Account—State Appropriation			\$5,657,000
Aquatic Lands Enhancement Account—State Appropriation			\$367,000
Parks Renewal and Stewardship Account—State Appropriation			(\$125,438,000)
			\$126,881,000
Parks Renewal and Stewardship Account—Private/Local Appropriation			\$420,000
Pension Funding Stabilization Account—State Appropriation			\$1,496,000
TOTAL APPROPRIATION			\$176,684,000
			\$182,790,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify impacts of the next phase of park development and assist with obtaining regulatory permits.

(15) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 304. 2019 c 415 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

General Fund—State Appropriation (FY 2020) ((\$1,193,000))	
	\$1,168,000
General Fund—State Appropriation (FY 2021) ((\$1,166,000))	
	\$2,003,000
General Fund—Federal Appropriation ((\$3,779,000))	
	\$3,778,000
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$333,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation ((\$4,143,000))	
	\$4,071,000
NOVA Program Account—State Appropriation	\$1,107,000
Pension Funding Stabilization Account—State Appropriation	\$80,000
TOTAL APPROPRIATION	\$11,862,000
	\$12,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) (~~(\$4,150,000))~~ \$4,071,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) \$1,107,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a standardized method to measure and report stewardship needs and costs on lands purchased by the state parks and recreation commission, department of fish and wildlife, and the department of natural resources with grants from the Washington wildlife and recreation program. The office shall contract with a facilitator to work with the agencies on developing a shared method. The method will be used to identify, assess, and report both the stewardship needs and performance outcomes of the grant funded land acquisitions. Assessments should be based on both the current condition and the desired future condition of ecosystems and will be used to: Develop a multi-agency approach to assess the health of ecosystems on state lands, develop a consistent approach to prioritizing management and restoration actions, and determine the cost to achieve desired standards.

(8) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

(9) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10)(a) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the recreation and conservation office, in collaboration with the department of natural resources, the state parks and recreation commission, and the department of fish and wildlife, to convene and facilitate an advisory group that includes recreational industry, and non-profit, motorized, non-motorized and other outdoor recreation groups to:

(i) Engage affected state agencies, partners and stakeholders in the development of a bold vision and twenty-year legislative

strategy to invest in, promote, and support state outdoor recreation in Washington state;

(ii) Review the investment strategies and approaches taken by other states, including but not limited to Colorado and Oregon, to invest, promote and support outdoor recreation;

(iii) Identify strategies, investment priorities, and funding mechanisms that might be useful to implement in Washington;

(iv) Solicit feedback on potential recommendations from the general public and interested outdoor recreation stakeholders; and

(v) Incorporate the review and recommendations into a strategy for the future investments in outdoor recreation.

(b) The recreation and conservation office must submit the strategy for the future investments in outdoor recreation to the appropriate committees of the legislature by November 30, 2020.

Sec. 305. 2019 c 415 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2020) (~~(\$2,533,000)~~)
\$2,758,000

General Fund—State Appropriation (FY 2021) (~~(\$2,440,000)~~)
\$2,641,000

Pension Funding Stabilization Account—State Appropriation
\$254,000

TOTAL APPROPRIATION
\$5,227,000
\$5,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$170,000)~~) \$140,000 of the general fund—state appropriation for fiscal year 2020 (~~(is)~~) and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of (~~(Substitute Senate Bill No. 5151)~~) chapter 452, Laws of 2019 (growth management board/indexing). (~~(If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.)~~)

(2) \$4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 306. 2019 c 415 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2020) (~~(\$7,936,000)~~)
\$7,845,000

General Fund—State Appropriation (FY 2021) (~~(\$7,973,000)~~)
\$8,540,000

General Fund—Federal Appropriation (~~(\$2,301,000)~~)
\$2,482,000

Public Works Assistance Account—State Appropriation
\$8,456,000

Model Toxics Control Operating Account—State Appropriation (~~(\$1,000,000)~~)
\$1,226,000

Pension Funding Stabilization Account—State Appropriation
\$254,000

TOTAL APPROPRIATION
\$27,920,000
\$28,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

~~(((\$)))~~ (4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

by August 1, 2019, and final recommendations by November 1, 2019.

(5) \$332,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to increase the capacity of conservation districts to assist landowners in environmental stewardship and achieving agricultural sustainability.

(6) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$226,000 of the model toxics control operating account—state appropriation is provided solely for the commission to provide to the south Yakima conservation district to address nitrate concentrations in groundwater, including nutrient management plans, well water sampling and analysis, landowner education and outreach, and database maintenance.

Sec. 307. 2019 c 415 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2020)	(\$74,521,000)
	\$76,116,000
General Fund—State Appropriation (FY 2021)	(\$63,849,000)
	\$87,539,000
General Fund—Federal Appropriation	(\$141,326,000)
	\$140,234,000
General Fund—Private/Local Appropriation	(\$69,360,000)
	\$69,619,000
ORV and Nonhighway Vehicle Account—State Appropriation	\$701,000
Aquatic Lands Enhancement Account—State Appropriation	(\$11,871,000)
	\$11,873,000
Recreational Fisheries Enhancement Account—State Appropriation	(\$3,332,000)
	\$3,333,000
Warm Water Game Fish Account—State Appropriation	(\$2,824,000)
	\$2,825,000
Eastern Washington Pheasant Enhancement Account—State Appropriation	\$675,000
State Wildlife Account—State Appropriation	(\$115,447,000)
	\$96,018,000
Special Wildlife Account—State Appropriation	\$2,904,000
Special Wildlife Account—Federal Appropriation	\$517,000
Special Wildlife Account—Private/Local Appropriation	\$3,653,000

Wildlife Rehabilitation Account—State Appropriation	\$361,000
Ballast Water and Biofouling Management Account—State Appropriation	\$10,000
Model Toxics Control Operating Account—State Appropriation	(\$2,946,000)
	\$2,947,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	\$1,199,000
Aquatic Invasive Species Management Account—State Appropriation	\$1,906,000
Pension Funding Stabilization Account—State Appropriation	\$5,186,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION	\$508,113,000
	\$513,141,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and \$467,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to

support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinalt Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the

Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) ~~(((\$425,000))~~ \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$175,000))~~ \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year ~~((2020))~~ 2021 is for Puget Sound energy for ~~((wells and generators))~~ water supply system improvements at the Baker river fish hatchery.

(15) ~~(((\$1,361,000))~~ \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,360,000))~~ \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

(22) \$573,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a voluntary buyback of Columbia river-Willapa bay and Columbia river-Grays harbor commercial gill net licenses. The department shall solicit offers from gill net license holders who wish to participate in the buyback program, and purchase gill net licenses in ranked, ascending order from lowest to the highest bid price based on their 2015-2019 average annual Columbia river landings. License holders that agree to the voluntary buyback shall have their license retired and be prohibited from future participation in the fishery with a Columbia river-Willapa bay or Columbia river-Grays harbor gill net license. By December 31, 2020, the department shall submit a report to the legislature including the number of license holders that participated in the buyback, the annual landings associated with each license, and an estimate of the funding needed to buyback any remaining voluntary buyback offers that exceeded the available funds. No more than five percent of this appropriation may be spent on administering and reporting on the voluntary buyback.

(23) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

(24) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

(25) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the Woodland park zoo to conduct research relating to shell disease prevention in native western pond turtles.

(26) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to build elk fencing, with priority given to fencing the Concrete school playgrounds to exclude elk and conduct other measures for solving conflicts with elk in Skagit county in cooperation with tribes and landowners.

(27) The appropriations in this section include sufficient funding for the department to convene an independent science review council to advise the comanagers on critical anadromous fish management decisions. The nine member council shall include two members chosen by the tribal community, two members chosen by the department, one member from the United States fish and wildlife service, one member from the national oceanic and atmospheric administration, and three members

chosen by the Washington academy of sciences. The Washington academy of sciences shall have final review of nominees to confirm their subject matter expertise.

(28) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a statewide permittee assistance program as part of hydraulic project approvals, in which department staff collaborate with landowners during construction to help resolve risks for permit noncompliance.

(29) \$252,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

(31) \$462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

(32) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(34) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

(35) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$166,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the

shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

(36) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for developing and operating invasive species inspection stations and outreach to recreational boaters on the use of inspection stations. The department must report to the appropriate committees of the legislature by December 1, 2020, on the results of invasive species inspections and the status of invasive species threats.

Sec. 308. 2019 c 415 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2020)	(\$74,086,000))
	<u>\$98,897,000</u>
General Fund—State Appropriation (FY 2021)	(\$62,093,000))
	<u>\$67,682,000</u>
General Fund—Federal Appropriation	(\$34,977,000))
	<u>\$34,980,000</u>
General Fund—Private/Local Appropriation	\$2,534,000
Forest Development Account—State Appropriation	(\$54,165,000))
	<u>\$54,238,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	(\$8,166,000))
	<u>\$8,174,000</u>
Surveys and Maps Account—State Appropriation	(\$2,595,000))
	<u>\$2,598,000</u>

Aquatic Lands Enhancement Account—State Appropriation	(\$18,537,000))
	<u>\$14,249,000</u>

Resource Management Cost Account—State Appropriation	(\$128,255,000))
	<u>\$128,545,000</u>

Surface Mining Reclamation Account—State Appropriation	(\$4,103,000))
	<u>\$4,113,000</u>

Disaster Response Account—State Appropriation	(\$23,063,000))
	<u>\$23,068,000</u>

Park Land Trust Revolving Account—State Appropriation	\$750,000
---	-----------

Forest and Fish Support Account—State Appropriation	(\$16,354,000))
	<u>\$16,356,000</u>

Aquatic Land Dredged Material Disposal Site Account—State Appropriation	\$402,000
---	-----------

Natural Resources Conservation Areas Stewardship Account—	
State Appropriation	\$39,000

Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$5,896,000
---	-------------

Model Toxics Control Operating Account—State Appropriation	(\$5,995,000))
	<u>\$6,433,000</u>

Forest Practices Application Account—State Appropriation	(\$2,015,000))
	<u>\$2,018,000</u>

Air Pollution Control Account—State Appropriation	\$901,000
---	-----------

NOVA Program Account—State Appropriation	(\$780,000))
	<u>\$781,000</u>

Pension Funding Stabilization Account—State Appropriation	\$3,240,000
---	-------------

Derelict Vessel Removal Account—State Appropriation	\$2,001,000
---	-------------

Community Forest Trust Account—State Appropriation	\$52,000
--	----------

Agricultural College Trust Management Account—State Appropriation	(\$3,179,000))
	<u>\$3,183,000</u>

Performance Audits of Government Account—State Appropriation	<u>\$325,000</u>
--	------------------

TOTAL APPROPRIATION	<u>\$454,178,000</u>
	<u>\$481,455,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(\$16,546,000))~~ \$41,514,000 of the general fund—state appropriation for fiscal year 2020, \$16,546,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) ~~((\$5,000,000))~~ \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) \$22,843,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) ~~(((\$162,000))~~ \$59,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$163,000))~~ \$266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

~~((23)))~~ (22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.~~

~~(24))~~ (23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and

expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

(25) \$420,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) Evaluate and conduct research trials of chemical and nonchemical forest vegetation management strategies, in a manner that does not disadvantage the trust beneficiaries, and collaborate with other forestland owners through coordination with leading forestry research cooperatives and universities in the Pacific Northwest.

(b) The department and the forest practices board must develop interpretive guidance in the forest practices board manual to clarify the adjacent property buffer requirements in the forest practices rules, including provisions for the board manual that explain the buffer rules for the protection of private property, including adjacent residential and agricultural properties.

(c) The department and the forest practices board must use a stakeholder process to update the forest practices board manual, as provided in WAC 222-12-090 as it existed on January 1, 2020, to include best management practices and technical guidance related to the aerial application of herbicides consistent with forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and as appropriate, information about alternatives to herbicides. The forest practices board manual updates must be completed by June 30, 2021.

(d) The department must improve the aerial herbicide application signage information included in the forest practices board manual and forest practices illustrated document and provide a sign template that satisfies the legal posting requirements. The department must update the guidance to reflect that emergency contact information must be included on the signage.

(e) The department must integrate evaluation of forest practices aerial applications of herbicide into the 2021-2023 biennial forest practices compliance monitoring sampling conducted pursuant to WAC 222-08-160, as it existed on the effective date of this section.

(f) The department must provide electronic access to forest practices applications to the public in the form of a readily available link on the department's web site.

(g) The department must develop a proposal to be submitted to the governor and the legislature for inclusion in the 2021-2022 omnibus operating appropriations act to replace or upgrade the existing forest practices application review system. The department must develop a proposed upgrade or replacement with an external steering group composed of users of the existing system. One outcome of an upgraded or replaced system must be an improved user interface for review of applications with aerial herbicide application as a component.

(26) \$93,000 of the aquatic lands enhancement account—state appropriation and \$93,000 of the resource management cost account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(27) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board, and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

(28) \$281,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

(30) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$384,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2768 (urban and community forestry). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 309. 2019 c 415 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation	(FY 2020)
	((\$18,858,000))
	\$19,030,000
General Fund—State Appropriation	(FY 2021)
	((\$18,925,000))
	\$20,514,000
General Fund—Federal Appropriation	((\$32,078,000))
	\$32,646,000
General Fund—Private/Local Appropriation	\$193,000
Aquatic Lands Enhancement Account—State Appropriation	((\$2,527,000))
	\$2,533,000
Northeast Washington Wolf-Livestock Management Nonappropriated Account—State Appropriation	\$320,000
Model Toxics Control Operating Account—State Appropriation	((\$5,808,000))
	\$6,930,000
Water Quality Permit Account—State Appropriation	\$73,000
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$635,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$635,000
Pension Funding Stabilization Account—State Appropriation	\$1,036,000
TOTAL APPROPRIATION	\$80,768,000
	\$84,545,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(16) \$58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) \$126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(19) \$299,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21) \$320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

(22) \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23) \$167,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute House Bill No. 2713 (compost procurement

and use). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

(25) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$20,000 is for the Ferry county sheriff's department and \$20,000 is for the Stevens county sheriff's department.

(26) \$38,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an Asian giant hornet eradication program.

(27) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to work with the United States department of agriculture to explore and negotiate a cooperative agreement to conduct state inspections of meat and poultry facilities.

(28) The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

Sec. 310. 2019 c 415 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency Underground Storage
Tank Revolving Account—State Appropriation (((\$170,000))
\$881,000

Pollution Liability Insurance Program Trust Account—State
Appropriation (((\$1,655,000))

	\$1,749,000
TOTAL APPROPRIATION	<u>\$1,825,000</u>
	\$2,630,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 311. 2019 c 415 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2020) ((\$4,696,000))	
	\$4,717,000

General Fund—State Appropriation (FY 2021) ((\$4,758,000))	
	\$4,798,000

General Fund—Federal Appropriation ((\$12,708,000))	
	\$12,728,000

Aquatic Lands Enhancement Account—State Appropriation ((\$1,441,000))	
	\$1,444,000

Model Toxics Control Operating Account—State Appropriation ((\$752,000))	
	\$755,000

Pension Funding Stabilization Account—State Appropriation	\$276,000
---	-----------

TOTAL APPROPRIATION	<u>\$24,631,000</u>
	\$24,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring

and accountability actions in response to recommendations from the joint legislative audit and review committee.

**PART IV
TRANSPORTATION**

Sec. 401. 2019 c 415 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2020) ((\$5,424,000))	
	\$3,805,000

General Fund—State Appropriation (FY 2021) ((\$3,770,000))	
	\$6,109,000

Architects' License Account—State Appropriation ((\$1,454,000))	
	\$1,641,000

Real Estate Commission Account—State Appropriation ((\$13,263,000))	
	\$14,422,000

Uniform Commercial Code Account—State Appropriation ((\$2,922,000))	
	\$2,979,000

Real Estate Education Program Account—State Appropriation	\$276,000
---	-----------

Real Estate Appraiser Commission Account—State Appropriation ((\$1,742,000))	
	\$1,707,000

Business and Professions Account—State Appropriation ((\$24,752,000))	
	\$26,855,000

Real Estate Research Account—State Appropriation	\$415,000
--	-----------

Firearms Range Account—State Appropriation	\$74,000
--	----------

Landscape Architects' License Account—State Appropriation ((\$58,000))	
	\$126,000

Appraisal Management Company Account—State Appropriation	\$442,000
--	-----------

Concealed Pistol License Renewal Notification Account—State Appropriation	\$140,000
---	-----------

Geologists' Account—State Appropriation ((\$53,000))	
	\$114,000

Pension Funding Stabilization Account—State Appropriation	\$96,000
---	----------

Derelict Vessel Removal Account—State Appropriation	\$33,000
---	----------

TOTAL APPROPRIATION	<u>\$54,473,000</u>
	\$59,234,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in ((~~section 719 of this act~~)) section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~))

((4)) (3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts). ((~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~))

((5)) (4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

~~((6) \$2,716,000))~~ (5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,337,000))~~ \$3,050,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(7) \$22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 402. 2019 c 415 s 402 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

General Fund—State Appropriation	(FY 2020)	(((\$56,301,000))
		<u>\$57,529,000</u>
General Fund—State Appropriation	(FY 2021)	(((\$55,374,000))
		<u>\$58,775,000</u>
General Fund—Federal Appropriation		(((\$16,699,000))
		<u>\$16,690,000</u>
General Fund—Private/Local Appropriation		\$3,091,000
Death Investigations Account—State Appropriation		(((\$9,365,000))
		<u>\$9,098,000</u>
County Criminal Justice Assistance Account—State Appropriation		(((\$1,546,000))
		<u>\$4,550,000</u>
Municipal Criminal Justice Assistance Account—State Appropriation		(((\$1,641,000))
		<u>\$1,644,000</u>
Fire Service Trust Account—State Appropriation		\$131,000
Vehicle License Fraud Account—State Appropriation		\$119,000
Disaster Response Account—State Appropriation		\$8,000,000
Washington Internet Crimes Against Children Account—State Appropriation		\$1,500,000
Fire Service Training Account—State Appropriation		(((\$11,764,000))
		<u>\$11,765,000</u>
Model Toxics Control Operating Account—State Appropriation		\$588,000
Aquatic Invasive Species Management Account—State Appropriation		\$54,000
Fingerprint Identification Account—State Appropriation		(((\$16,405,000))
		<u>\$16,447,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)		(((\$2,723,000))
		<u>\$2,453,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2021)		(((\$2,523,000))

Pension Funding Stabilization Account—State	
Appropriation	\$3,300,000
TOTAL APPROPRIATION	<u>\$194,124,000</u>
	<u>\$198,527,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(3) ~~(((\$2,723,000))~~ \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(((\$2,523,000))~~ \$2,793,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) ~~(((\$300,000))~~ \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~(((\$100,000))~~ \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for a case management system to serve as a repository for all information regarding criminal cases. This system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors). ~~((If the bill is~~

~~not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with Washington State University to produce the report in section 604 of this act.

(16) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill

No. 2318 (criminal investigatory practices). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

PART V EDUCATION

Sec. 501. 2019 c 415 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State	Appropriation	(FY 2020)
		((\$30,861,000))
		<u>\$31,265,000</u>
General Fund—State	Appropriation	(FY 2021)
		((\$27,751,000))
		<u>\$30,350,000</u>
General Fund—Federal Appropriation		((\$99,348,000))
		<u>\$99,355,000</u>
General Fund—Private/Local Appropriation		\$8,060,000
Washington Opportunity Pathways Account—State Appropriation		((\$265,000))
		<u>\$4,265,000</u>
Dedicated Marijuana Account—State Appropriation		(FY 2020)
		\$522,000
Dedicated Marijuana Account—State Appropriation		(FY 2021)
		\$530,000
Pension Funding Stabilization Account—State Appropriation		\$2,126,000
Performance Audits of Government Account—State Appropriation		\$213,000
TOTAL APPROPRIATION		<u>\$169,676,000</u>
		<u>\$176,686,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) ~~((\$11,090,000))~~ \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and ~~((\$11,087,000))~~ \$11,883,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in ~~((sections 501, 515, and 522 of this act))~~ section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and ~~((857,000))~~ \$1,217,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and \$494,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and ~~((61,000))~~ \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and \$123,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, \$131,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$117,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and ~~((235,000))~~ \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state

native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$175,000)~~) \$205,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and \$481,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) \$44,000 of the general fund—state appropriation for fiscal year 2020 and \$44,000 of the general fund—state appropriation

for fiscal year 2021 are provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.

(w) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(x) The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

(y) In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

(z) In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and \$1,802,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$1,221,000)~~) \$281,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and \$335,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation

for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(h) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a technical advisory committee to consider and make recommendations for an apportionment system that could effectively support teacher residency program model pilots in fiscal year 2022.

(i)(i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

(j) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(k) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the office of the department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(l)(i)(A) Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

(I) Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

(II) Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

(III) Consider revisions to sexual health education provisions in statute; and

(IV) Consider the merits and challenges associated with requiring all public schools offer comprehensive sexual health education to students in all grades by September 1, 2022. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

(A) The superintendent of public instruction or the superintendent's designee;

(B) Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

(C) Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

(D) Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

(E) Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

(F) Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the

district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

(m) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child, mental health wk. grp). If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and \$2,590,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$703,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (bilingual seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) ~~\$1,268,000 of the general fund—state appropriation for fiscal year 2020 ((and \$1,268,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(iv) \$570,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)((~~iv~~)) (v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)((~~iv~~)) (v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the

dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and \$293,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and \$178,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and \$358,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program. ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the superintendent of public instruction to administer a pilot program in a school district with enrollment under 2,000 students in the 2019-20 school year and with at least one school identified for improvement through the Washington school improvement framework to move to a balanced school year. For the purposes of this pilot program, "balanced calendar school year" means a school schedule which distributes school vacations evenly throughout the school year while meeting minimum instructional hours and minimum days of instruction as required in law.

(w) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to develop a list of curriculum and supplemental curriculum supports that align with the K-12 health education standards in order to support teaching emotional, mental, and behavioral health in schools.

(x)(i) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to collaborate with the department of health to submit a report of findings related to statewide implementation of RCW 28A.210.383. In preparing the report, the office must collaborate with the department to:

(A) Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;

(B) Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;

(C) Review whether and to what extent the requirement under RCW 28A.210.320 that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;

(D) Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2019-20 school year;

(E) Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and September 1, 2020; and

(F) Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by the office for the purpose of soliciting feedback on these issues.

(ii) When collecting and analyzing information required under (i) of this subsection, the office and the department must collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

(iii) The office and the department must submit the report to the appropriate committees of the legislature by December 1, 2020.

(y) Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

(z) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(aa) \$474,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 1182 (learning assistance program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(bb) \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(cc) \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(dd) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop Spanish language arts standards, contract with an organization to conduct a bias and sensitivity review of the proposed Spanish language arts standards; and provide professional learning outreach to school districts to help educators implement the Spanish language arts standards. The office must also develop a plan for phasing in language arts standards for other languages spoken by Washington students.

(ee) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, a state association of school nurses, and a national epilepsy organization, to adopt a model policy and procedure that school districts may use to implement individual health plans for students with epilepsy or other seizure disorders. At a minimum, the model policy and procedure must address the acquisition of parent requests and instructions, the acquisition of medication and treatment orders from licensed health professionals, the provision for storage of medical equipment and medication provided by parents, and training of parent-designated adults. The model policy and procedure must be periodically reviewed by the Washington state school directors' association and may be revised as necessary.

(ff) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW 28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

(gg) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6066 (ethnic studies materials). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(hh) \$385,000 of the general fund—state appropriation for fiscal year 2020 and \$349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(ii) \$6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(jj) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to develop a model civics curriculum, including resources and teacher materials designed to prepare students for lifelong civic engagement. Development of materials must include feedback from diverse communities, including those groups typically underrepresented in voter turnout. All materials must be openly licensed and posted on the superintendent of public instruction's web site.

(kk) \$4,000,000 of the Washington opportunity pathways account—state appropriation is provided solely for grants during the 2020-21 school year to school districts that have enrollments of less than six hundred fifty students. Funding provided in this subsection may be used only for enrichment activities permitted by RCW 28A.150.276(2). The superintendent of public instruction must prioritize districts with low operating fund balances or other demonstrated financial need. For the purposes of this subsection only, "school district" includes public schools receiving allocations under chapters 28A.710 and 28A.715 RCW.

Sec. 502. 2019 c 415 s 503 (uncodified) is amended to read as follows:

FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD

General Fund—State Appropriation (FY 2020)	\$3,839,000
General Fund—State Appropriation (FY 2021)	(\$15,771,000))
	<u>\$30,129,000</u>
TOTAL APPROPRIATION	<u>\$19,610,000</u>
	<u>\$33,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,834,000 of the general fund—state appropriation for fiscal year 2020 and \$2,887,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,612,000 of the general fund—state appropriation for fiscal year 2020 and \$1,665,000 of the general fund—state appropriation for fiscal year 2021 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2020 and up to \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2020 and \$622,000 of the general fund—state appropriation for fiscal year 2021 are provided for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$662,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$12,663,000))~~ \$27,021,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, ~~(\$12,001,000))~~ \$26,359,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to districts to provide ~~((two days))~~ four days of training in the fundamental course of study to all paraeducators. ~~((Funds in this subsection are provided solely for reimbursement to school districts that provide two days of training in the fundamental course of study to paraeducators during the 2019-20 school year.))~~

(b) No later than December 1, 2020, the professional educator standards board must submit a report to the legislature including the following:

- (i) The total number of trainings that districts provided;
- (ii) The number of paraeducators that completed the training, by district; and
- (iii) The total expenditures reimbursed to school districts, by district.

Sec. 503. 2019 c 415 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2020)	(\$8,752,402,000))
	<u>\$8,449,996,000</u>
General Fund—State Appropriation (FY 2021)	(\$9,137,269,000))
	<u>\$8,942,348,000</u>
Education Legacy Trust Account—State Appropriation	(\$1,345,730,000))
	<u>\$1,955,730,000</u>
TOTAL APPROPRIATION	<u>\$19,235,401,000</u>
	<u>\$19,348,074,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

RCW 28A.150.260

	2019-20 School Year	2020-21 School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00

Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school in the 2019-20 school year as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under (d)(ii)(A) of this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) For qualifying high-poverty elementary schools in the 2020-21 school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary
Guidance Counselors	0.500

(c) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this

subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students

1.025

Skill Center students

1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and ~~((25.47))~~ 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ~~((12.51))~~ 12.50 percent in the 2019-20 school year and ~~((12.53))~~ 12.52 percent in the 2020-21 school year for career and technical education students, and ~~((17.84))~~ 17.83 percent in the 2019-20 school year and ~~((17.86))~~ 17.85 percent in the 2020-21 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and ~~((23.80))~~ 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and ~~((24.33))~~

24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in ~~((section 938 of this act))~~ section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	((138.75)) <u>\$138.08</u>
Utilities and Insurance	\$369.29	((377.04)) <u>\$375.20</u>
Curriculum and Textbooks	\$145.92	((148.99)) <u>\$148.26</u>
Other Supplies	\$289.00	((295.07)) <u>\$293.62</u>
Library Materials	\$20.79	((21.23)) <u>\$21.12</u>
Instructional Professional Development for Certificated and Classified Staff	\$22.57	((23.04)) <u>\$22.93</u>

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Facilities Maintenance	\$182.94	(\$186.79) <u>\$185.87</u>
Security and Central Office	\$126.74	(\$129.41) <u>\$128.77</u>
TOTAL BASIC EDUCATION	\$1,293.16	(\$1,320.32) <u>\$1,313.85</u>
MSOC/STUDENT FTE		

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~(\$1,562.11)~~ \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and ~~(\$1,562.11)~~ \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	(\$39.90) <u>\$39.70</u>
Curriculum and Textbooks	\$42.63	(\$43.53) <u>\$43.32</u>
Other Supplies	\$83.04	(\$84.79) <u>\$84.37</u>
Library Materials	\$5.78	(\$5.90) <u>\$5.87</u>
Instructional Professional Development for Certified and Classified Staff	\$7.11	(\$7.25) <u>\$7.22</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$177.64	(\$181.37) <u>\$180.48</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict

cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such

school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in

extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

~~((18))~~ (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

~~((19))~~ (20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

those adjustments for enrollment for students eligible for basic support.

((20)) (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 504. 2019 c 415 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under ((section 504 of this act)) section 503 of this act: For the 2019-20 school year and the 2020-21 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2019-20 School Year	2020-21 School Year
Certificated Instructional	\$66,520	((\$67,917)) <u>\$67,585</u>
Certificated Administrative	\$98,741	((\$100,815)) <u>\$100,321</u>
Classified	\$47,720	((\$48,722)) <u>\$48,483</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ((December 10, 2018, at 8:24 hours)) February 24, 2020, at 2:22 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 23.16 percent for school year 2019-20 and ((23.16)) 23.39 percent for school year 2020-21 for certificated instructional and certificated administrative staff and 20.83 percent for school year 2019-20 and ((20.83)) 20.94 percent for the 2020-21 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

Sec. 505. 2019 c 415 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General	Fund—State	Appropriation	(FY 2020) ((\$379,041,000)) <u>\$387,359,000</u>
General	Fund—State	Appropriation	(FY 2021) ((\$726,648,000)) <u>\$644,562,000</u>
TOTAL APPROPRIATION			<u>\$1,105,689,000</u> <u>\$1,031,921,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and ((2.4)) 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations ((specified in this subsection (1) funding)), the appropriations in this ((subsection includes two days of)) section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days ((of professional learning)) of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and ((23.16)) 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and ((20.83)) 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in ((sections 504 and 505 of this act)) sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in ((sections 504 and 505 of this act)) sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in ((section 938 of this act)) section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, ((~~\$1,056~~)) \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in

another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) ~~\$1,226,000 of the general fund—state appropriation for fiscal year 2020 ((and \$2,763,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

Sec. 506. 2019 c 415 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State	Appropriation (FY 2020)
	(\$614,906,000))
	\$646,545,000
General Fund—State	Appropriation (FY 2021)
	(\$615,788,000))
	\$626,529,000
Education Legacy Trust Account—State	
Appropriation	\$29,500,000
TOTAL APPROPRIATION	\$1,230,694,000
	\$1,302,574,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(10) \$29,500,000 of the education legacy trust account—state appropriation is provided solely for a one-time backfill funding for excess allocations to school districts in fiscal year 2019 that resulted from an erroneous methodology used by the office of superintendent of public instruction. The amount provided in this subsection must not be included in the methodology used to calculate the 2020-21 school year pupil transportation operations allocation. The amount in this subsection must remain unexpended and in unallotted status until the report required in section 129(13) of this act is completed and the superintendent and the office of financial management agree that the methodology used to allocate the funds in this section accurately reflect the components and modeling approach in RCW 28A.160.192 and will not result in the need for additional backfill funding.

(11) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

(12) \$21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

Sec. 507. 2019 c 415 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State	Appropriation (FY 2020)
	(\$1,402,262,000))
	\$1,406,767,000
General Fund—State	Appropriation (FY 2021)
	(\$1,501,646,000))
	\$1,463,248,000
General Fund—Federal	Appropriation (\$499,428,000))
	\$514,008,000
Education Legacy Trust Account—State	Appropriation
	\$54,694,000
Pension Funding Stabilization Account—State	Appropriation
	\$20,000
TOTAL APPROPRIATION	\$3,458,050,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

\$3,438,737,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under ~~((section 504 (2) and (4) of this act))~~ section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~(((\$71,253,000))~~ \$63,609,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$87,253,000))~~ \$91,500,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are

provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$46,425,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

~~(((\$13,100,000))~~ (14) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$15,000,000))~~ \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the

highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

Sec. 508. 2019 c 415 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2020)	\$12,869,000
General Fund—State Appropriation (FY 2021)	(\$12,948,000))
	\$18,930,000
TOTAL APPROPRIATION	\$25,817,000
	\$31,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) For fiscal year 2021, funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) For fiscal year 2021, funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) For fiscal year 2021, funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and

emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) For fiscal year 2021, funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2019 c 415 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2020)	(\$365,560,000))
	\$353,213,000
General Fund—State Appropriation (FY 2021)	(\$389,331,000))
	\$332,158,000
TOTAL APPROPRIATION	\$754,891,000
	\$685,371,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$17,010,000 of the general fund—state appropriation for fiscal year 2020 and \$44,586,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for changes to the levy and levy equalization system as specified in either Substitute House Bill No. 2140 or Engrossed Substitute Senate Bill No. 5313 (K-12 education funding). If neither bill is enacted by June 30, 2019, these amounts shall lapse. Included in these amounts are hold harmless local effort assistance payments. In calendar years 2020 and 2021, in each calendar year a school district will receive an amount equal to number A minus number B if number A is greater than number B. For purposes of this section:~~

~~(1) "Number A" is the sum of the local effort assistance and enrichment levy a district would have received under law as it existed on January 1, 2019.~~

~~(2) "Number B" is the sum of the local effort assistance and enrichment levy a district receives under Substitute House Bill No. 2140 (K-12 education funding), if the district's levy collections were the lesser of the maximum dollar amount that may be levied at twenty percent of the district's levy base or its voter approved levy amount in calendar year 2018.)) \$25,170,000 of the general fund—state appropriation for fiscal year 2020 and \$20,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.~~

Sec. 510. 2019 c 415 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2020)	(\$15,886,000))
	\$15,501,000
General Fund—State Appropriation (FY 2021)	(\$16,461,000))
	\$16,707,000
TOTAL APPROPRIATION	\$32,347,000
	\$32,208,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) ~~(\$1,066,000)~~ \$999,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,661,000)~~ \$2,113,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 ~~((and \$100,000 of the general fund—state appropriation in fiscal year 2021 are))~~ is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

Sec. 511. 2019 c 415 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General	Fund—State	Appropriation	(FY 2020)
			(\$30,490,000)
			<u>\$30,504,000</u>

General	Fund—State	Appropriation	(FY 2021)
			(\$31,551,000)
			<u>\$31,696,000</u>
TOTAL APPROPRIATION			<u>\$62,041,000</u>
			<u>\$62,200,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

Sec. 512. 2019 c 415 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation	(\$5,802,000)
	<u>\$6,802,000</u>
TOTAL APPROPRIATION	<u>\$5,802,000</u>
	<u>\$6,802,000</u>

Sec. 513. 2019 c 415 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General	Fund—State	Appropriation	(FY 2020)
			(\$134,185,000)
			<u>\$131,298,000</u>

General	Fund—State	Appropriation	(FY 2021)
			(\$135,807,000)
			<u>\$135,955,000</u>

General Fund—Federal Appropriation	\$96,576,000
------------------------------------	--------------

General Fund—Private/Local Appropriation	\$1,450,000
--	-------------

Education Legacy Trust Account—State Appropriation	\$1,636,000
--	-------------

Pension Funding Stabilization Account—State Appropriation	\$765,000
---	-----------

TOTAL APPROPRIATION	<u>\$370,419,000</u>
	<u>\$367,680,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, \$26,975,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and \$14,352,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

~~((c) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.))~~

(2) EDUCATOR CONTINUUM

(a) ~~(((\$72,124,000)) \$69,237,000~~ of the general fund—state appropriation for fiscal year 2020 and ~~(((\$73,619,000)) \$73,797,000~~ of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of ~~(((\$5,624)) \$5,593~~ per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and \$3,418,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and \$10,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

Sec. 514. 2019 c 415 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State	Appropriation (FY 2020)
	(\$201,330,000))
	<u>\$205,270,000</u>
General Fund—State	Appropriation (FY 2021)
	(\$210,659,000))
	<u>\$216,650,000</u>
General Fund—Federal Appropriation	\$102,242,000
Pension Funding Stabilization Account—State Appropriation	\$4,000
TOTAL APPROPRIATION	<u>\$514,235,000</u>
	<u>\$524,166,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((4.97))~~ 1.93 percent for school year 2019-20 and ~~((4.95))~~ 1.89 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state

appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 515. 2019 c 415 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State	Appropriation (FY 2020)
	(\$438,940,000))
	<u>\$416,973,000</u>
General Fund—State	Appropriation (FY 2021)
	(\$450,681,000))
	<u>\$430,591,000</u>
General Fund—Federal Appropriation	\$533,481,000
TOTAL APPROPRIATION	<u>\$1,423,102,000</u>
	<u>\$1,381,045,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under

this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2019 c 415 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Basic Education Program	2019-20 School Year	2020-21 School Year
General Apportionment	(((\$9,173)) \$9,176	(((\$9,450)) \$9,398
Pupil Transportation	(((\$519)) \$586	(((\$521)) \$586
Special Education Programs	(((\$9,696)) \$9,611	(((\$10,158)) \$10,107
Institutional Education Programs	(((\$18,562)) \$19,186	(((\$19,030)) \$20,540
Programs for Highly Capable Students	\$598	(((\$615)) \$609
Transitional Bilingual Programs	(((\$1,346)) \$1,365	(((\$1,380)) \$1,390
Learning Assistance Program	(((\$969)) \$932	(((\$997)) \$950

Sec. 517. 2019 c 415 s 519 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) ~~((To the maximum extent practicable, when))~~ When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall ~~((attempt to))~~ seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2020, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for

fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in ~~((sections 504 and 506 of this act))~~ sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in ~~((section 938 of this act))~~ section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in ~~((section 938 of this act))~~ section 907 of this act.

~~((5))~~ (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2019 c 415 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation	(((\$99,810,000)) \$93,986,000
TOTAL APPROPRIATION	(((\$99,810,000)) \$93,986,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 519. 2019 c 415 s 521 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State Appropriation	(((\$250,000)) \$294,000
Charter Schools Oversight Account—State Appropriation	(((\$2,210,000)) \$2,454,000
TOTAL APPROPRIATION	(((\$2,460,000)) \$2,748,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

Sec. 520. 2019 c 415 s 522 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

General Fund—State Appropriation (FY 2020)	(((\$35,516,000)) \$35,491,000
--	--

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

General Fund—State Appropriation (FY 2021)	
	((35,621,000))
	<u>\$36,704,000</u>
TOTAL APPROPRIATION	<u>\$71,137,000</u>
	<u>\$72,195,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and \$4,894,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and ~~((2,052,000))~~ \$2,752,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and ~~((100,000))~~ \$800,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations. If equally matched by private donations, \$10,000 of the general fund—state appropriation for fiscal year 2021 must be used to support FIRST robotics programs in grades one through four at elementary schools where more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year and which are located within a county with a population of more than two million.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for ~~((advanced))~~ project lead the way courses at ten high schools. To be eligible for funding ~~((in 2020))~~, a high school must have offered ~~((a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational)) at least one project lead the way course during the ((2019-20)) prior school year. The ((2020)) funding must be used for one-time start-up course costs for ((an advanced)) a new project lead the way course((, to be offered to students beginning in the 2020-21 school year)). The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.~~

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) ~~((350,000 of the general fund—state appropriation for fiscal year 2020 and 350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.~~

~~((v) 427,000 of the general fund—state appropriation for fiscal year 2020 and 427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.))~~ \$777,000 of the general fund—state appropriation for fiscal year 2020 and \$777,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students and to provide management, assessment, and outreach of the manufacturing programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and \$373,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) ~~(((\$55,000))~~ \$30,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$3,145,000))~~ \$3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established

pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$2,541,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$1,000,000))~~ \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$356,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter

3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

~~((Funds may be expended as grant funding only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.))~~

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a ~~((nonprofit organization))~~ qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes,

programs, and scholarships to improve school performance and advancement across diverse communities.

(15) ~~(\$250,000))~~ \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020 and grants for the 2021-22 school year to school districts by June 30, 2021.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to ~~((five))~~ ten thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military- connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and

social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$150,000))~~ \$220,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(a) Of the amounts provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for speaker costs, per diem and travel, and other expenses for five media literacy pre-conferences that coincide with the office's regional conferences in social studies, English language arts, health and technology.

(b) The office shall develop a plan for identifying and supporting a group of one hundred media literacy champions across the state that are K-12 professionals that promote, support, and provide media literacy education in their school districts and report to the legislature by December 31, 2020.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with a

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources, and implementation support. At least seventy-five percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing environmental science programming and resources for migrant and bilingual students.

(27) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the design and planning of a public secondary education institution in Washington state that is focused on maritime education in south King county. The population of the secondary education institution must reflect the student population of south King county through an enrollment process that ensures an equitable percentage of students at the institution are students of color or students with limited access to resources. In addition, the institution must meet criteria for state career and technical education and career launch operational funding requirements. The office must collaborate with a nonprofit institution that is completing similar design work and with local public schools and the various labor groups and industry associations representing maritime workers and business leaders.

(28) \$110,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the southwest Washington career connected learning network to convene education, industry, and higher education partners to create a system of career-related learning opportunities for students in Washington state. The amount provided in this subsection shall help support career connect southwest to scale the current network as a model for other statewide networks.

(29) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

(31) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

(32) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

(33) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

(34) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to contract with an organization which specializes in developing tools to combine internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user. The organization must have demonstrated experience providing such tools to at least two state education agencies in the past five years. The contract must provide access to the developed tools to the state education agency, selected educational service districts, and up to five local education agencies.

Sec. 521. 2019 c 406 s 13 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the office of the superintendent of public instruction and are subject to the following conditions and limitations:

(1) \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$425,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding career connected learning as defined in section 57 of this act.

(2) \$158,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$480,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing the funding per full-time equivalent for career launch programs as described in ~~((section 60 of this act))~~ RCW 28A.700.130. In the 2019-21 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection funding is provided in section 503 of this act.

(3) \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$750,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to develop a regional apprenticeship pathways pilot program. The pilot program must seek to:

(a) Establish an education-based apprenticeship preparation program recognized by the Washington state apprenticeship and training council that prepares individuals for registered apprenticeships within the building and construction trades;

(b) Provide dual credit for participants by meeting high school graduation requirements and providing opportunities for credit leading to a college credential; and

(c) Provide participants with preferred or direct entry into a state registered apprenticeship program in the building and construction trades.

PART VI HIGHER EDUCATION

Sec. 601. 2019 c 415 s 601 (uncodified) is amended to read as follows:

The appropriations in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections ~~((605 through 611 of this act))~~ 602 through 608 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections ~~((605 through 611 of this act))~~ 602 through 608 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2019, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2019. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2021-2023 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the

locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections ~~((605 through 611 of this act))~~ 602 through 608 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards starting in fall quarter 2019, or as soon as is practicable to implement.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(8) A representative of the public baccalaureate institutions and the state board for community and technical colleges shall participate in the work group under ~~((section 607(22) of this act))~~ section 604(22) of this act.

(9) Institutions of higher education must provide budget, expenditure, and revenue data as described in section 129(21) of this act on an annual basis to the education research and data center. Institutions must provide data for fiscal year 2020 by October 1, 2020. Institutions must also submit state-funded full-time equivalent student enrollment data to the education research and data center for the state-funded public higher education enrollment report by October 1st of each year.

Sec. 602. 2019 c 415 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General	Fund—State	Appropriation	(FY 2020)
			((\$677,935,000))
			<u>\$678,312,000</u>

General	Fund—State	Appropriation	(FY 2021)
			((\$703,459,000))
			<u>\$709,756,000</u>

Community/Technical College Capital Projects		
Account—State Appropriation		\$23,505,000

Education Legacy Trust Account—State Appropriation		((\$158,528,000))
		<u>\$158,532,000</u>

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Pension Funding Stabilization Account—State	
Appropriation	\$67,784,000
TOTAL APPROPRIATION	<u>\$1,631,211,000</u>
	<u>\$1,637,889,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) ~~(\$5,450,000)~~ \$2,443,000 of the general fund—state appropriation for fiscal year 2021 and \$5,450,000 of the education legacy trust account—state appropriation ((is)) are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$20,174,000)~~ \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct

individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

(27) \$100,104 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the interpreter training program at Spokane Falls Community College.

(28) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staff support and contract services with a nonprofit organization with experience in advancing affordable housing projects and education centers on public or tax-exempt land to coordinate the building of student, faculty, staff, and affordable workforce housing at the following institutions:

- (a) Highline College;

(b) Lake Washington Institute of Technology;

(c) North Seattle College; and

(d) Tacoma Community College.

(29)(a) \$300,000 of the general fund—state appropriation for the fiscal year 2021 is provided solely for a study to identify and evaluate compliance with the requirements for firefighter basic recruit training, apprenticeship, and the firefighter joint apprenticeship training committee. The study must include:

(i) An evaluation of the firefighter joint apprenticeship training committee for funding source appropriateness, adequacy, and authority;

(ii) Effectiveness and relationship of training programs to hiring veterans, minorities, and women within the fire service; and

(iii) Administrative and operational efficiencies and opportunities for improvement of the firefighter joint apprenticeship training committee.

(b) By January 31, 2021, the study must be submitted to the governor and appropriate committees of the legislature.

(30) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop plans to increase the ratio of full-time tenure-track faculty to adjunct faculty, expand opportunities for adjunct faculty to participate in the college community, and achieve pay equity between full-time and adjunct faculty. Each community and technical college district must develop, in consultation with academic employee bargaining representatives at the college, a plan to achieve these goals and provide the plan to the state board for community and technical colleges by November 1, 2020. The state board must develop, in consultation with academic employee collective bargaining representatives, a plan to accomplish these goals, as well as a plan to achieve a system-wide ratio of full-time tenure-track faculty to adjunct faculty of at least sixty percent. The state board must submit the plans to the fiscal and higher education committees of the legislature no later than December 31, 2020.

(32) Within existing resources, the state board for community and technical colleges shall coordinate with the Washington student achievement council task force as described in section 609(11) of this act to provide the following running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020, for each community and technical college:

(a) The total number of running start students served by headcount and full-time equivalent.

(b) The total amount of running start revenue received through apportionment as allocated with the running start rate by the office of superintendent of public instruction through local school districts;

(c) The total amount of revenue received directly from local school districts that is not provided through the running start allocation described in (b) of this subsection;

(d) The total amount of fee revenue generated directly from running start students and families, broken out by fee name, fee type, or both;

(e) Expenditures by object, sub-object, program, and fund for all running start revenues from state apportionment and fees;

(f) Any transfers of running start revenue between funds;

(g) Course completion rates for running start students;

(h) A list of courses by two-digit classification of instructional program code and the number of running start students in each course;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(i) A list of career and technical education area courses and the number of running start students in each course;

(j) The number of students at each community or technical college receiving complete fee waivers as required by RCW 28A.600.310(3)(a);

(k) The total dollar value of fee waivers provided to running start students;

(l) A total allocation of additional funds provided to cover fee waivers; and

(m) The method used by each college to determine running start fee waiver eligibility, including any policies adopted by the college or its program.

Sec. 603. 2019 c 415 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

~~((1))~~ **GENERAL APPROPRIATIONS**

General Fund—State Appropriation	(FY 2020)	(((\$341,498,000))
		<u>\$340,784,000</u>
General Fund—State Appropriation	(FY 2021)	(((\$347,067,000))
		<u>\$358,083,000</u>
Aquatic Lands Enhancement Account—State Appropriation		(((\$1,590,000))
		<u>\$1,606,000</u>
University of Washington Building Account—State Appropriation		\$1,546,000
Education Legacy Trust Account—State Appropriation		(((\$36,530,000))
		<u>\$36,731,000</u>
Economic Development Strategic Reserve Account—State Appropriation		(((\$3,075,000))
		<u>\$3,087,000</u>
Geoduck Aquaculture Research Account—State Appropriation		\$800,000
Biotoxin Account—State Appropriation		(((\$609,000))
		<u>\$612,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2020)		\$256,000
Dedicated Marijuana Account—State Appropriation (FY 2021)		(((\$263,000))
		<u>\$272,000</u>
Pension Funding Stabilization Account—State Appropriation		\$50,906,000
Accident Account—State Appropriation		(((\$7,814,000))
		<u>\$7,907,000</u>
Medical Aid Account—State Appropriation		(((\$7,419,000))
		<u>\$7,507,000</u>
TOTAL APPROPRIATION		<u>\$799,373,000</u>
		<u>\$810,097,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ (1) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and ~~(((\$41,872,000))~~ \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((2))~~ (2) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

~~((3))~~ (3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine

residency network at the university to maintain the number of residency slots available in Washington.

~~((4))~~ (4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

~~((5))~~ (5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

~~((6))~~ (6) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

~~((7))~~ (7) ~~\$3,000,000~~ \$1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

~~((8))~~ (8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

~~((9))~~ (9) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

~~((10))~~ (10) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

~~((11))~~ (11) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

~~((12))~~ (12) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

~~((13))~~ (13)(a) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-

prey dynamics of species that currently have established populations in the area. The study objectives shall include:

((A)) (i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

((B)) (ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

((C)) (iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

((D)) (iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

((E)) (b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

((F)) (14) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

((G)) (15) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

((H)) (16) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

((I)) (17) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

((J)) (18) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

((K)) (19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

((L)) (a) Teach participants relevant laws, including laws around physical restraint and isolation;

((M)) (b) Provide foundational knowledge in behavioral health, mental health, and mental illness;

((N)) (c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and

((O)) (d) Teach approaches to promote health and positively influence student health behaviors.

((P)) (20) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

((Q)) (21) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

((R)) (22) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

((S)) (23) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

((T)) (24) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

((U)) (25) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

((V)) (a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;

((W)) (b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;

((X)) (c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

((Y)) (26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

~~((aa))~~ (27) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

~~((i))~~ (a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;

~~((ii))~~ (b) An analysis of similar initiatives in Washington state and potential barriers to expansion;

~~((iii))~~ (c) A review of best practices and policies; and

~~((iv))~~ (d) Recommendations for the establishment and continuation of home-sharing programs.

~~((b))~~ (28) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

~~((ee))~~ (29) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

~~((dd))~~ (30) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

~~((i))~~ (a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

~~((ii))~~ (b) Beginning with the 2020-21 school year:

~~((A))~~ (i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

~~((B))~~ (ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

~~((ee))~~ (31) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental

health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((ff))~~ (32) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((gg))~~ (33)(a) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

~~((ii))~~ (b) \$63,000 of the general fund—state appropriation for fiscal year 2020 in ~~((gg))~~ (i) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection (1)(gg)(ii) shall lapse.))~~

~~((hh))~~ (34) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((ii))~~ (35) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

~~((i))~~ (a) Support investigations of firearm death and injury risk factors;

~~((ii))~~ (b) Evaluate the effectiveness of state firearm laws and policies;

~~((iii))~~ (c) Assess the consequences of firearm violence; and

~~((iv))~~ (d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

~~((jj))~~ (36) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

~~((kk))~~ (37) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

~~((l))~~ \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the dental education in the care of persons with disabilities program.

~~((mm))~~ \$190,000 (38) \$95,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

~~((nn))~~ \$300,000 (39) \$100,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

~~((ii))~~ (a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

~~((iii))~~ (b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

~~((iv))~~ (c) Assess southwest Washington landowner interest in growing poplar feedstock;

~~((v))~~ (d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

~~((vi))~~ (e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

~~((40))~~ (40) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

~~((41))~~ (41) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

(42) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of environmental and occupational health sciences to provide an air quality report. The report will study the relationship between indoor and outdoor ultrafine particle air quality at sites with vulnerable populations, such as schools or locations underneath flight paths within ten miles of Sea-Tac airport. The report recommendations must include an item addressing filtration systems at select locations with vulnerable populations. The report shall be submitted to the house environment and energy committee and the senate environment, energy and technology committee by December 15, 2020.

(43) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington MESA to continue the first nations MESA program in the Yakima valley.

(44)(a) \$40,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a study focusing on special purpose district elections to be completed within the division of politics, philosophy, and public affairs at the Tacoma campus. The study must include, at a minimum, an examination and comparison of:

(i) Different types of data collected based on the entity administering the election;

(ii) Voting frequency, eligibility, demographics of voters and candidates, and equity within special purpose district elections;

(iii) Individuals and entities affected outside the voting district of special purpose districts;

(iv) A review of other governance models regarding special purpose districts; and

(v) Potential statutory and constitutional issues regarding special purpose district elections.

(b) By December 1, 2020, the study must be submitted to the appropriate committees of the legislature.

(45) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

(46)(a) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the center for cannabis research at the university to collaborate with the Washington State University collaboration on cannabis policy, research, and outreach to create frameworks for future studies. Each framework will include the length of time to complete, research licenses necessary, cost, literature review of national and international research, and a scope of work to be completed. The following frameworks shall be compiled in a report:

(i) Measuring and assessing impairment due to marijuana use; and

(ii) Correlation between age of use, dosage of use, and appearance of occurrence of cannabis induced psychosis.

(b) The report on the frameworks must be submitted to the appropriate committees of the legislature by December 1, 2020.

(47) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(48) \$364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(49) \$232,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2419 (death with dignity barriers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(50) \$450,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington school of medicine for the development of simulation training devices at the Harborview medical center's paramedic training program.

(51) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6061 (telemedicine training). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$320,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(54) \$205,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(55) \$64,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(56) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(57) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

~~((2) CONDITIONAL GENERAL WAGE INCREASES~~

~~General Fund—State Appropriation (FY 2020) \$2,320,000~~

~~General Fund—State Appropriation (FY 2021) \$4,664,000~~

~~Aquatic Lands Enhancement Account—State Appropriation \$16,000~~

~~Education Legacy Trust Account—State Appropriation \$201,000~~

~~Economic Development Strategic Reserve Account—State Appropriation \$12,000~~

~~Institutions of Higher Education—Grant and~~

~~Contracts Account—State Appropriation \$19,587,000~~

~~Institutions of Higher Education—Dedicated Local Account Appropriation \$12,184,000~~

~~Institutions of Higher Education—Operating Fees Account—Local Appropriation \$13,786,000~~

~~Biotoxin Account—State Appropriation \$3,000~~

~~Dedicated Marijuana Account—State Appropriation (FY 2020) \$3,000~~

~~Dedicated Marijuana Account—State Appropriation (FY 2021) \$6,000~~

~~University of Washington Hospital Account—Local Appropriation \$16,375,000~~

~~Accident Account—State Appropriation \$92,000~~

~~Medical Aid Account—State Appropriation \$87,000~~

~~TOTAL APPROPRIATION \$69,336,000~~

The appropriations in this subsection (2) are subject to the following conditions and limitations: Funding is provided solely for conditional general wage increases to all University of Washington employees of one percent on July 1, 2019, and one percent on July 1, 2020, subject to the conclusion of impacts bargaining over the application of the increases to represented employees covered by sections 921 through 925 of this act. If agreements to implement the one percent increases are not reached with the represented employees covered by sections 921 through 925 of this act by July 1, 2020, the amounts provided in this subsection (2) shall lapse. Funding for the conditional increases is provided from appropriated and nonappropriated accounts as authorized in this subsection (2).)

Sec. 604. 2019 c 415 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2020) ~~((222,455,000))~~

~~\$222,642,000~~

General Fund—State Appropriation (FY 2021) ~~((230,453,000))~~

~~\$233,649,000~~

Washington State University Building Account—State Appropriation \$792,000

Education Legacy Trust Account—State Appropriation \$33,995,000

Model Toxics Control Stormwater Account—State

Appropriation \$50,000

Dedicated Marijuana Account—State Appropriation (FY 2020) \$138,000

Dedicated Marijuana Account—State Appropriation (FY 2021) \$138,000

Pension Funding Stabilization Account—State Appropriation \$30,954,000

TOTAL APPROPRIATION ~~\$518,925,000~~

\$522,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and ~~((29,764,000))~~ \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(24) \$134,000 of the general fund—state appropriation for fiscal year 2020 and \$134,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

implement Engrossed Substitute House Bill No. 2248 (community solar projects). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the establishment of a mathematics, engineering, science achievement program on the Everett campus.

(26) \$50,000 of the model toxics control stormwater account—state appropriation is provided solely for the Washington stormwater center for the following purposes:

(a) The initial development of a plan for the implementation of a statewide don't drip and drive program; and

(b) The provision of technical assistance and education to local governments, community organizations, and businesses, that are undertaking or seek to potentially undertake behavior change strategies to prevent stormwater pollution from leaking motor vehicles.

(27)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

(28) \$130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(29) \$32,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2645 (photovoltaic modules). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(30) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to assess the feasibility of and barriers to expanding and integrating district energy systems in the city of Bellingham. The study must include a situation assessment by the center, and an independent technical review by the Washington state academy of sciences. The study must be submitted to the appropriate committees of the legislature by December 31, 2020.

(31) \$299,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(32) \$788,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6306 (soil health initiative). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(33) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Washington State University's energy program to launch a least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington. This program shall engage all relevant stakeholders to identify priority areas where there is the least amount of potential conflict in the siting of utility scale pv solar and to develop a map highlighting these areas. The program shall also compile the latest information on opportunities for dual-use and colocation of pv solar with other land values. The appropriation is the maximum amount the department may expend for this purpose.

(34) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(35) \$280,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 605. 2019 c 415 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation	(FY 2020)
		(\$54,894,000))
		\$55,128,000
General Fund—State	Appropriation	(FY 2021)
		(\$57,331,000))
		\$57,943,000
Education Legacy Trust Account—State	Appropriation	
		\$16,794,000
TOTAL APPROPRIATION		\$129,019,000
		\$129,865,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$10,692,000))~~ \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and

archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) ~~(\$146,000)~~ \$73,000 of the general fund—state appropriation for fiscal year 2020 ~~((is))~~ and \$73,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expansion of the American sign language program.

(10) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$88,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$45,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

Sec. 606. 2019 c 415 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State	Appropriation (FY 2020)	(\$54,390,000)) <u>\$54,520,000</u>
General Fund—State	Appropriation (FY 2021)	(\$56,517,000)) <u>\$57,179,000</u>
Central Washington University Capital Projects Account—		
State Appropriation		\$76,000
Education Legacy Trust Account—State	Appropriation	\$19,076,000
Pension Funding Stabilization Account—State		
Appropriation		\$3,924,000
TOTAL APPROPRIATION		<u>\$133,983,000</u> <u>\$134,775,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$12,051,000))~~ \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(7) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development of an educational American sign language interpreter preparation program.

(8) \$155,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to implement chapter 295, Laws of 2019 (educator workforce supply).

(9) \$254,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$52,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(11) \$53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 607. 2019 c 415 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State	Appropriation (FY 2020)	(\$29,766,000)) <u>\$30,208,000</u>
General Fund—State	Appropriation (FY 2021)	(\$30,305,000)) <u>\$31,303,000</u>
The Evergreen State College Capital Projects Account—		
State Appropriation		\$80,000
Education Legacy Trust Account—State	Appropriation	\$5,450,000
Pension Funding Stabilization Account—State		
Appropriation		\$2,000
TOTAL APPROPRIATION		<u>\$65,603,000</u> <u>\$67,043,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$3,665,000))~~ \$3,669,000 of the general fund—state appropriation for fiscal year 2021 are provided solely

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) ~~(((\$2,079,000)) \$2,437,000~~ of the general fund—state appropriation for fiscal year 2020 and ~~(((\$2,054,000)) \$2,754,000~~ of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and ~~(((\$879,000)) \$1,294,000~~ of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) ~~(((\$1,030,000)) \$1,388,000~~ of the amounts in fiscal year 2020 and ~~(((\$1,002,000)) \$1,177,000~~ of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(d) shall lapse.))~~

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection (5)(e) shall lapse.))~~

(f) \$20,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to

evaluate student participation in and outcomes of transitional kindergarten programs across the state. No later than December 1, 2023, the institute shall report the result of its evaluation to the appropriate legislative committees; the governor; the office of the superintendent of public instruction; and the department of children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;

(ii) The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;

(iii) The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

(iv) The number of children participating in transitional kindergarten who received early learning services through the early childhood education and assistance program;

(v) The differences in classroom instruction for transitional kindergarten compared to the early childhood education and assistance program; and

(vi) The outcomes for transitional kindergarten participants on the Washington kindergarten inventory of developing skills compared to students who did not participate in transitional kindergarten.

(g) \$40,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to conduct a literature review on mandatory arrests in domestic violence cases, including the effects of mandatory arrest on recidivism, domestic violence recidivism, domestic violence reporting, rates of domestic violence treatment, intimate partner violence, and other reported outcomes. By June 30, 2021, the institute must submit the review to the appropriate committees of the legislature.

(h) \$50,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to study access to voting and voter registration, to determine if the policies outlined below have increased the number of registered voters and if the number of voters has increased. The study must analyze the impact of the recent policy changes including chapter 112, Laws of 2018 pertaining to same-day voter registration; chapter 110, Laws of 2018 pertaining to automatic voter registration, chapter 161, Laws of 2019 pertaining to pre-paid postage for ballots, chapter 327, Laws of 2017 pertaining to the number and locations by county of ballot boxes; and chapter 109, Laws of 2018 pertaining to the registration by individuals as a part of the future voter program. The institute must also report on absentee ballot requests by location. The institute shall submit a report on the impacts of the changes on voter registration, voter turnout, and voting method to the appropriate committees of the legislature by December 1, 2021.

(i) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$9,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$39,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

Sec. 608. 2019 c 415 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State	Appropriation (FY 2020)	(\$78,694,000)
		\$78,664,000
General Fund—State	Appropriation (FY 2021)	(\$81,478,000)
		\$82,923,000
Western Washington University Capital Projects Account—		
State Appropriation		\$1,424,000
Education Legacy Trust Account—State	Appropriation	\$13,831,000
TOTAL APPROPRIATION		\$175,427,000
		\$176,842,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$16,633,000)~~ \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(9) \$215,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for development and expansion of American sign language education.

(10) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

(12) \$42,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6142 (higher ed common application). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$48,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

Sec. 609. 2019 c 415 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2020) ((\$6,431,000))	<u>\$6,459,000</u>
General Fund—State Appropriation (FY 2021) ((\$6,533,000))	<u>\$7,704,000</u>
General Fund—Federal Appropriation	\$4,927,000
Pension Funding Stabilization Account—State	
Appropriation	\$534,000
TOTAL APPROPRIATION	<u>\$18,425,000</u>
	\$19,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

(4) \$211,000 of the general fund—state appropriation is provided solely to implement the Washington college grant program as set forth in RCW 28B.92.200. Funding is sufficient for a senior budget and forecast analyst position to assist in the administration of the Washington college grant program established in RCW 28B.92.200 and other financial aid programs and to develop financial aid models to forecast costs related to the Washington college grant and college bound programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement chapter 298, Laws of 2019 (college bound scholarship – ninth grade pledge and state need grant eligibility).

(6) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to convene a task force on student access to health care at Washington's public institutions of higher education, with members as provided in this subsection.

(a) Membership of the task force is:

(i) One staff member appointed by each of the following: The council of presidents, state board for community and technical colleges, insurance commissioner, workforce training and education coordinating board, health care authority, health benefit exchange, and department of health; and

(ii) Three members, one of which must be currently enrolled in a graduate or professional program, appointed by the Washington student association with one member attending an institution west of the crest of the cascade mountains; one member attending an institution east of the crest of the cascade mountains; and one staff member of the Washington student association.

(b) The task force shall provide recommendations on the policies, resources, and technical assistance that are needed to support the institutions in improving access to affordable health care for their students. The task force, in cooperation with the state's public institutions of higher education, shall gather data related to affordable access to care for students at public institutions of higher education in Washington.

(c) Staff support for the task force must be provided by the council.

(d) In accordance with RCW 43.01.036 the task force shall report its preliminary findings to the governor and the appropriate committees of the legislature before the first day of the 2021 legislative session and its final findings and recommendations by November 1, 2021. The final report must include:

(i) A summary of the data reviewed by the task force, including information specific to each campus, when available;

(ii) Recommendations for the legislature and public institutions of higher education for improving student health care coverage and access including, but not limited to:

(A) A comparison of opt-in and opt-out student health insurance models, including their respective benefits, risks, impact on cost, level of coverage, and number of students enrolled;

(B) A model policy for the establishment of an opt-out insurance plan for public institutions of higher education to

maximize accessibility, affordability, coverage, and ease of enrollment while minimizing accidental enrollment and other negative consequences;

(C) A review of currently available insurance plans and their feasibility in providing affordable and comprehensive coverage for Washington students enrolled in public institutions of higher education;

(D) A review of options for the state to provide greater coverage and access to care among students by allowing public institutions of higher education to provide opt-out plans, including premiums for student health insurance plans in cost of attendance considerations for state financial aid, among others; and

(E) Policy recommendations that address racial, ethnic, income-based, and geographic disparity and disproportionality in student health-based educational outcomes.

(8) \$208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement a marketing and communications agenda as required in RCW 28C.30.040(1)(c).

(10) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the student achievement council to complete a study examining design options for a statewide child savings account program in Washington and creating an implementation plan. Child savings accounts are long-term savings or investment accounts to help children, especially low-income children and children of color, build dedicated savings for postsecondary education. The child savings account program's goals are to foster a higher education and career-readiness culture and boost college savings among Washington state residents, particularly low-income families; promote the financial security, financial literacy, and economic stability of Washington state families; and increase their ability to save for college. The program's purpose is to establish college savings accounts at birth for every child born in Washington state.

(a) At a minimum, the study must include the following elements:

(i) Program account options and mechanisms for automatic enrollment in the child savings account program at birth unless parents opt out;

(ii) The program structure and the initial seed deposit as well as progressive incentives to help reduce inequities in account accumulation between children from lower-income families and higher-income families;

(iii) Incentive structures so that families that participate and contribute, regardless of amount, can receive bonus deposits;

(iv) Plans for how relevant state agencies and programs would conduct outreach and provide information for families and children about their child savings accounts, opportunities to interact and/or save in the account, and other resources for families to build their financial capabilities in order to save for their future;

(v) Options for potential state funding sources to create and sustain the program and the feasibility of making the program self-sustaining or partially off-setting seed deposits through administrative fees charged in the Washington college savings program established in RCW 28B.95.032 or other college savings programs;

(vi) Possible ways for the state to collaborate with the philanthropic and private sectors; and

(vii) Possible ways for the accounts of foster children and youth to grow.

(b) In developing the implementation plan, the council may consult with the following entities:

- (i) The economic services administration;
- (ii) The department of health;
- (iii) The department of children, youth, and families;
- (iv) The department of financial institutions;
- (v) The office of the state treasurer;
- (vi) The office of the superintendent of public instruction;
- (vii) Nonprofit and community-based organizations or coalitions focused on strategies to help families build financial assets or support families with children to thrive;
- (viii) Institutions of higher education or research or policy organizations with expertise in asset building and child savings accounts;
- (ix) Not-for-profit foundations, organizations, or agencies in Washington who are already operating child savings account programs in their communities;
- (x) Philanthropic organizations and foundations with an interest in providing philanthropic support for child savings accounts in Washington state; and
- (xi) Organizations and state commissions and offices representing communities of color and economically disadvantaged communities that would be most impacted by the creation of a child savings account program.

(c) The council shall convene stakeholders to review preliminary recommendations by November 30, 2020. The council shall submit preliminary findings and recommendations to the appropriate committees of the legislature by December 30, 2020, and a final report by June 30, 2021.

(1) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington student achievement council to convene and coordinate a task force by May 1, 2020 to propose strategies to eliminate financial and non-financial barriers to low-income students participating in running start, college in the high school, advanced placement, international baccalaureate, cambridge and career and technical education dual credit programs.

The task force shall submit a report to the appropriate committees of the legislature by December 1, 2020. The report shall include:

(a) Strategies to address the following financial and non-financial barriers to students:

(i) Per credit tuition fees and any other fees charged for college in the high school and career and technical education dual credit courses;

(ii) Books, fees, and any other direct costs charged to running start students when enrolling in college courses; and

(iii) Exam fees and other charges to students enrolling in exam-based dual credit courses.

(b) An analysis of efficiency and effectiveness of student use of dual credit toward higher education program, degree completion or both;

(c) Recommendations on student supports to close equity gaps in dual credit access, participation and success;

(d) Recommendations to improve and increase communication with students and families regarding the awareness, access and completion of dual credit;

(e) Expanding access to dual credit opportunities for students in career and technical education pathways; and

(f) Running start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for each community and technical college as described in section 602(32) of this act.

Sec. 610. 2019 c 415 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation	(FY 2020)
	(((\$278,418,000))
	\$273,435,000
General Fund—State Appropriation	(FY 2021)
	(((\$281,669,000))
	\$288,093,000
General Fund—Federal Appropriation	(((\$12,035,000))
	\$12,038,000
General Fund—Private/Local Appropriation	\$300,000
Education Legacy Trust Account—State Appropriation	\$93,488,000
Washington Opportunity Pathways Account—State Appropriation	\$114,229,000
Aerospace Training Student Loan Account—State Appropriation	\$216,000
Workforce Education Investment Account—State Appropriation	\$14,824,000
Pension Funding Stabilization Account—State Appropriation	\$18,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation	\$1,720,000
State Educational Trust Fund (Nonappropriated) Account—State Appropriation	\$6,000,000
State Financial Aid Account—State Appropriation	\$1,500,000
TOTAL APPROPRIATION	\$788,093,000
	\$805,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, ~~(((\$266,528,000))~~ \$7,935,000 of the general fund—state appropriation for fiscal year 2021, ~~(((\$77,639,000))~~ \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and ~~(((\$80,000,000))~~ \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, \$14,824,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection ~~((4))~~ (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) ~~(\$1,023,000))~~ \$972,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$855,000))~~ \$1,165,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(\$34,229,000))~~ \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010. ~~((If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the amount that is provided solely for purposes of this subsection from the Washington opportunity pathways account is provided for the Washington college grant in the amount of \$15,300,000.))~~

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) ~~(\$7,468,000))~~ \$2,536,000 of the general fund—state appropriation for fiscal year 2020 ~~((=))~~ and \$4,432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate

subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~ Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~ Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement

and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

(17) \$625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(18) \$1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) \$161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(20) \$396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

Sec. 611. 2019 c 415 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2020)	\$2,270,000
General Fund—State Appropriation (FY 2021) ((\$1,998,000))	<u>\$2,300,000</u>
General Fund—Federal Appropriation ((\$55,509,000))	<u>\$55,511,000</u>
General Fund—Private/Local Appropriation	\$211,000
Pension Funding Stabilization Account—State Appropriation	\$176,000
TOTAL APPROPRIATION	\$60,164,000 <u>\$60,468,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve,

align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.). (~~If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.~~)

(5) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped VSee telemedicine kits for student training purposes in rural and underserved communities.

Sec. 612. 2019 c 415 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2020) ((\$8,951,000))	<u>\$9,001,000</u>
General Fund—State Appropriation (FY 2021) ((\$9,153,000))	<u>\$9,275,000</u>
General Fund—Private/Local Appropriation	\$34,000
Pension Funding Stabilization Account—State Appropriation	\$590,000
TOTAL APPROPRIATION	\$18,728,000 <u>\$18,900,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in (~~section 719 of this act~~) section 701 of this act.

Sec. 613. 2019 c 415 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2020) ((\$14,326,000))	<u>\$14,463,000</u>
General Fund—State Appropriation (FY 2021) ((\$14,554,000))	<u>\$14,581,000</u>
Pension Funding Stabilization Account—State Appropriation	\$728,000
TOTAL APPROPRIATION	\$29,608,000 <u>\$29,772,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

Sec. 614. 2019 c 415 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2020) (~~(\$2,108,000))~~
\$2,222,000

General Fund—State Appropriation (FY 2021) (~~(\$2,307,000))~~
\$2,513,000

General Fund—Federal Appropriation \$2,160,000

General Fund—Private/Local Appropriation \$50,000

Pension Funding Stabilization Account—State
 Appropriation \$122,000

TOTAL APPROPRIATION \$6,747,000
\$7,067,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

(4) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

Sec. 615. 2019 c 415 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) (~~(\$3,733,000))~~
\$3,709,000

General Fund—State Appropriation (FY 2021) (~~(\$3,654,000))~~
\$3,818,000

Pension Funding Stabilization Account—State
 Appropriation \$230,000

TOTAL APPROPRIATION \$7,617,000
\$7,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) (~~(\$52,000))~~ \$109,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$42,000))~~ \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration ~~((to the state data center))~~ of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

Sec. 616. 2019 c 415 s 619 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2020) (~~(\$2,855,000))~~
\$2,751,000

General Fund—State Appropriation (FY 2021) (~~(\$2,885,000))~~
\$2,841,000

Pension Funding Stabilization Account—State
 Appropriation \$214,000

TOTAL APPROPRIATION \$5,954,000
\$5,806,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in ~~((section 719 of this act))~~ section 701 of this act.

Sec. 617. 2019 c 406 s 5 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the state board for community and technical colleges and are subject to the following conditions and limitations:

(1) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(2) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(3)(a) \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$30,124,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to implement guided pathways at each of the state's community and technical colleges by academic year 2020-21. Guided pathways is a research-based approach that provides clear, structured, educational experiences for students with four elements: Clarify paths to students' end goals, help students choose and enter a pathway, help students stay on path, and ensure that students are learning.

(b) Guided pathways implementation includes:

(i) Increased student support services, including advising and counseling;

(ii) Faculty teaching and planning time to redesign curriculum, develop meta-majors, and engage in interdepartmental planning on pathways;

(iii) Data analytics and student tracking technology to help advisors and students address challenges that may impede a student's progress; and

(iv) Research and evaluation to ensure reforms lead to improvements for all students.

(c) The state board for community and technical colleges shall report to the legislature on an annual basis beginning December 1, 2020, on the impacts of guided pathways on postsecondary outcomes, including credential completion, transfer pathways, credit accumulation, grade point averages, and persistence.

(4) \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to increase nurse educator salaries. The fiscal year 2020 and fiscal year 2021 appropriations can also be used for nursing program equipment, including simulation lab equipment.

(5) \$20,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing high-demand program faculty salaries, including but not limited to nursing educators, other health-related professions, information technology, computer science, and trades, including welding. Contract negotiations relating to salary increases must consider, and to the extent practicable establish, salaries that are comparable to industry professionals, and no less than the average salary identified by the college and university professional association for human resources or a similar organization.

(6) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for enrollments in new career launch programs as defined in RCW 28C.30.020.

(7) \$500,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account provided solely for purchase of equipment for a regional training facility in Bothell to offer a simulated good manufacturing practice experience in partnership with a community college. The regional training facility must be located on the campus of a manufacturer of protein-based therapeutics. The state board for community and technical colleges must use a written agreement to ensure the equipment is used in a way that provides adequate public benefit.

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2019 c 415 s 719 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT— INFORMATION TECHNOLOGY INVESTMENT POOL

General	Fund—State	Appropriation	(FY 2020)
			(\$7,628,000)
			\$9,107,000
General	Fund—State	Appropriation	(FY 2021)
			(\$5,191,000)
			\$12,309,000
General	Fund—Federal	Appropriation	(\$4,608,000)
			\$7,427,000
General	Fund—Private/local	Appropriation	\$213,000
Other	Appropriated Funds		(\$56,530,000)
			\$65,139,000
TOTAL APPROPRIATION			\$74,170,000
			\$94,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus documents IT-2019, dated April 25, 2019, and IT-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. However, restricted federal funds and qualified employee benefit and pension funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of financial management and the office of the chief information officer to receive funding from the information technology investment revolving account. The office of financial management must notify the fiscal committees of the legislature of the receipt of each application and may not approve a funding request for ten business days from the date of notification.

(3) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the state chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the state chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the military department enhanced 911 next generation project and the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(4)(a) Each project must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit detailed financial information to the office of financial management and the office of the state chief information officer. The technology budget must describe the total cost of the project by fiscal month to include and identify:

- (i) Fund sources;
- (ii) Full time equivalent staffing level to include job classification assumptions;
- (iii) A discreet appropriation index and program index;
- (iv) Object and subobject codes of expenditures; and
- (v) Anticipated deliverables.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(5)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the state chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discreet program index and subobject codes.

(6) Projects with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the state chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(7)(a) The office of the state chief information officer shall maintain an information technology project dashboard that provides updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document;

(iii) Financial status of information technology projects under oversight; ~~((and))~~

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the state chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2019;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can be displayed the subproject detail.

(8) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level.

(9) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state

employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(10) The office of the state chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(11) The office of the state chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(12) The office of the state chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the state chief information officer must report on July 1 and December 1 each calendar year, beginning July 1, 2020, any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

(13) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(14) The information technology feasibility study of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(15) The learning management system project of the department of enterprise services is subject to the conditions, limitations, and review in this section.

(16) The gambling self-exclusion program project of the Washington state gambling commission is subject to the conditions, limitations, and review in this section.

(17) The facilities portfolio management tool project of the office of financial management is subject to the conditions, limitations, and review in this section.

(18) The logging and monitoring project of the consolidated technology services agency is subject to the conditions, limitations, and review in this section.

Sec. 702. 2019 c 415 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General	Fund—State	Appropriation	(FY 2020)
			(((\$1,191,069,000))
			<u>\$1,179,075,000</u>

General Fund—State Appropriation (FY 2021)	
	(\$1,268,197,000))
	<u>\$1,224,915,000</u>
State Building Construction Account—State Appropriation	\$6,273,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$30,000
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$46,000
State Taxable Building Construction Account—State Appropriation	(((\$213,000))
	<u>\$277,000</u>
Debt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$566,000
TOTAL APPROPRIATION	<u>\$2,466,394,000</u>
	<u>\$2,411,182,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 703. 2019 c 415 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2020)	\$1,400,000
General Fund—State Appropriation (FY 2021)	\$1,400,000
State Building Construction Account—State Appropriation	\$1,052,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$6,000
School Construction and Skill Centers Building Account—State Appropriation	(((\$1,000))
	<u>\$2,000</u>
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$9,000
State Taxable Building Construction Account—State Appropriation	(((\$36,000))
	<u>\$55,000</u>
TOTAL APPROPRIATION	<u>\$3,904,000</u>
	<u>\$3,924,000</u>

NEW SECTION. Sec. 704. A new section is added to 2019 c 415 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(1) Gerardo Rodarte Gonzalez, claim number 99970260	\$24,385
(2) Edward Bushnell, claim number 99970261	\$153,357
(3) Shaun Beveridge, claim number 99970262	\$56,514
(4) Brandon Wheeler, claim number 9991001053	\$123,464
(5) Johnathan Paine, claim number 9991001583	\$22,246
(6) Michael Welsh, claim number 9991001600	\$5,000
(7) Douglas Bartlett, claim number 9991001646	\$5,500
(8) Brian Minniear, claim number 9991001941	\$111,956
(9) Thomas Carey, claim number 9991001917	\$122,431

Sec. 705. 2019 c 415 s 712 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

((Foundational Public Health Services Account—State Appropriation	\$6,000,000))
General Fund—State Appropriation (FY 2020)	\$6,022,000
TOTAL APPROPRIATION	<u>\$6,000,000</u>
	<u>\$6,022,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

Sec. 706. 2019 c 415 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020)	\$73,000,000
General Fund—State Appropriation (FY 2021)	\$75,800,000
TOTAL APPROPRIATION	\$148,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020)	\$1,545,000
Pension Funding Stabilization Account—State Appropriation	\$13,855,000
TOTAL APPROPRIATION	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020)	\$400,000
General Fund—State Appropriation (FY 2021)	\$400,000
TOTAL APPROPRIATION	\$800,000

~~((5) There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:~~

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	\$15,532,000
TOTAL APPROPRIATION	\$15,532,000

NEW SECTION. Sec. 707. A new section is added to 2019 c 415 (uncodified) to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation	\$15,532,000
TOTAL APPROPRIATION	\$15,532,000

Sec. 708. 2019 c 415 s 725 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account—State Appropriation

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(FY 2020)	(\$701,000)
	<u>\$1,323,000</u>
TOTAL APPROPRIATION	<u>\$701,000</u>
	<u>\$1,323,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 709. 2019 c 415 s 728 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2020)	(\$5,000,000)
	<u>\$13,503,000</u>
General Fund—State Appropriation (FY 2021)	(\$5,000,000)
	<u>\$13,024,000</u>
Foundational Public Health Services Account—State Appropriation	(\$12,000,000)
	<u>\$1,473,000</u>
TOTAL APPROPRIATION	<u>\$22,000,000</u>
	<u>\$28,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution as provided in section 2, chapter 14, Laws of 2019 (foundational public health services).

Sec. 710. 2019 c 415 s 730 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
OUTDOOR EDUCATION AND RECREATION
ACCOUNT**

General Fund—State Appropriation (FY 2020)	\$750,000
General Fund—State Appropriation (FY 2021)	(\$750,000)
	<u>\$1,250,000</u>
TOTAL APPROPRIATION	<u>\$1,500,000</u>
	<u>\$2,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351.

NEW SECTION. Sec. 711. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
DEVELOPMENTAL DISABILITIES COMMUNITY
TRUST ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$1,000,000
TOTAL APPROPRIATION	\$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community trust account (Dan Thompson memorial trust account) for the purposes identified in RCW 71A.20.170.

Sec. 712. 2019 c 415 s 721 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
LEASE COST POOL**

General Fund—State Appropriation (FY 2020)	(\$3,788,000)
	<u>\$4,405,000</u>
General Fund—State Appropriation (FY 2021)	\$4,082,000
General Fund—Federal Appropriation	\$4,488,000

Other Appropriated Funds	(\$1,740,000)
	<u>\$1,956,000</u>
TOTAL APPROPRIATION	<u>\$14,098,000</u>
	<u>\$14,931,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in RCW 43.41.455.

(2) Costs are as shown in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, which is hereby incorporated by reference.

(3) To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed ~~(\$1,740,000)~~ \$1,956,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(4) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account, in an amount not to exceed the amount identified in the LEAP omnibus documents LEAS-2019, dated April 25, 2019, and LEAS-2020, dated March 9, 2020. Prior to applying, agencies must submit to the office of financial management statewide oversight office a relocation plan that identifies estimated project costs, including how the lease aligns to the agency's six year leased facility plan. The office of financial management must copy legislative fiscal staff on the approval notice of funds from the state agency office relocation pool to the agency.

Sec. 713. 2019 c 415 s 722 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUE
DISTRIBUTIONS TO CITIES FOR TEMPORARY
STREAMLINED SALES TAX MITIGATION**

General Fund—State Appropriation (FY 2020)	(\$7,100,000)
	<u>\$5,362,000</u>
((General Fund State Appropriation (FY 2021)	\$9,300,000))

TOTAL APPROPRIATION	<u>\$16,400,000</u>
	<u>\$5,362,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under Title 82 RCW, the state treasurer, on October 1, 2019, and each calendar quarter thereafter through June 30, ~~((2021))~~ 2020, must distribute the appropriations in this section to qualified local taxing districts to mitigate actual net losses as determined under this section by the department of revenue.

(2) In determining net losses under this section, the department must use each qualified local taxing district's annual loss as most recently determined pursuant to RCW 82.14.500 prior to January 1, 2019. The department is not required to determine annual losses on a recurring basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing district in an amount representing one-fourth of the district's annual loss reduced by voluntary compliance revenue reported during the

previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a qualified local taxing district resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007, as most recently determined by the department under RCW 82.14.500 prior to January 1, 2019, including any adjustments made pursuant to subsection (2) of this section.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each qualified local taxing district from part II of chapter 28, Laws of 2017 3rd sp. sess. and from chapter 8, Laws of 2019 (Substitute Senate Bill No. 5581), as estimated by the department in RCW 82.14.500(6). "Marketplace facilitator/remote seller revenue" includes the local sales tax revenue gain reported to the department from remote sellers as defined in RCW 82.08.010 that have registered through the central registration system authorized under the streamlined sales and use tax agreement.

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under Title 82 RCW, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each qualified local taxing district reported to the department from persons registering through the central registration system authorized under the agreement.

Sec. 714. 2019 c 415 s 724 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE—
NORTHEAST WASHINGTON WOLF-LIVESTOCK
MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2020)	\$432,000
<u>General Fund—State Appropriation (FY 2021)</u>	<u>\$320,000</u>
TOTAL APPROPRIATION	<u>\$432,000</u>
	<u>\$752,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

NEW SECTION. Sec. 715. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
CLIMATE RESILIENCY ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$50,000,000
TOTAL APPROPRIATION	\$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the climate resiliency account created in section 924 of this act.

NEW SECTION. Sec. 716. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$500,000
TOTAL APPROPRIATION	\$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

NEW SECTION. Sec. 717. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
STATE FIREARMS BACKGROUND CHECK SYSTEM
ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$8,951,000
TOTAL APPROPRIATION	\$8,951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state firearms background check system account created in Engrossed Second Substitute Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

NEW SECTION. Sec. 718. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
ELECTION ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$1,800,000
TOTAL APPROPRIATION	\$1,800,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account created in RCW 29A.04.440.

NEW SECTION. Sec. 719. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
HOME SECURITY FUND ACCOUNT**

General Fund—State Appropriation (FY 2020)	\$60,000,000
TOTAL APPROPRIATION	\$60,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the home security fund account created in RCW 43.185C.060.

NEW SECTION. Sec. 720. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
WASHINGTON HOUSING TRUST FUND**

General Fund—State Appropriation (FY 2021)	\$55,000,000
TOTAL APPROPRIATION	\$55,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington housing trust fund created in RCW 43.185.030.

NEW SECTION. Sec. 721. A new section is added to 2019 c 415 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY—OIL SPILL RESPONSE ACCOUNT**

Oil Spill Prevention Account—State Appropriation	\$2,200,000
TOTAL APPROPRIATION	\$2,200,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill response account. This constitutes a loan from the oil spill prevention account and must be repaid, with interest, to the oil spill prevention account by June 30, 2028.

NEW SECTION. Sec. 722. A new section is added to 2019 c 415 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
FOREST AND FOREST PRODUCTS CARBON ACCOUNT**

General Fund—State Appropriation (FY 2021)	\$200,000
TOTAL APPROPRIATION	\$200,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the forest and forest products account created in Engrossed Second Substitute House Bill No. 2528 (forest products/climate). If the bill is not enacted by June 30, 2020, the amount provided in this section shall lapse.

Sec. 723. 2019 c 415 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
LONG-TERM SERVICES AND SUPPORTS ACCOUNT**

General	Fund—State	Appropriation	(FY 2020)	
				((1,231,000))
				<u>1,331,000</u>
General	Fund—State	Appropriation	(FY 2021)	
				((15,309,000))
				<u>15,709,000</u>
TOTAL APPROPRIATION				<u>16,540,000</u>
				<u>17,040,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the long-term services and supports account pursuant to Second Substitute House Bill No. 1087 (long-term services and supports). This constitutes a loan from the general fund and must be repaid, with interest, to the general fund by June 30, 2022. If Second Substitute House Bill No. 1087 (long-term services and supports) is not enacted by June 30, 2019, the amounts appropriated in this section shall lapse.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2019 c 415 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES
FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions	((10,528,000))
	<u>10,883,000</u>

General Fund Appropriation for prosecuting attorney distributions	((7,014,000))
	<u>7,618,000</u>

General Fund Appropriation for boating safety and education distributions	4,000,000
---	-----------

General Fund Appropriation for public utility district excise tax distributions	((65,216,000))
	<u>65,249,000</u>

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	3,464,000
---	-----------

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions	140,000
--	---------

Timber Tax Distribution Account Appropriation for distribution to "timber" counties	((84,366,000))
	<u>79,337,000</u>

County Criminal Justice Assistance Appropriation	((106,123,000))
	<u>103,457,000</u>

Municipal Criminal Justice Assistance Appropriation	((42,084,000))
	<u>40,310,000</u>

City-County Assistance Appropriation	((33,218,000))
	<u>35,507,000</u>

Liquor Excise Tax Account Appropriation for liquor excise tax distribution	((64,079,000))
	<u>67,362,000</u>

<u>Manufacturing and Warehousing Jobs Centers Account</u>	<u>6,727,000</u>
---	------------------

Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes	((2,220,000))
	<u>1,937,000</u>

Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	((8,379,000))
	<u>8,364,000</u>

Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	((5,737,000))
	<u>5,728,000</u>

Liquor Revolving Account Appropriation for liquor profits distribution	98,876,000
--	------------

General Fund Appropriation for other tax distributions	80,000
--	--------

General Fund Appropriation for Marijuana Excise Tax distributions	30,000,000
---	------------

General Fund Appropriation for Habitat Conservation Program distributions	5,754,000
---	-----------

General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program	((3,993,000))
	<u>4,040,000</u>

Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county.

TOTAL APPROPRIATION	<u>\$603,954,000</u>
	<u>\$607,516,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2019 c 415 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY
CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation	((1,933,000))
	<u>2,141,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal

justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2019 c 415 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Appropriation ~~(((\$1,289,000))~~
\$1,428,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2019-2021 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2019 c 415 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020,
~~(((\$195,000,000))~~
\$213,000,000

and this amount for fiscal year 2021, ~~(((\$199,000,000))~~
\$213,000,000

~~(((\$394,000,000))~~
\$426,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020,

~~(((\$136,000,000))~~
\$152,000,000

and this amount for fiscal year 2021,

~~(((\$138,000,000))~~
\$152,000,000

~~(((\$274,000,000))~~
\$304,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan. \$620,000

for fiscal year 2020 and

~~(((\$620,000))~~
\$640,000

for fiscal year 2021 ~~(((\$1,240,000))~~
\$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020 \$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021 \$90,000,000

General Fund: For transfer to the statewide tourism marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021 \$3,000,000

General Fund: For transfer to the streamlined sales and use tax account, ~~(((\$2,220,000))~~ for fiscal year 2020 ~~(((\$2,220,000))~~
\$1,937,000

General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021
\$6,727,000

Criminal Justice Treatment Account: For transfer to the home security fund, ~~(((\$4,500,000))~~ for fiscal year 2020 ~~((and \$4,500,000 for fiscal year 2021))~~ ~~(((\$9,000,000))~~
\$4,500,000

State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 \$16,000,000

Disaster Response Account: For transfer to the state general fund, ~~(((\$28,000,000))~~ \$13,726,000 for fiscal year 2021 ~~(((\$28,000,000))~~
\$13,726,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021 \$4,000,000

Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020 \$1,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 \$7,000,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021 \$800,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$80,000,000 for fiscal year 2020 and \$80,000,000 for fiscal year 2021 \$160,000,000

Model Toxics Control Operating Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan. \$620,000 for fiscal year 2020 and ~~(((\$620,000))~~ \$640,000 for fiscal year 2021 ~~(((\$1,240,000))~~
\$1,260,000

Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, \$160,000 for fiscal year 2020 \$160,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$4,500,000 for fiscal year 2020 \$4,500,000

Oil Spill Response Account: For transfer to the oil spill prevention account for the military department to continue assisting local emergency planning committees statewide with hazardous materials plans that meet minimum federal requirements, \$520,000 for fiscal year 2020 and \$520,000 for fiscal year 2021 \$1,040,000

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

General Fund: For transfer to the sea cucumber dive fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020 \$4,000

General Fund: For transfer to the sea urchin diver fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020 \$1,000

Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to Engrossed Substitute House Bill No. 2638 (sports wagering/compacts), \$6,000,000 for fiscal year 2021 \$6,000,000

General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2021 \$4,500,000

Child Care Facility Revolving Account: For transfer to the general fund, \$1,500,000 for fiscal year 2021 \$1,500,000

General Fund: For transfer to the economic development strategic reserve account, \$1,000,000 for fiscal year 2021 \$1,000,000

General Fund: For transfer to the workforce education investment account, \$41,342,000 for fiscal year 2020 \$41,342,000

General Fund: For transfer to the community preservation and development authority account, \$1,500,000 for fiscal year 2020 \$1,500,000

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to 2019 c 415 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENTS**

Sections 902 through 905 of this act represent the results of the negotiations for fiscal year 2021 collective bargaining agreement changes, permitted under chapter 41.80 RCW. Provisions of the collective bargaining agreements contained in sections 902 through 905 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 502 and 503 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 902. A new section is added to 2019 c 415 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided to transition the represented employees into the newly established and agreed upon wage schedule, effective July 1, 2020.

NEW SECTION. Sec. 903. A new section is added to 2019 c 415 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON/WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all WFSE represented, permanent employees in the amount of \$700 for an FTE greater than .6 and \$125 for all WFSE represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

NEW SECTION. Sec. 904. A new section is added to 2019 c 415 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 925 represented, permanent employees in the amount of \$650 for an FTE greater than .6 and \$325 for all SEIU 925 represented, permanent employees holding an FTE of .6 or less, as of July 1, 2020.

NEW SECTION. Sec. 905. A new section is added to 2019 c 415 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 under the provisions of chapter 41.80 RCW for the 2021 fiscal year. Funding is provided for a lump sum payment for all SEIU 1199NW represented, permanent employees in the amount of \$650 for an FTE of .5 or greater and \$325 for all SEIU 1199NW represented, permanent employees holding an FTE of less than .5 as of July 1, 2020.

NEW SECTION. Sec. 906. A new section is added to 2019 c 415 (uncodified) to read as follows: **COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations to state agencies include funding for an increase in pension contribution rates for several state pension systems. An increase of 0.11 percent is funded for state employer contributions to the public employees' retirement system and the public safety employees' retirement systems. An increase of 0.23 percent for school employer contributions to the teachers' retirement system and an increase of 0.11 percent for employer contributions to the school employees' retirement system are funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in Engrossed House Bill No. 1390. If the bill is not enacted by June 30, 2020, this section shall lapse.

Sec. 907. 2019 c 415 s 938 (uncodified) is amended to read as follows:

COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS

An agreement was reached for the 2019-2021 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2019-2021 collective bargaining agreement, and for procurement of a benefit package that is materially similar to benefits provided by the public employee benefits program as outlined in policies adopted by the school employees' benefits board, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$994 per eligible employee beginning January 1, 2020. For ~~((fiscal year 2024))~~ July and August 2020, the monthly employer funding rate shall not exceed \$1,056 per eligible employee. Beginning September 1, 2020, through June 30, 2021, the monthly employer funding rate shall not exceed \$1,000 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 939 of this act.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 908. 2019 c 415 s 946 (uncodified) is amended to read as follows:

CONDITIONAL AND GENERAL WAGE INCREASES—UNIVERSITY OF WASHINGTON

(1) Appropriations for the University of Washington in this act are sufficient to provide a general wage increase to employees who are not represented or who bargain under a statutory authority other than chapters 41.80 or 47.64 RCW or RCW 41.56.473. Funding is provided for a two percent general wage increase effective July 1, 2019, and a two percent increase July 1, 2020, for all employees described by this subsection.

(2) Appropriations for the University of Washington in this act are also sufficient to provide ~~((an additional wage increase)) a lump sum payment for all nonrepresented, classified employees, ((both represented and not represented, of one percent effective July 1, 2019, and one percent)) who earn less than \$54,264 in salary annually, in the amount of \$650 for an FTE greater than 0.6 and \$325 for an FTE of 0.6 or less, effective July 1, 2020. ((This additional wage increase, funded in section 606 of this act, is conditioned upon the University of Washington concluding changes to the bargaining agreements with represented employees, including those whose agreements are approved in sections 921, 922, 923, 924, and 925 of this act, to provide the same one percent increases to represented employees.))~~

Sec. 909. 2019 c 324 s 12 (uncodified) is amended to read as follows:

(1) The health care authority shall establish a pilot program to provide mental health drop-in center services. The mental health drop-in center services shall provide a peer-focused recovery model during daytime hours through a community-based, therapeutic, less restrictive alternative to hospitalization for acute psychiatric needs. The program shall assist clients in need of voluntary, short-term, noncrisis services that focus on recovery and wellness. Clients may refer themselves, be brought to the center by law enforcement, be brought to the center by family members, or be referred by an emergency department.

(2) The pilot program shall be conducted in the largest city in a regional service area that has at least nine counties. Funds to

support the pilot program shall be distributed through the behavioral health administrative service organization that serves the pilot program.

(3) The pilot program shall begin on ~~((January))~~ July 1, 2020, and conclude July 1, 2022.

(4) By December 1, 2020, the health care authority shall submit a preliminary report to the governor and the appropriate committees of the legislature. The preliminary report shall include a survey of peer mental health programs that are operating in the state, including the location, type of services offered, and number of clients served. By December 1, 2021, the health care authority shall report to the governor and the appropriate committees of the legislature on the results of the pilot program. The report shall include information about the number of clients served, the needs of the clients, the method of referral for the clients, and recommendations on how to expand the program statewide, including any recommendations to account for different needs in urban and rural areas.

Sec. 910. RCW 28B.76.525 and 2019 c 406 s 38 are each amended to read as follows:

(1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the Washington college grant program established under chapter 28B.92 RCW, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies. For the 2019-2021 fiscal biennium, expenditures may also be used for scholarship awards in the passport to career program established under chapter 28B.117 RCW. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

Sec. 911. RCW 28B.76.526 and 2019 c 406 s 39 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

Sec. 912. RCW 28B.145.050 and 2014 c 208 s 5 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year.

Sec. 913. RCW 41.80.040 and 2002 c 354 s 305 are each amended to read as follows:

The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include but not be limited to the following:

(1) The functions and programs of the employer, the use of technology, and the structure of the organization;

(2) The employer's budget, which includes for purposes of any negotiations conducted during the 2019-2021 fiscal biennium any specification of the funds or accounts that must be appropriated by the legislature to fulfill the terms of an agreement, and the size of the agency workforce, including determining the financial basis for layoffs;

(3) The right to direct and supervise employees;

(4) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies; and

(5) Retirement plans and retirement benefits.

Sec. 914. RCW 43.31.502 and 1991 c 248 s 1 are each amended to read as follows:

(1) A child care facility revolving fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to RCW 43.31.085 and 43.31.502 through 43.31.514. Only moneys from private or federal sources may be deposited into this fund.

(2) Funds provided under this section shall not be subject to reappropriation. The child care facility fund committee may use loan and grant repayments and income for the revolving fund program.

(3) During the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the child care facility revolving fund to the state general fund.

Sec. 915. RCW 43.185C.060 and 2018 c 85 s 6 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 fiscal biennium, expenditures from the account may also be used for shelter capacity grants.

Sec. 916. RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) ~~((Two million six hundred fifty one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty one thousand seven hundred fifty dollars for fiscal year 2019))~~ One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million ~~((seven))~~ four hundred ((twenty-three)) fifty-three thousand dollars for fiscal year 2020 and two million ~~((five))~~ seven hundred ((twenty-three)) ninety-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 [Six hundred thirty five thousand dollars]))~~ Six hundred thirty-five thousand dollars for fiscal year 2020 and ~~(((\$635,000 [six hundred thirty five thousand dollars]))~~ six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana; and

(i) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses).

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 917. RCW 71.24.580 and 2019 c 415 s 980, 2019 c 325 s 1040, and 2019 c 314 s 27 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. During the 2019-2021 fiscal biennium, the legislature may appropriate from the account for municipal drug courts and increased treatment options, and may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the home security fund account created in RCW 43.185C.060. ~~((It is the intent of the legislature to continue the policy of transferring~~

~~moneys from the criminal justice treatment account to the home security fund account in subsequent biennia.))~~ Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

(11) The authority shall annually review and monitor the expenditures made by any county or group of counties that receives appropriated funds distributed under this section. Counties shall repay any funds that are not spent in accordance with the requirements of its contract with the authority.

Sec. 918. RCW 74.46.561 and 2019 c 301 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of

labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RSMeans rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RSMeans construction index value per square foot. The department may use updated RSMeans construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average fair rental value rate is not less than ten dollars and eighty cents per patient day. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(g) For the purposes of this subsection (5), "RSMean" means building construction costs data as published by Gordian.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average centers for medicare and medicaid services quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the quality measure point determinants of eighty quality measure points, sixty quality measure points, forty quality measure points, and twenty quality measure points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average centers for medicare and medicaid services quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient centers for medicare and medicaid services minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average centers for medicare and medicaid services quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8)(a) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(b) It is the intention of the legislature that direct and indirect care rates paid in fiscal year 2022 will be rebased using the calendar year 2019 cost reports. For fiscal year 2021, in addition to the rates generated by (a) of this subsection, an additional adjustment is provided as established in this subsection (8)(b).

Beginning May 1, 2020, and through June 30, 2021, the calendar year costs must be adjusted for inflation by a twenty-four month consumer price index, based on the most recently available monthly index for all urban consumers, as published by the bureau of labor statistics. It is also the intent of the legislature that, starting in fiscal year 2022, a facility-specific rate add-on equal to the inflation adjustment that facilities received solely in fiscal year 2021, must be added to the rate.

(c) To determine the necessity of regular inflationary adjustments to the nursing facility rates, by December 1, 2020, the department shall provide the appropriate policy and fiscal committees of the legislature with a report that provides a review of rates paid in 2017, 2018, and 2019 in comparison to costs incurred by nursing facilities.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

Sec. 919. RCW 82.08.170 and 2015 3rd sp.s. c 4 s 976 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, during the months of January, April, July, and October of each year, the state treasurer must make the transfers required under subsections (2) and (3) of this section from the liquor excise tax fund and then the apportionment and distribution of all remaining moneys in the liquor excise tax fund to the counties, cities, and towns in the following proportions: (a) Twenty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the counties of the state in accordance with the provisions of RCW 66.08.200; and (b) eighty percent of the moneys in the liquor excise tax fund must be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 66.08.210.

(2) Each fiscal quarter and prior to making the twenty percent distribution to counties under subsection (1)(a) of this section, the treasurer shall transfer to the liquor revolving fund created in RCW 66.08.170 sufficient moneys to fund the allotments from any legislative appropriations for county research and services as provided under chapter 43.110 RCW.

(3) During the months of January, April, July, and October of each year, the state treasurer must transfer two million five hundred thousand dollars from the liquor excise tax fund to the state general fund.

(4) During calendar year 2012, the October distribution under subsection (1) of this section and the July and October transfers under subsections (2) and (3) of this section must not be made. During calendar year 2013, the January, April, and July distributions under subsection (1) of this section and transfers under subsections (2) and (3) of this section must not be made.

(5) During the 2015-2017 and 2019-2021 fiscal ((biennium)) biennia, the liquor excise tax fund may be appropriated for the

local government fiscal note program in the department of commerce. It is the intent of the legislature to continue this policy in the ((2017-2019)) subsequent fiscal biennium.

Sec. 920. RCW 82.19.040 and 2019 c 415 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Beginning June 30, 2019, taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180, except that until June 30, ((2021)) 2020, one million two hundred fifty thousand dollars ((per fiscal year)) must be deposited in equal monthly amounts in the state parks renewal and stewardship account, with the remainder deposited in the waste reduction, recycling, and litter control account. ((It is the intent of the legislature to continue this policy in the ensuing biennium.))

Sec. 921. RCW 90.56.510 and 2019 c 415 s 994 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2021, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under this section from the person responsible for the spill and from other sources, including the federal government.

(4) During the 2019-2021 fiscal biennium, the legislature may appropriate moneys from the oil spill prevention account to the oil spill response account.

NEW SECTION. Sec. 922. (1) A work group is established to create a family engagement framework for early learning through school.

(2) At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(3) The members of the work group must represent the following groups: The department of children, youth, and families; the office of the superintendent of public instruction; the state board of education; parents of children in the state early childhood education and assistance program or the federal head start program; parents of students in elementary or secondary school; parents of students who are English learners, with at least one parent with a student in preschool and at least one parent with a student in elementary or secondary school; parents of students who are in special education; parents of students in foster care; the office of the education ombuds; the educational opportunity gap oversight and accountability committee; the state commission on Asian Pacific American affairs; the state commission on Hispanic affairs; the state commission on African American affairs; the governor's office of Indian affairs; the Washington state school directors' association; a state organization of school principals; a state organization of teachers; early childhood teachers; elementary and postsecondary teachers; and a state organization representing school counselors.

(b) The members of the work group must elect cochair. One of the cochair must be a parent and the other cochair must represent a state agency.

(4) The work group must meet monthly. At each meeting of the work group, members must have the option to participate remotely. In addition, the work group must hold at least three meetings in central Washington and at least three meetings in eastern Washington.

(5) Staff support for the work group must be provided by the office of the superintendent of public instruction and the department of children, youth, and families.

(6) Members are not entitled to be reimbursed for meal or travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other members is subject to chapter 43.03 RCW.

(7) By June 30, 2021, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the activities of the work group and its recommendations for a family engagement framework for early learning through high school.

NEW SECTION. Sec. 923. A joint legislative task force is created to develop a business plan for the establishment of a publicly owned depository/state bank in Washington state.

(1) The task force membership must consist of:

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives;

(c) Two members from local government who have expressed an interest in the formation of or participation in a publicly owned depository/state bank with one member appointed by the association of Washington cities and one member appointed by the Washington association of counties; and

(d) Two citizen members with a background in finance appointed by the governor.

(2) Appointments to the task force must be made by April 15, 2020, and its first meeting must take place by May 1, 2020. The task force may have a total of four meetings and may conduct meetings by video or telephonic means. The task force shall conduct business by consensus. However, if consensus cannot be reached, action shall be taken by a majority vote of members.

(3) The purpose of the task force is to engage in a contract for services to develop a business plan for the establishment of a publicly owned depository/state bank.

(a) The business plan must include the following elements:

(i) Overall business concept;

(ii) Governance and management policies;

(iii) The business and powers of the bank;

(iv) Identification of products and services to be offered by the bank;

(v) A financial plan identifying both operating and capitalization needs;

(vi) Ethical, transparency, and reporting policies;

(vii) Draft enabling legislation and other necessary statutory changes to implement the business plan; and

(viii) An overall road map of actions and activities to establish a publicly owned depository/state bank.

(b) The task force must solicit from the public banking institute recommendations of persons and organizations to contract for developing the business plan. The task force must select the contractor from this list unless sixty percent of the task force determines that broader solicitation of potential contractors is necessary.

(c) The contract may be entered into as a sole source contract to facilitate receipt of the business plan by its due date to the legislature.

(4) The task force shall assist with scoping the content of the contract, contractor selection, and reviewing contract deliverables.

(5) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force shall present the business plan to the appropriate committees of the legislature by December 15, 2020. The task force may extend the date for submitting the plan if the task force determines that an extension will improve the quality and content of the plan.

(9) This section expires on June 30, 2021.

NEW SECTION. Sec. 924. A new section is added to chapter 43.79 RCW to read as follows:

The climate resiliency account is created in the state treasury. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account are dedicated to activities that increase climate resiliency and include, but are not limited to:

- (1) Response to climate driven stressors;
- (2) Prevention of environmental and natural resources degradation;
- (3) Activities that restore or improve ecosystem resiliency and sustainability; and
- (4) Measures that anticipate, adapt, or minimize the effects climate change has on communities and the natural environment.

NEW SECTION. Sec. 925. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 926. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.76.525, 28B.76.526, 28B.145.050, 41.80.040, 43.31.502, 43.185C.060, 69.50.540, 74.46.561, 82.08.170, 82.19.040, and 90.56.510; amending 2019 c 415 ss 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 148, 147, 149, 150, 151, 152, 153, 141, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 719, 701, 703, 712, 720, 725, 728, 730, 721, 722, 724, 726, 801, 802, 803, 805, 938, and 946, 2019 c 406 ss 13 and 5, and 2019 c 324 s 12 (uncodified); reenacting and amending RCW 71.24.580; adding a new section to chapter 43.79 RCW; adding new sections to 2019 c 415 (uncodified); creating new sections; making appropriations; providing an expiration date; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Frockt and Rolfes; Representatives Ormsby and Robinson.

MOTION

Senator Rolfes moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6168 be adopted.

Senator Rolfes spoke in favor of the motion.

Senator Braun spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6168 be adopted.

The motion by Senator Rolfes carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6168, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6168, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "My point is, there are, as you know, a lot of really smart people that work with us to develop a budget, the Ways and Means Committee staff. And, I would like to personally thank them, and I want everyone to know they were already here for the capital budget and they literally said 'Senator Rolfes, will you be offended if we don't come back?' So, hopefully they're paying attention and I hope that we can all show some deep gratitude, oh James is here, if you guys are here please come forward so we can recognize you. I'd like to recognize and sincerely thank James Kettel, Michael Bezanson, Jeffrey Mitchell, Julie Murray, Sandy Stith, Richard Ramsey, Michele Alishahi, Amanda Cecil, Sarah Emmans, Kayla Hammer, Jed Herman, Maria Hovde, Alia Kennedy, Jeffrey Naas, Corban Nemeth, Sarian Scott, Travis Sugarman, Liza Weeks, Lindsay Trant and Megan Tudor. Will you all join me in a round of applause? They are brilliant at keeping the train on schedule and running on time and getting us out of here on time. Of course, I also want to thank Matt Bridges and Ryan Moore, who are caucus staff, who sit through a lot of meetings listening to all of us. Ryan, and I'm sure Matt's over there. And then, I'm hoping that you all will also recognize my legislative staff who patiently received budget request forms for the last, I'm going to go with four months. Met with lobbyists. Helped your legislative assistants know how to fill out the budget request forms and really just helped keep things organized and on track. That's Linda Owens Haylee Anderson and our intern Sabrina Saenz. Linda, can you come forward? And finally, I need to really thank Senators Frockt, Braun and Brown for, I think we're really good team and I hope we all get to work together again next year."

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, I rise, I can't match that, but I just want to rise to reinforce everything Senator Rolfes said. These really are pros that we work with. In particular I want to call out again the Ways & Means staff and Matt Bridges and Ryan Moore. These folks really do make us look much better than we are. They they know their work well they know how the

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

system works. They are absolutely committed to the process and making sure it runs well and we get the best advice we can get without overstepping. I want to just reinforce that they, we were absolutely blessed in the state of Washington, to have such a great team. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Brown: "Thank you, Mr. President. It really has truly been an honor to work with this team. You know, we come here in the public unfortunately sees us squabbling here on the floor. They see a lot of the fights. What they don't see is how the sausage is made. And although we just couldn't get there with regards to the policy, the respect and candor, the honesty that has been shown to us even in the minority, I really appreciated feeling like I truly was a part of the process. And to the staff who answered all of our questions and followed up repeatedly even though maybe I didn't understand something they would keep coming back and keep coming back until they really felt like I understood the issue. And I really want to reiterate what's been said by the prior two speakers: we truly have just a wonderful staff here in the state of Washington."

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND SUBSTITUTE HOUSE BILL NO. 1661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,
HOUSE BILL NO. 2242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2711,
HOUSE BILL NO. 2848,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919,
HOUSE BILL NO. 1368,
SUBSTITUTE HOUSE BILL NO. 2632,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2722,
and SECOND SUBSTITUTE HOUSE BILL NO. 2737.

MESSAGES FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5628,
and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6068,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6248,
ENGROSSED SENATE BILL NO. 6690,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2322,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2711,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1661,
HOUSE BILL NO. 2242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2848,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2919,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5549,
SECOND ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5720,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5829,
SECOND SUBSTITUTE SENATE BILL NO. 5947,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6040,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6097,
SUBSTITUTE SENATE BILL NO. 6152,
SENATE BILL NO. 6164,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SUBSTITUTE SENATE BILL NO. 6190,
SECOND SUBSTITUTE SENATE BILL NO. 6211,
ENGROSSED SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6259,
SENATE BILL NO. 6263,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6268,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6404,
SENATE BILL NO. 6417,
SENATE BILL NO. 6420,
SECOND SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6507,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6518,
SENATE BILL NO. 6623,
ENGROSSED SENATE BILL NO. 6626,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6641,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

THIRD SUBSTITUTE SENATE BILL NO. 5164,
ENGROSSED SENATE BILL NO. 5282,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5291,
ENGROSSED SENATE BILL NO. 5402,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
SECOND SUBSTITUTE SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 6065,
SUBSTITUTE SENATE BILL NO. 6158,
ENGROSSED SENATE BILL NO. 6180,

ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6205,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6288,
SENATE BILL NO. 6359,
SUBSTITUTE SENATE BILL NO. 6397,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6574,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6617,
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2965 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Billig moved that the Senate recede from its position on the Senate amendments to Engrossed House Bill No. 2965.

The President declared the question before the Senate to be motion by Senator Billig that the Senate recede from its position on the Senate amendments to Engrossed House Bill No. 2965.

The motion by Senator Billig carried and the Senate receded from its amendments to Engrossed House Bill No. 2965.

MOTION

On motion of Senator Billig, the rules were suspended and Engrossed House Bill No. 2965 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED HOUSE BILL NO. 2965, by Representatives Cody, Schmick, Riccelli, Bergquist, Callan, Dufault, Hudgins, Leavitt, Shewmake, Tharinger, Maycumber, Ramos, Ortiz-Self and Stonier

Concerning the state's response to the novel coronavirus.

MOTION

Senator Braun moved that the following floor amendment no. 1379 by Senators Billig and Braun be adopted:

On page 1, line 5, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 14, after "sum of" strike "one hundred million" and insert "one hundred seventy-five million"

On page 1, line 15, after "account" insert "and the sum of twenty-five million dollars is appropriated from the general fund—federal"

On page 1, at the beginning of line 17, after "and" strike "is" and insert "are"

On page 2, line 1, after "The" strike "appropriation" and insert "appropriations"

On page 2, line 2, after "section" strike "is" and insert "are"

On page 2, line 7, after "state," insert "tribal,"

On page 2, line 9, after "Agencies" insert ", federally recognized tribes,"

On page 2, line 12, after "agency" insert ", federally recognized tribe,"

On page 2, line 14, after "agency" insert ", federally recognized tribe,"

On page 2, after line 22, insert the following:

"(5) In order to facilitate the monthly reporting required by subsection (1) of this section and to increase transparency, the office of financial management must create unique appropriation and expenditure codes to be used in the statewide accounting and financial reporting system that must be used by state agencies and institutions of higher education to separately identify state spending by the appropriations in this act and for other unanticipated spending in response to the coronavirus (COVID-19) outbreak funded by appropriations in the omnibus operating appropriations act."

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 3. The sum of twenty-five million dollars is appropriated from the budget stabilization account for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the COVID-19 unemployment account for the purposes described in section 5 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium.

"NEW SECTION. Sec. 4. A new section is added to chapter 50.16 RCW to read as follows:

(1) The COVID-19 unemployment account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Only the commissioner of the employment security department or the commissioner's designee may authorize expenditures from the account. Expenditures from the account may be used only for reimbursing the unemployment trust fund account for unemployment benefits paid to the approved employees of employers approved for such reimbursement pursuant to section 5 of this act. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any federal funding or relief for novel coronavirus that could be used for the purposes of section 5 of this act must be used first before spending from the account. Additionally, if the employment security department subsequently receives reimbursements from federal sources for amounts spent from the account, the department must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account. If federal law or rules would prevent such remittance, the department must notify the office of financial management and the fiscal committees of the legislature within thirty days of receipt of the reimbursement.

(3) By July 1, 2021, the commissioner must certify to the state treasurer the amount of any unobligated moneys in the COVID-19 unemployment account that are attributable to the budget stabilization account appropriation in section 3 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

"NEW SECTION. Sec. 5. A new section is added to chapter 50.29 RCW to read as follows:

(1) By September 30, 2020, a contribution paying employer may submit an application to the employment security department to have the approved benefits paid to approved employees be reimbursed by the COVID-19 unemployment account instead of charged to the employer's experience rating account. The application must be submitted in a form and manner approved by the department through rule.

(2) The department should not approve an application if the benefits paid will not otherwise be charged to the employer's

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

experience rating account or if the employer was otherwise eligible to receive relief of benefit charges.

(3) If the department approves an employer's application, the department will not charge the forgiven benefits to the employer's experience rating account. The commissioner shall instead transfer from the COVID-19 unemployment account to the unemployment trust fund account an amount equal to the forgiven benefits.

(4) If the department rejects an employer's application, the department shall present the employer with the reasons why the application was rejected. The reasons for the rejection are final and nonappealable.

(5) For purposes of this section, the following definitions apply:

- (a) "Approved employee" means an employee who:
 - (i) Was temporarily laid off as a direct or indirect consequence of an outbreak of COVID-19;
 - (ii) Was approved by the department to be on standby pursuant to rules adopted by the department;
 - (iii) Has returned to the same employment with the employer the employee had prior to the temporary unemployment; and
 - (iv) Meets other criteria the department may establish by rule.
- (b) "Approved benefits" means benefits paid to an approved employee while the approved employee was on standby pursuant to rules adopted by the department.
- (c) "Total approved benefits" means the sum total of all approved benefits paid to all approved employees.
- (d) "Forgiveness ratio" is computed by dividing the amount of money in the COVID-19 unemployment account by the total approved benefits. The forgiveness ratio cannot be more than 1.
- (e) "Forgiven benefits" means the approved benefits for an individual employer multiplied by the forgiveness ratio.
- (6) The department shall adopt such rules as are necessary to carry out the purposes of this section.
- (7) This section expires July 30, 2021."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and this finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "38.52.105;" insert "adding a new section to chapter 50.16 RCW; adding a new section to chapter 50.29 RCW;"

On page 1, line 2 of the title, after "74.46 RCW;" insert "creating a new section;"

On page 1, line 3 of the title, after "appropriations;" insert "providing an expiration date;"

Senators Braun, Billig and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1379 by Senators Billig and Braun on page 1, line 5 to Engrossed House Bill No. 2965.

The motion by Senator Braun carried and floor amendment no. 1379 was adopted by voice vote.

MOTION

Senator Billig moved that the following floor amendment no. 1374 by Senators Billig and Braun be adopted:

On page 3, beginning on line 5, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. (1) The department of social and health services is authorized to determine nursing facility payments to adequately resource facilities responding to the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020. The medicaid payments provided to nursing facilities in response to this state of emergency shall be determined by the department as appropriate to address the immediate safety needs of Washington state citizens and shall not be subject to this chapter's medicaid methodology. Any nursing facility payment made under this section shall not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) This section expires June 30, 2021.

Sec. 5. RCW 50.20.010 and 2019 c 50 s 1 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "38.52.105" strike "; adding a new section to chapter 74.46 RCW;" and insert "and 50.20.010; creating new sections;" and on line 3, after "appropriations;" insert "providing an expiration date;"

Senators Billig and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1374 by Senators Billig and Braun on page 3, line 5 to Engrossed House Bill No. 2965.

The motion by Senator Billig carried and floor amendment no. 1374 was adopted by voice vote.

MOTION

Senator Wellman moved that the following floor amendment no. 1375 by Senators Braun and Wellman be adopted:

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 5. (1)(a) Recognizing that schools and districts throughout Washington have different needs and resources to respond to the impact of the novel coronavirus (COVID-19) outbreak, within existing resources, the state board of education may administer an emergency waiver program to grant local education agencies and private schools flexibility so that students in the graduating class of 2020 or earlier who were on track to graduate before the gubernatorial declaration of emergency of February 29, 2020, and any subsequent amendments to that proclamation, are not negatively impacted by measures taken by the local education agency or private school in response to the novel coronavirus (COVID-19).

(b) Consistent with the intent of the emergency waiver program, the state board of education may adopt rules to allow:

(i) School districts, charter schools established under chapter 28A.710 RCW, and tribal compact schools operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW to apply to the state board of education for a waiver of high school graduation requirements or equivalencies established under RCW 28A.230.090 for students in the graduating class of 2020 or earlier who cannot meet the statewide minimum credit and subject area graduation requirements due to school closures related to the novel coronavirus (COVID-19). The state board of education may approve waivers that meet criteria including demonstration of a good faith effort to address core course requirements and credit deficiencies through other mechanisms; and

(ii) The state board of education to waive provisions relating to the number of instructional hours, the number of school days, credit-based graduation requirements, and other provisions for the 2019-20 school year for private schools established under chapter 28A.195 RCW that close due to the novel coronavirus (COVID-19).

(2) This section expires July 31, 2020.

Sec. 6. RCW 28A.230.090 and 2019 c 252 s 103 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)(iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

(v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program;

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for

graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal. The limitations on the ability of a school district to grant waivers under this subsection (1)(e)(i) shall not apply in circumstances where a district is granted flexibility from state requirements under an emergency waiver program established in section 5 of this act.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as

identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. **Sec. 7.** Section 6 of this act expires July 31, 2020."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "38.52.105" insert "and 28A.230.090" and after "74.46 RCW;" insert "creating a new section;" and on line 3, after "appropriations;" insert "providing expiration dates;"

Senators Wellman and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1375 by Senators Braun and Wellman on page 3, after line 16 to Engrossed House Bill No. 2965.

The motion by Senator Wellman carried and floor amendment no. 1375 was adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Engrossed House Bill No. 2965, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Schoesler, Frockt, Braun, Carlyle, Becker, Keiser and Wilson, L. spoke in favor of passage of the bill.

MOTION

On motion of Senator Zeiger, Senator Walsh was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2965 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2965, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Walsh

ENGROSSED HOUSE BILL NO. 2965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515 with the following amendment(s): 6515-S2.E AMH CODY MULH 209

On page 6, beginning on line 37, strike all of sections 4 through 7.

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6515.

Senators Van De Wege and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6515.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6515 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6515, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6515, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6515, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6534 with the following amendment(s): 6534-S.E AMH RICC H5411.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the payments to private emergency ambulance service providers for transports for medicaid recipients have not been increased since 2004, resulting in a loss for carriers who provide this service. This has resulted in the shifting of cost of medicaid transports to other payers.

The purpose of this chapter is to provide for a quality assurance fee for specified providers of emergency ambulance services as referenced in 42 C.F.R. Sec. 433.56, which will be used to add on to base funding from all other sources, thereby supporting additional medicaid payments to nonpublic and nonfederal providers of emergency ambulance services as specified in this chapter.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aggregate fee schedule amount" means the product of the add-on calculated pursuant to section 6(1) of this act multiplied by the number of emergency ambulance transports for the state fiscal year.

(2) "Ambulance transport provider" means an ambulance transport provider that is licensed under RCW 18.73.140 that bills and receives patient care revenue from the provision of ground emergency ambulance transports. "Ambulance transport provider" does not include a provider that is owned or operated by the state, cities, counties, fire protection districts, regional fire protection service authorities, port districts, public hospital districts, community services districts, health care districts, federally recognized Indian tribes, or any unit of government as defined in 42 C.F.R. Sec. 433.50.

(3) "Annual quality assurance fee rate" means the quality assurance fee per emergency ambulance transport during each applicable state fiscal year assessed on each ambulance transport provider.

(4) "Authority" means the Washington state health care authority.

(5) "Available fee amount" means the sum of the following:

(a) The amount deposited in the ambulance transport fund established under section 3 of this act during the applicable state fiscal year, less the amounts described in section 3(3)(a) of this act; and

(b) Any federal financial participation obtained as a result of the deposit of the amount described in this subsection, for the applicable state fiscal year.

(6) "Effective state medical assistance percentage" means a ratio of the aggregate expenditures from state-only sources for medicaid divided by the aggregate expenditures from state and federal sources for medicaid for a state fiscal year.

(7) "Emergency ambulance transport" means the act of transporting an individual by use of an ambulance during which a client receives needed emergency medical services en route to an appropriate medical facility. "Emergency ambulance transport" does not include transportation of beneficiaries by passenger cars, taxicabs, litter vans, wheelchair vans, or other forms of public or private conveyances, nor does it include transportation by an air ambulance provider. An "emergency ambulance transport" does not occur when, following evaluation of a patient, a transport is not provided.

(8) "Fee-for-service payment schedule" means the payment rates to ambulance transport providers for emergency ambulance transports by the authority without the inclusion of the add-on described in section 6 of this act.

(9) "Gross receipts" means the total amount of payments received as patient care revenue for emergency ambulance transports, determined on a cash basis of accounting. "Gross receipts" includes all payments received as patient care revenue for emergency ambulance transports from medicaid, medicare, commercial insurance, and all other payers as payment for services rendered.

(10) "Medicaid" means the medical assistance program and the state children's health insurance program as established in Title XIX and Title XXI of the social security act, respectively, and as administered in the state of Washington by the authority.

(11) "Program" means the ambulance quality assurance fee program established in this chapter.

NEW SECTION. Sec. 3. (1) A dedicated fund is hereby established within the state treasury to be known as the ambulance transport fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund. Moneys in the account may be spent only after appropriation.

(2) The quality assurance fees collected by the authority pursuant to section 5 of this act must be deposited in the ambulance transport fund.

(3) The moneys in the ambulance transport fund, including any interest and dividends earned on money in the fund, shall be available exclusively for the following purposes in the following order of priority:

(a) To provide funding in an amount not to exceed ten percent of the annual quality assurance fee rate collection amount, exclusive of any federal matching funds, for health care coverage for Washingtonians and for the authority's staffing and administrative costs directly attributable to administering this chapter; and

(b) To make increased payments to ambulance transport providers pursuant to section 6 of this act.

NEW SECTION. Sec. 4. (1) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type and the annual gross receipts for the state fiscal year ending June 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after August 15, 2020.

(2) Each ambulance transport provider must report to the authority the number of emergency ambulance transports by payer type for each state fiscal quarter commencing with the state fiscal quarter ending September 30, 2020, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal quarter.

(3) Each ambulance transport provider must report to the authority the annual gross receipts for each state fiscal year commencing with the state fiscal year ending June 30, 2021, pursuant to form and timing required by the authority. The authority shall establish the timing for such reporting to occur on or after the forty-fifth day after the end of each applicable state fiscal year.

(4) The authority may require a certification by each ambulance transport provider under penalty of perjury of the truth of the reports required under this section. Upon written notice to an ambulance transport provider, the authority may impose a civil penalty of one hundred dollars per day against an ambulance transport provider for every day that an ambulance transport provider fails to make a report required by this section within five days of the date upon which the report was due. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited in the ambulance transport fund established in section 3 of this act.

NEW SECTION. Sec. 5. (1) Beginning July 1, 2021, and annually thereafter, the authority shall assess each ambulance transport provider a quality assurance fee. Each ambulance transport provider must pay the quality assurance fee on a quarterly basis. The quarterly quality assurance fee payment shall be based on the annual quality assurance fee rate for the applicable state fiscal year multiplied by the number of emergency ambulance transports provided by the ambulance transport provider in the second quarter preceding the state fiscal quarter for which the fee is assessed.

(2)(a) For the state fiscal year beginning July 1, 2021, the annual quality assurance fee rate shall be calculated by multiplying the projected total annual gross receipts for all ambulance transport providers by five and one-half percent, which resulting product shall be divided by the projected total annual emergency ambulance transports by all ambulance transport providers for the state fiscal year.

(b) For state fiscal years beginning July 1, 2022, and continuing each state fiscal year thereafter, the quality assurance fee rate shall be calculated by a ratio, the numerator of which shall be the product of the projected aggregate fee schedule amount, and the denominator of which shall be ninety percent of the projected total annual emergency ambulance transports by all ambulance transport providers.

(c) If, during a state fiscal year, the actual or projected available fee amount exceeds or is less than the actual or projected aggregate fee schedule amount by more than one percent, the authority shall adjust the annual quality assurance fee rate so that the available fee amount for the state fiscal year is approximately equal to the aggregate fee schedule amount for the state fiscal year. The available fee amount for a state fiscal year shall be considered to equal the aggregate fee schedule amount for the state fiscal year if the difference between the available fee amount for the state fiscal year and the aggregate fee schedule amount for the state fiscal year constitutes less than one percent of the aggregate fee schedule amount for the state fiscal year.

(3) For each state fiscal year for which the quality assurance fee is assessed, the authority shall send each ambulance transport provider an assessment notice no later than thirty days prior to the beginning of the applicable state fiscal quarter. For each state fiscal quarter for which the quality assurance fee is assessed, the

authority shall send to each ambulance transport provider an invoice of the quarterly quality assurance fee payment due for the quarter no later than thirty days before the payment is due. For each state fiscal quarter for which the quality assurance fee is assessed, the ambulance transport provider shall remit payment to the authority by the date established by the authority, which shall be no earlier than fifteen days after the beginning of the applicable state fiscal quarter.

(4)(a) Interest shall be assessed on quality assurance fees not paid on the date due at the rate and in the manner provided in RCW 43.20B.695. Interest shall be deposited in the ambulance transport fund established in section 3 of this act.

(b) In the event that any fee payment is more than sixty days overdue, the authority may deduct the unpaid fee and interest owed from any medicaid reimbursement payments owed to the ambulance transport provider until the full amount of the fee, interest, and any penalties assessed under this chapter are recovered. Any deduction made pursuant to this subsection shall be made only after the authority gives the ambulance transport provider written notification. Any deduction made pursuant to this subsection may be deducted over a period of time that takes into account the financial condition of the ambulance transport provider.

(c) In the event that any fee payment is more than sixty days overdue, a penalty equal to the interest charge described in (a) of this subsection shall be assessed and due for each month for which the payment is not received after sixty days. Any funds resulting from a penalty imposed pursuant to this subsection shall be deposited into the ambulance transport fund established in section 3 of this act.

(d) The authority may waive a portion or all of either the interest or penalties, or both, assessed under this chapter in the event the authority determines, in its sole discretion, that the ambulance transport provider has demonstrated that imposition of the full amount of the quality assurance fee pursuant to the timelines applicable under this chapter has a high likelihood of creating an undue financial hardship for the provider. Waiver of some or all of the interest or penalties pursuant to this subsection shall be conditioned on the ambulance transport provider's agreement to make fee payments on an alternative schedule developed by the authority.

(5) The authority shall accept an ambulance transport provider's payment even if the payment is submitted in a rate year subsequent to the rate year in which the fee was assessed.

(6) In the event of a merger, acquisition, or similar transaction involving an ambulance transport provider that has outstanding quality assurance fee payment obligations pursuant to this chapter, including any interest and penalty amounts owed, the resultant or successor ambulance transport provider shall be responsible for paying to the authority the full amount of outstanding quality assurance fee payments, including any applicable interest and penalties, attributable to the ambulance transport provider for which it was assessed, upon the effective date of such transaction. An entity considering a merger, acquisition, or similar transaction involving an ambulance transport provider may submit a request to the authority to ascertain the outstanding quality assurance fee payment obligations of the ambulance transport provider pursuant to this chapter as of the date of the authority's response to that request.

NEW SECTION. Sec. 6. (1) Beginning July 1, 2021, and for each state fiscal year thereafter, reimbursement for emergency ambulance transports provided by ambulance transport providers shall be increased by application of an add-on to the associated medicaid fee-for-service payment schedule. The add-on increase to the fee-for-service payment schedule under this section shall be calculated by June 15, 2021, and shall remain the same for later

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

state fiscal years, to the extent the authority determines federal financial participation is available. The authority shall calculate the projections required by this subsection based on the number of emergency ambulance transports and gross revenue data submitted pursuant to section 4 of this act. The fee-for-service add-on shall be equal to the quotient of the available fee amount projected by the authority on or before June 15, 2021, for the 2021–22 state fiscal year, divided by the total medicaid emergency ambulance transports, projected by the authority on or before June 15, 2021, for the 2021–22 state fiscal year. The resulting fee-for-service payment schedule amounts after the application of this section shall be equal to the sum of the medicaid fee-for-service payment schedule amount and the add-on increase.

(2) The increased payments required by this section shall be funded solely from the following:

(a) The quality assurance fee set forth in section 5 of this act, along with any interest or other investment income earned on those funds; and

(b) Federal reimbursement and any other related federal funds.

(3) The proceeds of the quality assurance fee set forth in section 5 of this act, the matching amount provided by the federal government, and any interest earned on those proceeds shall be used to supplement, and not to supplant, existing funding for emergency ambulance transports provided by ambulance transport providers.

(4) Notwithstanding any provision of this chapter, the authority may seek federal approval to implement any add-on increase to the fee-for-service payment schedule pursuant to this section for any state fiscal year or years, as applicable, on a time-limited basis for a fixed program period, as determined by the authority.

NEW SECTION. Sec. 7. The authority may adopt rules to implement this chapter.

NEW SECTION. Sec. 8. (1)(a) The authority shall request any approval from the federal centers for medicare and medicaid services it determines are necessary for the use of fees pursuant to this chapter and for the purpose of receiving associated federal matching funds.

(b) This chapter shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available. The quality assurance fee pursuant to section 5 of this act shall only be assessed and collected for quarters in which the add-on pursuant to section 6 of this act is paid.

(2) The authority may modify or make adjustments to any methodology, fee amount, or other provision specified in this chapter to the minimum extent necessary to meet the requirements of federal law or regulations or to obtain federal approval. If the authority, after consulting with ambulance transport providers, determines that a modification is needed, the authority shall execute a declaration stating that this determination has been made and that the actual or projected available fee amount for a state fiscal year remains approximately equal to the actual or projected aggregate fee schedule amount for each applicable state fiscal year, as defined by section 5(2)(c) of this act. The authority shall retain the declaration and provide a copy, within ten working days of the execution of the declaration, to the appropriate fiscal and policy committees of the legislature.

NEW SECTION. Sec. 9. If there is a delay in the implementation of this chapter for any reason, including a delay in any required approval of the quality assurance fee and reimbursement methodology specified by the federal centers for medicare and medicaid services, the following shall apply:

(1) An ambulance transport provider may be assessed the amount the provider would be required to pay to the authority if

the add-on increase to the fee-for-service payment schedule described in section 5(2)(c) of this act were already approved, but shall not be required to pay the fee until the add-on increase to the fee-for-service payment schedule described in section 6 of this act is approved. The authority shall establish a schedule for payment of retroactive fees pursuant to this subsection in consultation with ambulance transport providers to minimize the disruption to the cash flow of ambulance transport providers.

(2) The authority may retroactively implement the add-on increase to the fee-for-service payment schedule pursuant to section 6 of this act to the extent the authority determines that federal financial participation is available.

NEW SECTION. Sec. 10. (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) The federal centers for medicare and medicaid services not determining that the quality assurance fee revenues may not be used for the purposes set forth in this chapter;

(b) The state not reducing its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(c) The state not delegating responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2;

(d) Federal financial participation being available and not otherwise jeopardized;

(e) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730; and

(f) Consistent with section 6(3) of this act, the state continuing its maintenance of effort for the level of state funding not derived from the quality assurance fee of emergency ambulance transports reimbursement for the 2021–22 rate year, and for each applicable rate year thereafter, in an amount not less than the amount that the state would have paid for the same number of emergency ambulance transports under the rate methodology that was in effect on July 1, 2019.

(2) This chapter ceases to be operative on the first day of the state fiscal year beginning on or after the date one or more of the following conditions is satisfied:

(a) The federal centers for medicare and medicaid services no longer allows the collection or use of the ambulance transport provider assessment provided in this chapter;

(b) The increase to the medicaid payments described in section 6 of this act no longer remains in effect;

(c) The quality assurance fee assessed and collected pursuant to this chapter is no longer available for the purposes specified in this chapter;

(d) A final judicial determination made by any state or federal court that is not appealed, or by a court of appellate jurisdiction that is not further appealed, in any action by any party, or a final determination by the administrator of the federal centers for medicare and medicaid services that is not appealed, that federal financial participation is not available with respect to any payment made under the methodology implemented pursuant to this chapter;

(e) The state reduces its fee-for-service payment schedule for emergency ambulance transports provided by ambulance transport providers;

(f) The state delegates responsibility to pay for emergency ambulance transports to a managed care organization, prepaid inpatient health plan, or prepaid ambulatory health plan, as those terms are defined in 42 C.F.R. Sec. 438.2; and

(g) The program not prohibiting, diminishing, or harming the ground emergency medical transportation services reimbursement program described in RCW 41.05.730.

(3) In the event one or more of the conditions listed in subsection (2) of this section is satisfied, the authority shall notify, in writing and as soon as practicable, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of the condition and the approximate date or dates that it occurred. The authority shall post the notice on the authority's web site.

(4)(a) Notwithstanding any other law, in the event this chapter becomes inoperative pursuant to subsection (2) of this section, the authority shall be authorized to conduct all appropriate close-out activities and implement applicable provisions of this chapter for prior state fiscal years during which this chapter was operative including, but not limited to, the collection of outstanding quality assurance fees pursuant to section 5 of this act and payments associated with any add-on increase to the medicaid fee-for-service payment schedule pursuant to section 6 of this act. In implementing these close-out activities, the authority shall ensure that the actual or projected available fee amount for each applicable state fiscal year remains approximately equal to the aggregate fee schedule amount for the state fiscal year, as defined by section 5(2)(c) of this act. During this close-out period, the full amount of the quality assurance fee assessed and collected remains available only for the purposes specified in this chapter.

(b) Upon a determination by the authority that all appropriate close-out and implementation activities pursuant to (a) of this subsection have been completed, the authority shall notify, in writing, the secretary of state, the secretary of the senate, the chief clerk of the house of representatives, the appropriate fiscal and policy committees of the legislature, and the code reviser's office of that determination. This chapter shall expire as of the effective date of the notification issued by the authority pursuant to this subsection.

Sec. 11. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial

institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 12. Sections 1 through 10 and 13 of this act constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 13. This act expires July 1, 2024.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6534.

Senators Cleveland and O'Ban spoke in favor of the motion.

Senator Mullet spoke against the motion.

Senator Carlyle spoke on the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6534.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6534 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6534, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6534, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, McCoy, Mullet and Randall

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1154,

SUBSTITUTE HOUSE BILL NO. 2486,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2020

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2320 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate adhere to its position in the Senate amendment(s) to Substitute House Bill No. 2320 and ask the House to concur thereon.

Senator Pedersen spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate adhere to its position in the Senate amendment(s) to Substitute House Bill No. 2320 and ask the House to concur thereon.

The motion by Senator Pedersen carried and the Senate adhered to its position in the Senate amendment(s) to Substitute House Bill No. 2320 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6280 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6280

March 12, 2020

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6280, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Unconstrained use of facial recognition services by state and local government agencies poses broad social ramifications that should be considered and addressed. Accordingly, legislation is required to establish safeguards that will allow state and local government agencies to use facial recognition services in a manner that benefits society while prohibiting uses that threaten our democratic freedoms and put our civil liberties at risk.

(2) However, state and local government agencies may use facial recognition services to locate or identify missing persons, and identify deceased persons, including missing or murdered indigenous women, subjects of Amber alerts and silver alerts, and other possible crime victims, for the purposes of keeping the public safe.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accountability report" means a report developed in accordance with section 3 of this act.

(2) "Enroll," "enrolled," or "enrolling" means the process by which a facial recognition service creates a facial template from one or more images of an individual and adds the facial template to a gallery used by the facial recognition service for recognition or persistent tracking of individuals. It also includes the act of adding an existing facial template directly into a gallery used by a facial recognition service.

(3)(a) "Facial recognition service" means technology that analyzes facial features and is used by a state or local government agency for the identification, verification, or persistent tracking of individuals in still or video images.

(b) "Facial recognition service" does not include: (i) The analysis of facial features to grant or deny access to an electronic device; or (ii) the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in the retention of any biometric data or surveillance information.

(4) "Facial template" means the machine-interpretable pattern of facial features that is extracted from one or more images of an individual by a facial recognition service.

(5) "Identification" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches any individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

(6) "Legislative authority" means the respective city, county, or other local governmental agency's council, commission, or other body in which legislative powers are vested. For a port district, the legislative authority refers to the port district's port commission. For an airport established pursuant to chapter 14.08 RCW and operated by a board, the legislative authority refers to the airport's board. For a state agency, "legislative authority" refers to the technology services board created in RCW 43.105.285.

(7) "Meaningful human review" means review or oversight by one or more individuals who are trained in accordance with section 7 of this act and who have the authority to alter the decision under review.

(8) "Nonidentifying demographic data" means data that is not linked or reasonably linkable to an identified or identifiable individual, and includes, at a minimum, information about gender, race or ethnicity, age, and location.

(9) "Ongoing surveillance" means using a facial recognition service to track the physical movements of a specified individual through one or more public places over time, whether in real time or through application of a facial recognition service to historical records. It does not include a single recognition or attempted recognition of an individual, if no attempt is made to subsequently track that individual's movement over time after they have been recognized.

(10) "Persistent tracking" means the use of a facial recognition service by a state or local government agency to track the movements of an individual on a persistent basis without identification or verification of that individual. Such tracking becomes persistent as soon as:

(a) The facial template that permits the tracking is maintained for more than forty-eight hours after first enrolling that template; or

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(b) Data created by the facial recognition service is linked to any other data such that the individual who has been tracked is identified or identifiable.

(11) "Recognition" means the use of a facial recognition service by a state or local government agency to determine whether an unknown individual matches:

(a) Any individual who has been enrolled in a gallery used by the facial recognition service; or

(b) A specific individual who has been enrolled in a gallery used by the facial recognition service.

(12) "Verification" means the use of a facial recognition service by a state or local government agency to determine whether an individual is a specific individual whose identity is known to the state or local government agency and who has been enrolled by reference to that identity in a gallery used by the facial recognition service.

NEW SECTION. Sec. 3. (1) A state or local government agency using or intending to develop, procure, or use a facial recognition service must file with a legislative authority a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the technology is to be used. A state or local government agency may commence the accountability report once it files the notice of intent by the legislative authority.

(2) Prior to developing, procuring, or using a facial recognition service, a state or local government agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

(a)(i) The name of the facial recognition service, vendor, and version; and (ii) a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;

(b)(i) The type or types of data inputs that the technology uses; (ii) how that data is generated, collected, and processed; and (iii) the type or types of data the system is reasonably likely to generate;

(c)(i) A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; (ii) whether it is a final or support decision system; and (iii) its intended benefits, including any data or research demonstrating those benefits;

(d) A clear use and data management policy, including protocols for the following:

(i) How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;

(ii) Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;

(iii) Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;

(iv) Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;

(v) Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

(vi) How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to chapter 19.255 RCW and how the agency intends to fulfill security breach notification requirements pursuant to RCW 42.56.590; and

(vii) The agency's training procedures, including those implemented in accordance with section 7 of this act, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;

(e) The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service in accordance with section 5 of this act;

(f) Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;

(g) A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and

(h) The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

(3) Prior to finalizing the accountability report, the agency must:

(a) Allow for a public review and comment period;

(b) Hold at least three community consultation meetings; and

(c) Consider the issues raised by the public through the public review and comment period and the community consultation meetings.

(4) The final accountability report must be updated every two years and submitted to a legislative authority.

(5) The final adopted accountability report must be clearly communicated to the public at least ninety days prior to the agency putting the facial recognition service into operational use, posted on the agency's public web site, and submitted to a legislative authority. The legislative authority must post each submitted accountability report on its public web site.

(6) A state or local government agency seeking to procure a facial recognition service must require vendors to disclose any complaints or reports of bias regarding the service.

(7) An agency seeking to use a facial recognition service for a purpose not disclosed in the agency's existing accountability report must first seek public comment and community consultation on the proposed new use and adopt an updated accountability report pursuant to the requirements contained in this section.

(8) This section does not apply to a facial recognition service under contract as of the effective date of this section. An agency must fulfill the requirements of this section upon renewal or extension of the contract.

NEW SECTION. Sec. 4. A state or local government agency using a facial recognition service to make decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals must ensure that those decisions are subject to meaningful human review. Decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals means decisions that result in the provision or denial of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

NEW SECTION. Sec. 5. Prior to deploying a facial recognition service in the context in which it will be used, a state or local government agency using a facial recognition service to make decisions that produce legal effects on individuals or similarly significant effects on individuals must test the facial recognition service in operational conditions. An agency must take reasonable steps to ensure best quality results by following all guidance provided by the developer of the facial recognition service.

NEW SECTION. Sec. 6. (1)(a) A state or local government agency that deploys a facial recognition service must require a facial recognition service provider to make available an application programming interface or other technical capability, chosen by the provider, to enable legitimate, independent, and reasonable tests of those facial recognition services for accuracy and unfair performance differences across distinct subpopulations. Such subpopulations are defined by visually detectable characteristics such as: (i) Race, skin tone, ethnicity, gender, age, or disability status; or (ii) other protected characteristics that are objectively determinable or self-identified by the individuals portrayed in the testing dataset. If the results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences within ninety days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction.

(b) Making an application programming interface or other technical capability does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. Providers bear the burden of minimizing these risks when making an application programming interface or other technical capability available for testing.

(2) Nothing in this section requires a state or local government agency to collect or provide data to a facial recognition service provider to satisfy the requirements in subsection (1) of this section.

NEW SECTION. Sec. 7. A state or local government agency using a facial recognition service must conduct periodic training of all individuals who operate a facial recognition service or who process personal data obtained from the use of a facial recognition service. The training must include, but not be limited to, coverage of:

- (1) The capabilities and limitations of the facial recognition service;
- (2) Procedures to interpret and act on the output of the facial recognition service; and

(3) To the extent applicable to the deployment context, the meaningful human review requirement for decisions that produce legal effects concerning individuals or similarly significant effects concerning individuals.

NEW SECTION. Sec. 8. (1) A state or local government agency must disclose their use of a facial recognition service on a criminal defendant to that defendant in a timely manner prior to trial.

(2) A state or local government agency using a facial recognition service shall maintain records of its use of the service that are sufficient to facilitate public reporting and auditing of compliance with the agency's facial recognition policies.

(3) In January of each year, any judge who has issued a warrant for the use of a facial recognition service to engage in any surveillance, or an extension thereof, as described in section 11 of this act, that expired during the preceding year, or who has denied approval of such a warrant during that year shall report to the administrator for the courts:

- (a) The fact that a warrant or extension was applied for;
- (b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;
- (c) The period of surveillance authorized by the warrant and the number and duration of any extensions of the warrant;
- (d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and
- (e) The nature of the public spaces where the surveillance was conducted.

(4) In January of each year, any state or local government agency that has applied for a warrant, or an extension thereof, for the use of a facial recognition service to engage in any surveillance as described in section 11 of this act shall provide to a legislative authority a report summarizing nonidentifying demographic data of individuals named in warrant applications as subjects of surveillance with the use of a facial recognition service.

NEW SECTION. Sec. 9. (1) This chapter does not apply to a state or local government agency that: (a) Is mandated to use a specific facial recognition service pursuant to a federal regulation or order, or that are undertaken through partnership with a federal agency to fulfill a congressional mandate; or (b) uses a facial recognition service in association with a federal agency to verify the identity of individuals presenting themselves for travel at an airport or seaport.

(2) A state or local government agency must report to a legislative authority the use of a facial recognition service pursuant to subsection (1) of this section.

NEW SECTION. Sec. 10. (1)(a) The William D. Ruckelshaus center must establish a facial recognition task force, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Eight representatives from advocacy organizations that represent individuals or protected classes of communities historically impacted by surveillance technologies including, but not limited to, African American, Latino American, Native American, Pacific Islander American, and Asian American communities, religious minorities, protest and activist groups, and other vulnerable communities;

(iv) Two members from law enforcement or other agencies of government;

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

(v) One representative from a retailer or other company who deploys facial recognition services in physical premises open to the public;

(vi) Two representatives from consumer protection organizations;

(vii) Two representatives from companies that develop and provide facial recognition services; and

(viii) Two representatives from universities or research institutions who are experts in either facial recognition services or their sociotechnical implications, or both.

(b) The task force shall choose two cochairs from among its legislative membership.

(2) The task force shall review the following issues:

(a) Provide recommendations addressing the potential abuses and threats posed by the use of a facial recognition service to civil liberties and freedoms, privacy and security, and discrimination against vulnerable communities, as well as other potential harm, while also addressing how to facilitate and encourage the continued development of a facial recognition service so that individuals, businesses, government, and other stakeholders in society continue to utilize its benefits;

(b) Provide recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and

(c) Conduct a study on the quality, accuracy, and efficacy of a facial recognition service including, but not limited to, its quality, accuracy, and efficacy across different subpopulations.

(3) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(4) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by September 30, 2021.

(5) This section expires September 30, 2022.

NEW SECTION. Sec. 11. (1) A state or local government agency may not use a facial recognition service to engage in ongoing surveillance, conduct real-time or near real-time identification, or start persistent tracking unless:

(a) A warrant is obtained authorizing the use of the service for those purposes;

(b) Exigent circumstances exist; or

(c) A court order is obtained authorizing the use of the service for the sole purpose of locating or identifying a missing person, or identifying a deceased person. A court may issue an ex parte order under this subsection (1)(c) if a law enforcement officer certifies and the court finds that the information likely to be obtained is relevant to locating or identifying a missing person, or identifying a deceased person.

(2) A state or local government agency may not apply a facial recognition service to any individual based on their religious, political, or social views or activities, participation in a particular noncriminal organization or lawful event, or actual or perceived race, ethnicity, citizenship, place of origin, immigration status, age, disability, gender, gender identity, sexual orientation, or other characteristic protected by law. This subsection does not condone profiling including, but not limited to, predictive law enforcement tools.

(3) A state or local government agency may not use a facial recognition service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the United States Constitution and by Article I, section 5 of the state Constitution.

(4) A law enforcement agency that utilizes body worn camera recordings shall comply with the provisions of RCW 42.56.240(14).

(5) A state or local law enforcement agency may not use the results of a facial recognition service as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition service may be used in conjunction with other information and evidence lawfully obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(6) A state or local law enforcement agency may not use a facial recognition service to identify an individual based on a sketch or other manually produced image.

(7) A state or local law enforcement agency may not substantively manipulate an image for use in a facial recognition service in a manner not consistent with the facial recognition service provider's intended use and training.

NEW SECTION. Sec. 12. Nothing in this chapter applies to the use of a facial recognition matching system by the department of licensing pursuant to RCW 46.20.037.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 14. Sections 1 through 9 and 11 through 13 of this act take effect July 1, 2021."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Nguyen and Wellman; Representatives Entenman and Hudgins.

MOTION

Senator Nguyen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 be adopted.

Senators Nguyen, Carlyle and Salomon spoke in favor of passage of the motion.

Senator Braun spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6280 be adopted.

The motion by Senator Nguyen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6280, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6280, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King,

Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6168.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Van De Wege moved that Julie McCulloch, Senate Gubernatorial Appointment No. 9021, be confirmed as a member of the Peninsula College Board of Trustees.

Senator Van De Wege spoke in favor of the motion.

APPOINTMENT OF JULIE MCCULLOCH

The President declared the question before the Senate to be the confirmation of Julie McCulloch, Senate Gubernatorial Appointment No. 9021, as a member of the Peninsula College Board of Trustees.

The Secretary called the roll on the confirmation of Julie McCulloch, Senate Gubernatorial Appointment No. 9021, as a member of the Peninsula College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator O'Ban

Excused: Senator Walsh

Julie McCulloch, Senate Gubernatorial Appointment No. 9021, having received the constitutional majority was declared confirmed as a member of the Peninsula College Board of Trustees.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Kim Pearman-Gillman, Senate Gubernatorial Appointment No. 9156, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Padden spoke in favor of the motion.

MOTION

On motion of Senator Padden, Senator O'Ban was excused.

APPOINTMENT OF KIM PEARMAN-GILLMAN

The President declared the question before the Senate to be the confirmation of Kim Pearman-Gillman, Senate Gubernatorial Appointment No. 9156, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Kim Pearman-Gillman, Senate Gubernatorial Appointment No. 9156, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators O'Ban and Walsh

Kim Pearman-Gillman, Senate Gubernatorial Appointment No. 9156, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Paul Pastor, Senate Gubernatorial Appointment No. 9257, be confirmed as a member of the Sentencing Guidelines Commission.

Sensors Conway, Zeiger and Padden spoke in favor of passage of the motion.

MOTION

On motion of Senator Muzzall, Senators Erickson and Rivers were excused.

APPOINTMENT OF PAUL PASTOR

The President declared the question before the Senate to be the confirmation of Paul Pastor, Senate Gubernatorial Appointment No. 9257, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Paul Pastor, Senate Gubernatorial Appointment No. 9257, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, O'Ban, Rivers and Walsh

Paul Pastor, Senate Gubernatorial Appointment No. 9257, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Faith Pettis, Senate Gubernatorial Appointment No. 9240, be confirmed as a member of the Western Washington University Board of Trustees.

Senators Frockt and Pedersen spoke in favor of passage of the motion.

APPOINTMENT OF FAITH PETTIS

The President declared the question before the Senate to be the confirmation of Faith Pettis, Senate Gubernatorial Appointment No. 9240, as a member of the Western Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Faith Pettis, Senate Gubernatorial Appointment No. 9240, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, O'Ban, Rivers and Walsh

Faith Pettis, Senate Gubernatorial Appointment No. 9240, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

MOTION

At 6:48 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:49 p.m. by President Habib.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kuderer moved that Lucera Cox, Senate Gubernatorial Appointment No. 9298, be confirmed as a member of the The Evergreen State College Board of Trustees.

Senator Kuderer spoke in favor of the motion.

MOTION

On motion of Senator Hasegawa, Senator Hobbs was excused.

APPOINTMENT OF LUCERA COX

The President declared the question before the Senate to be the confirmation of Lucera Cox, Senate Gubernatorial Appointment No. 9298, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Lucera Cox, Senate Gubernatorial Appointment No. 9298, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Fortunato

Excused: Senators Ericksen, Rivers and Walsh

Lucera Cox, Senate Gubernatorial Appointment No. 9298, having received the constitutional majority was declared confirmed as a member of the The Evergreen State College Board of Trustees.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Rich Nafziger, Senate Gubernatorial Appointment No. 9382, be confirmed as a member of the Housing Finance Commission.

Senator Hunt spoke in favor of the motion.

MOTION

On motion of Senator Wilson, C., Senator Kuderer was excused.

APPOINTMENT OF RICH NAFZIGER

The President declared the question before the Senate to be the confirmation of Rich Nafziger, Senate Gubernatorial Appointment No. 9382, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Rich Nafziger, Senate Gubernatorial Appointment No. 9382, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, King,

Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Keiser and Nguyen

Excused: Senators Ericksen, Rivers and Walsh

Rich Nafziger, Senate Gubernatorial Appointment No. 9382, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Stanford moved that Janet McDaniel, Senate Gubernatorial Appointment No. 9104, be confirmed as a member of the Cascadia College Board of Trustees.

Senator Stanford spoke in favor of the motion.

APPOINTMENT OF JANET MCDANIEL

The President declared the question before the Senate to be the confirmation of Janet McDaniel, Senate Gubernatorial Appointment No. 9104, as a member of the Cascadia College Board of Trustees.

The Secretary called the roll on the confirmation of Janet McDaniel, Senate Gubernatorial Appointment No. 9104, as a member of the Cascadia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Rivers and Walsh

Janet McDaniel, Senate Gubernatorial Appointment No. 9104, having received the constitutional majority was declared confirmed as a member of the Cascadia College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Short moved that Albert Tripp, Senate Gubernatorial Appointment No. 9386, be confirmed as a member of the Housing Finance Commission.

Senator Short spoke in favor of the motion.

APPOINTMENT OF ALBERT TRIPP

The President declared the question before the Senate to be the confirmation of Albert Tripp, Senate Gubernatorial Appointment No. 9386, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Albert Tripp, Senate Gubernatorial Appointment No. 9386, as a member

of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Rivers and Walsh

Albert Tripp, Senate Gubernatorial Appointment No. 9386, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Lovelett moved that Maureen West, Senate Gubernatorial Appointment No. 9035, be confirmed as a member of the Western Washington University Board of Trustees.

Senator Lovelett spoke in favor of the motion.

APPOINTMENT OF MAUREEN WEST

The President declared the question before the Senate to be the confirmation of Maureen West, Senate Gubernatorial Appointment No. 9035, as a member of the Western Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Maureen West, Senate Gubernatorial Appointment No. 9035, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Rivers and Walsh

Maureen West, Senate Gubernatorial Appointment No. 9035, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Doug Mah, Senate Gubernatorial Appointment No. 9030, be confirmed as a member of the South Puget Sound Community College Board of Trustees.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF DOUG MAH

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Doug Mah, Senate Gubernatorial Appointment No. 9030, as a member of the South Puget Sound Community College Board of Trustees.

The Secretary called the roll on the confirmation of Doug Mah, Senate Gubernatorial Appointment No. 9030, as a member of the South Puget Sound Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Rivers and Walsh

Doug Mah, Senate Gubernatorial Appointment No. 9030, having received the constitutional majority was declared confirmed as a member of the South Puget Sound Community College Board of Trustees.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8711

By Senators Liias and Short

WHEREAS, The 2020 Regular Session of the Sixty-sixth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2020 Regular Session of the Sixty-sixth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and

limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2020 Regular Session of the Sixty-sixth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Liias, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6703 by Senators Ericksen, Becker, Fortunato, Short, Warnick, Honeyford, Wagoner and Rivers

AN ACT Relating to making Washington great again; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

SCR 8413 by Senators Liias and Short
Returning bills to their house of origin.

Placed on SECOND READING CALENDAR.

SCR 8414 by Senators Liias and Short
Adjourning SINE DIE.

Placed on SECOND READING CALENDAR.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Liias and Short

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8413.

SENATE CONCURRENT RESOLUTION NO. 8413 having received a majority was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Liias and Short

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8414.

SENATE CONCURRENT RESOLUTION NO. 8414 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Liias, and without objection, all measures on the Second Reading Calendar or being held at the desk were returned to the Committee on Rules.

MOTION

At 7:21 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:13 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 2797,

ENGROSSED HOUSE BILL NO. 2965,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6231,

and the same is herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8413,

SENATE CONCURRENT RESOLUTION NO. 8414,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1154,

SUBSTITUTE HOUSE BILL NO. 2486,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816,

SUBSTITUTE HOUSE BILL NO. 2950,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5628,

SECOND SUBSTITUTE SENATE BILL NO. 6231,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 6515,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534,

SENATE CONCURRENT RESOLUTION NO. 8413,

SENATE CONCURRENT RESOLUTION NO. 8414,

MESSAGE FROM THE HOUSE

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 6231,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6280,

ENGROSSED SECOND SUBSTITUTE

SENATE BILL NO. 6515,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6534,

and the same are herewith transmitted.

SIXTIETH DAY, MARCH 12, 2020

MELISSA PALMER, Deputy Chief Clerk

March 12, 2020

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5628,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8413, the following Senate bills are returned
to the Senate:

SUBSTITUTE SENATE BILL NO. 5011,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
SECOND SUBSTITUTE SENATE BILL NO. 5093,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5167,
SUBSTITUTE SENATE BILL NO. 5168,
SECOND SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 5247,
ENGROSSED SENATE BILL NO. 5294,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5299,
SENATE BILL NO. 5339,
SECOND ENGROSSED SUBSTITUTE
SENATE BILL NO. 5389,
SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5441,
SECOND SUBSTITUTE SENATE BILL NO. 5493,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5504,
FOURTH SUBSTITUTE SENATE BILL NO. 5533,
SECOND SUBSTITUTE SENATE BILL NO. 5607,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5614,
SUBSTITUTE SENATE BILL NO. 5679,
SECOND ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5740,
SENATE BILL NO. 5749,
SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5789,
ENGROSSED SENATE BILL NO. 5834,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5946,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5984,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8413, the following Senate bills are returned
to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6012,
SUBSTITUTE SENATE BILL NO. 6022,
SUBSTITUTE SENATE BILL NO. 6035,
SENATE BILL NO. 6046,
SENATE BILL NO. 6047,
SENATE BILL NO. 6057,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6062,
SECOND SUBSTITUTE SENATE BILL NO. 6064,
SENATE BILL NO. 6073,
SUBSTITUTE SENATE BILL NO. 6081,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6092,
SENATE BILL NO. 6099,
SENATE BILL NO. 6100,
SENATE BILL NO. 6101,

2020 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6112,
SUBSTITUTE SENATE BILL NO. 6113,
SENATE BILL NO. 6115,
SECOND SUBSTITUTE SENATE BILL NO. 6117,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6122,
SUBSTITUTE SENATE BILL NO. 6127,
SENATE BILL NO. 6132,
SENATE BILL NO. 6138,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6156,
SUBSTITUTE SENATE BILL NO. 6182,
SUBSTITUTE SENATE BILL NO. 6183,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6215,
ENGROSSED SENATE BILL NO. 6238,
SUBSTITUTE SENATE BILL NO. 6262,
SENATE BILL NO. 6265,
SECOND SUBSTITUTE SENATE BILL NO. 6275,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6278,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6282,
SUBSTITUTE SENATE BILL NO. 6297,
SUBSTITUTE SENATE BILL NO. 6302,
SENATE BILL NO. 6316,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6324,
SECOND SUBSTITUTE SENATE BILL NO. 6342,
SENATE BILL NO. 6354,
SUBSTITUTE SENATE BILL NO. 6358,
SENATE BILL NO. 6363,
SENATE BILL NO. 6370,
SECOND SUBSTITUTE SENATE BILL NO. 6382,
SENATE BILL NO. 6403,
SUBSTITUTE SENATE BILL NO. 6408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6432,
SUBSTITUTE SENATE BILL NO. 6455,
SENATE BILL NO. 6468,
SENATE BILL NO. 6480,
SUBSTITUTE SENATE BILL NO. 6488,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6537,
SENATE BILL NO. 6556,
SENATE BILL NO. 6580,
SENATE BILL NO. 6582,
SECOND SUBSTITUTE SENATE BILL NO. 6591,
SUBSTITUTE SENATE BILL NO. 6605,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6638,
SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6676,
SENATE JOINT MEMORIAL NO. 8014,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8413, the following Senate bills are returned
to the Senate:

SUBSTITUTE SENATE BILL NO. 6050,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6331,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 12, 2020

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8413, the following Senate bill is returned to the Senate:

ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 6254,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Under the provision of Senate Concurrent Resolution No. 8413, on motion of Senator Liias, the following House measures were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1010,
ENGROSSED HOUSE BILL NO. 1058,
HOUSE BILL NO. 1061,
HOUSE BILL NO. 1079,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1110,
HOUSE BILL NO. 1201,
HOUSE BILL NO. 1242,
SUBSTITUTE HOUSE BILL NO. 1255,
SUBSTITUTE HOUSE BILL NO. 1256,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1264,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1272,
HOUSE BILL NO. 1278,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1304,
SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1332,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1422,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1503,
SECOND ENGROSSED SUBSTITUTE
HOUSE BILL NO. 1565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598,
SECOND SUBSTITUTE HOUSE BILL NO. 1633,
SECOND SUBSTITUTE HOUSE BILL NO. 1659,
HOUSE BILL NO. 1674,
SUBSTITUTE HOUSE BILL NO. 1715,
SECOND SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1829,
SECOND SUBSTITUTE HOUSE BILL NO. 1853,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1860,
ENGROSSED HOUSE BILL NO. 1894,
HOUSE BILL NO. 1952,
HOUSE BILL NO. 1983,
ENGROSSED HOUSE BILL NO. 2008,
HOUSE BILL NO. 2013,
SUBSTITUTE HOUSE BILL NO. 2032,
HOUSE BILL NO. 2033,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2050,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2085,
HOUSE BILL NO. 2092,
HOUSE BILL NO. 2110,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2138,
SUBSTITUTE HOUSE BILL NO. 2155,

ENGROSSED HOUSE BILL NO. 2166,
SUBSTITUTE HOUSE BILL NO. 2187,
HOUSE BILL NO. 2197,
SUBSTITUTE HOUSE BILL NO. 2200,
ENGROSSED HOUSE BILL NO. 2216,
HOUSE BILL NO. 2218,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2220,
ENGROSSED HOUSE BILL NO. 2228,
SUBSTITUTE HOUSE BILL NO. 2244,
HOUSE BILL NO. 2252,
SUBSTITUTE HOUSE BILL NO. 2287,
HOUSE BILL NO. 2305,
SUBSTITUTE HOUSE BILL NO. 2306,
SECOND SUBSTITUTE HOUSE BILL NO. 2310,
HOUSE BILL NO. 2319,
SUBSTITUTE HOUSE BILL NO. 2326,
HOUSE BILL NO. 2340,
HOUSE BILL NO. 2345,
HOUSE BILL NO. 2347,
HOUSE BILL NO. 2348,
HOUSE BILL NO. 2352,
SUBSTITUTE HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2356,
SUBSTITUTE HOUSE BILL NO. 2359,
SECOND SUBSTITUTE HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2388,
HOUSE BILL NO. 2396,
SUBSTITUTE HOUSE BILL NO. 2400,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2427,
ENGROSSED HOUSE BILL NO. 2440,
HOUSE BILL NO. 2442,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2443,
ENGROSSED HOUSE BILL NO. 2461,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2471,
HOUSE BILL NO. 2477,
HOUSE BILL NO. 2484,
SUBSTITUTE HOUSE BILL NO. 2498,
ENGROSSED HOUSE BILL NO. 2501,
HOUSE BILL NO. 2540,
HOUSE BILL NO. 2542,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2575,
HOUSE BILL NO. 2580,
HOUSE BILL NO. 2596,
ENGROSSED HOUSE BILL NO. 2610,
SUBSTITUTE HOUSE BILL NO. 2621,
ENGROSSED HOUSE BILL NO. 2623,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2625,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629,
HOUSE BILL NO. 2664,
HOUSE BILL NO. 2680,
SUBSTITUTE HOUSE BILL NO. 2684,
ENGROSSED HOUSE BILL NO. 2687,
HOUSE BILL NO. 2710,
SUBSTITUTE HOUSE BILL NO. 2712,
SUBSTITUTE HOUSE BILL NO. 2714,
SUBSTITUTE HOUSE BILL NO. 2725,
SUBSTITUTE HOUSE BILL NO. 2730,
HOUSE BILL NO. 2747,
HOUSE BILL NO. 2749,
HOUSE BILL NO. 2757,
SUBSTITUTE HOUSE BILL NO. 2768,
SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2773,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2775,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2786,
SUBSTITUTE HOUSE BILL NO. 2789,

SIXTIETH DAY, MARCH 12, 2020

2020 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2804,
HOUSE BILL NO. 2809,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825,
SUBSTITUTE HOUSE BILL NO. 2836,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2849,
SUBSTITUTE HOUSE BILL NO. 2865,
HOUSE BILL NO. 2867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2880,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2890,
ENGROSSED HOUSE BILL NO. 2896,
SUBSTITUTE HOUSE BILL NO. 2906,
SUBSTITUTE HOUSE BILL NO. 2936,
HOUSE JOINT MEMORIAL NO. 4012,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4014,
HOUSE JOINT MEMORIAL NO. 4016.

The President invited senators and staff onto the senate floor
and line the aisle to witness the joint closing of session.

MOTION

At 8:15 p.m., on motion of Senator Liias, the 2020 Regular
Session of the Sixty-Sixth Legislature adjourned SINE DIE.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SENATE JOURNAL
SIXTY-SIXTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2020 Regular Session
Convened January 13, 2020
Adjourned Sine Die March 12, 2020

Volume 3



Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of Washington

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Karen Keiser, *President Pro Tempore*
Senator Steve Conway, *Vice President Pro Tempore*
Brad Hendrickson, *Secretary of the Senate*

SENATE CAUCUS OFFICERS

2020

DEMOCRATIC CAUCUS

Majority Leader Andy Billig
Majority Caucus Chair John McCoy
Majority Floor Leader Marko Liias
Majority Whip Mark Mullet
Majority Deputy Leader Manka Dhingra
Majority Deputy Leader Rebecca Saldaña
Majority Caucus Vice Chair Bob Hasegawa
Majority Assistant Floor Leader Patty Kuderer
Majority Assistant Whip Claire Wilson

REPUBLICAN CAUCUS

Republican Leader Mark Schoesler
Republican Caucus Chair Randi Becker
Republican Floor Leader Shelly Short
Republican Whip Ann Rivers
Republican Caucus Deputy Leader Sharon Brown
Republican Caucus Vice Chair Judy Warnick
Republican Assistant Floor Leader Brad Hawkins
Republican Assistant Whip Ron Muzzall

=====

Secretary of the Senate Brad Hendrickson
Deputy Secretary Sarah Bannister

TABLE OF CONTENTS

VOLUME 1

Regular Session, First Day, January 13, 2020 through, Fifty-Second Day, March 4, 2020.....	1-851
---	-------

VOLUME 2

Regular Session, (continued) Fifty-Third Day, March 5, 2020 through Sixtieth Day, March 12, 2020.....	852-1808
--	----------

VOLUME 3

Roster of Members and Committee Assignments	1809-1816
Roster of Staff and Other Employees	1817-1827
Governor's Messages	
Senate Bills Signed After Adjournment	1828-1838
Vetoed and Partial Vetoes on Senate Bills.....	1839-1848
Gubernatorial Appointments.....	1849-1851
Proclamations by the Governor in response to the COVID-19 pandemic (through October 31, 2020).....	1852-2425
Bills, Memorials and Resolutions	
Passed by Both Houses	2426-2433
History of Bills and Other Measures	2434-2464
Other Senate Actions	2465-2470
Reports to the Legislature	2471-2483
General Index.....	2484-2652

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Retired Medical Practice Admin		2009-
Billig, Andy	3	D	Spokane (P)	25 W Main Ave Suite 237 Spokane, WA 99201	1968 - NY	Baseball Executive	2011-2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013-
Carlyle, Reuven	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1965 -	Software Entrepreneur	2009-2015	Appt. 1/7/2016-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449				2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	OR	Retired, Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Darnielle, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Senator	2001-2012	2013-
Das, Mona	47	D	King (P)	PO Box 40447 Olympia, WA 98504 - 0447				2019-
Dhingra, Manka	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445				Elected 11/29/2017-
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fortunato, Phil	31	R	King (P), Pierce (P)	PO Box 2201 Auburn, WA 98071		Environmental Consultant	1999-2001	Appt. 1/7/2017-
Froekt, David	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446		Attorney	2011	Appt. 11/14/2011-
Hasegawa, Bob	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	WA	Operating Engineer	2005-2012	2013-
Hawkins, Brad	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412			2013-2016	2017-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	WA	LTC, WA National Guard		2007-
Holy, Jeff	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406		Attorney	2013-2018	2019-
Honeyford, Jim	15	R	Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	OR	Farmer/Retired Educator	1995-1998	1999-
Hunt, Sam	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1942 - MT	Senator	2001-2016	2017-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret. Communications Director	1996-2001	Appt. 12/10/2001-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
King, Curtis	14	R	Clark (P), Klickitat, Skamania, Yakima (P)	414 N 2 nd St Yakima, WA 98901	1946 – WA	Former Business Owner		Appt. 11/29/2007-
Kuderer, Patty	48	D	King (P)	1611 116 th Ave NE #205 Bellevue, WA 98005	1958 – MN	Attorney	Appt. 9/28/2015, 2016	Appt. 1/5/2017-
Liias, Marko	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1981 – WA	Policy Analyst	2008-2014	Appt. 1/22/2014-
Lovelett, Liz	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440				Appt. 2/5/2019-
McCoy, John	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1943 – WA	Legislator	2002-2013	Appt. 11/27/2013-
Mullet, Mark	5	D	King (P)	2550 NE Park Dr. #7 Issaquah, WA 98029	1972 – WA	Ben & Jerry's Owner		Appt. 11/30/2012-
Muzzall, Ron	10	R	Island, Skagit (P), Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	1963			Appt. 10/18/2019-
Nguyen, Joe	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434				2019-
O'Ban, Steve	28	R	Pierce (P)	PO Box 40428 Olympia, WA 98504-0428	1961 - CA	Attorney	2013	Appt. 6/5/2013-
Padden, Mike	4	R	Spokane (P)	408 N Mullan Rd Ste 106 Spokane Valley, WA 99206	1946 – OR	Attorney	1981-1995	Appt. 11/29/2011-
Pedersen, Jamie	43	D	King (P)	1200 12 th Ave S Ste 801 Seattle, WA 98144	1968-WA	Lawyer	2007-2013	Appt. 12/16/2013-
Randall, Emily	26	R	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426				2019-
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012-
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 98505-0423	1967 - NY	Senator	2007-2011	Appt. 7/26/2011-
Saldña, Rebecca	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1977 – WA	Non-Profit Consultant		2017-
Salomon, Jesse	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432				2019-
Schoessler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 – WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 – WA	Tree Farmer	1991-1997	Elected 11/4/1997-
Short, Shelly	7	R	Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1962 – WA	Legislator	2009-2016	Appt. 2/1/2017-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Stanford, Derek	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401		Data Science	2011-2018	Appt. 7/1/2019-
Takko, Dean	19	D	Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1950 - WA	Legislator	Appt. 12/21/2004, 2005-2014	Appt. 10/22/2015-
Van De Wege, Kevin	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1974 - WA	Firefighter/Paramedic	2007-2016	2017-
Wagoner, Keith	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 90504-0439				Appt. 1/3/2018-
Walsh, Maureen	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1960 - OH	Legislator	2005-2016	2017-
Warnick, Judy	13	R	Grant (P), Kittitas, Lincoln, Yakima (P)	326 S Cedar Street, Suite A Moses Lake, WA 98837	1950 - WA	Collection Agency	2007-2014	2015-
Wellman, Lisa	41	D	King (P)	14205 SE 36 th St Ste 310 Bellevue, WA 98006	NY	Business Consultant		2017-
Wilson, Claire	30	R	King (P), Pierce (P)	PO Box 40430 Olympia, WA 98504-0430				2019-
Wilson, Lynda	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	WA	Manufacturer	2015-2016	2017-
Zeiger, Hans	25	R	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1985 - WA	Author	2011-2016	2017-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482		Secretary of the Senate	Dep. Sec of Sen 1998-2002 2004-2014	2017-
Bannister, Sarah				PO Box 40482 Olympia, WA 98504-0482		Deputy Secretary of the Senate		2017-

Membership of
Senate Standing Committees

2020

Agriculture, Water, Natural Resources & Parks (7) -- Van De Wege, Chair; Salomon, Vice Chair; *Warnick; Honeyford; McCoy; Rolfes; Short

Behavioral Health Subcommittee to Health & Long Term Care (5) -- Dhingra, Chair; *Wagoner; Darneille; Frockt; O'Ban

Early Learning & K-12 Education (11) -- Wellman, Chair; Wilson, C., Vice Chair; *Hawkins; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon; Wagoner

Environment, Energy & Technology (15) -- Carlyle, Chair; Lovelett, Vice Chair; *Ericksen; ***Fortunato; *****Sheldon; Brown; Das; Hobbs; Liias; McCoy; Nguyen; Rivers; Short; Stanford; Wellman**

Financial Institutions, Economic Development & Trade (7) -- Mullet, Chair; Hasegawa, Vice Chair; *Wilson, L.; Braun; Das; Ericksen; Hobbs

Health & Long Term Care (11) -- Cleveland, Chair; Randall, Vice Chair; *O'Ban; Becker; Conway; Dhingra; Frockt; Keiser; Muzzall; Rivers; Van De Wege

Higher Education & Workforce Development (5) -- Randall, Chair; Stanford, Vice Chair; *Holy; Brown; Liias

Housing Stability & Affordability (7) -- Kuderer, Chair; Das, Vice Chair; *Zeiger; **Fortunato; Darneille; Saldaña; Warnick

Human Services, Reentry & Rehabilitation (7) -- Darneille, Chair; Nguyen, Vice Chair; *Walsh; Cleveland; O'Ban; Wilson, C.; Zeiger

Labor & Commerce (9) -- Keiser, Chair; Conway, Vice Chair; *King; Braun; Saldaña; Schoesler; Stanford; Walsh; Wellman

Law & Justice (7) -- Pedersen, Chair; Dhingra, Vice Chair; *Padden; Holy; Kuderer; Salomon; Wilson, L.

Local Government (5) -- Takko, Chair; Salomon, Vice Chair; *Short; Honeyford; Lovelett

Rules (17) -- Habib, Chair; Keiser, Vice Chair; *Schoesler; Becker; Billig; Carlyle; Cleveland; Hasegawa; King; Kuderer; Liias; McCoy; Nguyen; Pedersen; Rivers; Sheldon; Short

State Government, Tribal Relations & Elections (7) -- Hunt, Chair; Kuderer, Vice Chair; *Zeiger; **Muzzall; Hasegawa; Hawkins; Takko

Transportation (15) -- Hobbs, Chair; Saldaña, Vice Chair; *King; **Sheldon; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C.; Zeiger

Ways & Means (24) -- Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; *Braun; *Brown; *****Honeyford; Becker; Billig; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick; Wilson, L.**

* Ranking Member

** Asst. Ranking Member

*** Asst. Ranking Member, Operating

**** Asst. Ranking Member, Capital

***** Asst. Ranking Member, Environment

***** Asst. Ranking Member, Energy & Technology

The Lt. Governor is a voting member of the Rules Committee.

Senate Standing Committees
Membership Assignments

2020

Becker, Randi	Health & Long Term Care; Rules; Ways & Means
Billig, Andy	Rules; Ways & Means
Braun, John	*Ways & Means; Financial Institutions, Economic Development & Trade; Labor & Commerce
Brown, Sharon	Ways & Means; Environment, Energy & Technology; Higher Education & Workforce Development
Carlyle, Reuven	Environment, Energy & Technology, Chair; Rules; Ways & Means
Cleveland, Annette	Health & Long Term Care, Chair; Human Services, Reentry & Rehabilitation; Rules; Transportation
Conway, Steve	Labor & Commerce, Vice Chair; Health & Long Term Care; Ways & Means
Darneille, Jeannie	Human Services, Reentry & Rehabilitation, Chair; Behavioral Health Subcommittee to Health & Long Term Care; Housing Stability & Affordability; Ways & Means
Das, Mona	Housing Stability & Affordability, Vice Chair; Environment, Energy & Technology; Financial Institutions, Economic Development & Trade; Transportation
Dhingra, Manka	Behavioral Health Subcommittee to Health & Long Term Care, Chair; Law & Justice, Vice Chair; Health & Long Term Care; Ways & Means
Ericksen, Doug	*Environment, Energy & Technology; Financial Institutions, Economic Development & Trade
Fortunato, Phil	**Housing Stability & Affordability; Environment, Energy & Technology; Transportation
Frockt, David	Ways & Means; Behavioral Health Subcommittee to Health & Long Term Care; Health & Long Term Care
Hasegawa, Bob	Financial Institutions, Economic Development & Trade, Vice Chair; Rules; State Government, Tribal Relations & Elections; Ways & Means
Hawkins, Brad	*Early Learning & K-12 Education; State Government, Tribal Relations & Elections
Hobbs, Steve	Transportation, Chair; Environment, Energy & Technology; Financial Institutions, Economic Development & Trade
Holy, Jeff	*Higher Education & Workforce Development; Early Learning & K-12 Education; Law & Justice
Honeyford, Jim	Ways & Means; Agriculture, Water, Natural Resources & Parks; Local Government
Hunt, Sam	State Government, Tribal Relations & Elections, Chair; Early Learning & K-12 Education; Ways & Means
Keiser, Karen	Labor & Commerce, Chair; Rules, Vice Chair; Health & Long Term Care; Ways & Means
King, Curtis	*Labor & Commerce; *Transportation; Rules
Kuderer, Patty	Housing Stability & Affordability, Chair; State Government, Tribal Relations & Elections, Vice Chair; Law & Justice; Rules
Liias, Marko	Environment, Energy & Technology; Higher Education & Workforce Development; Rules; Ways & Means
Lovelett, Liz	Environment, Energy & Technology, Vice Chair; Local Government; Transportation
McCoy, John	Agriculture, Water, Natural Resources & Parks; Early Learning & K-12 Education; Environment, Energy & Technology; Rules
Mullet, Mark	Financial Institutions, Economic Development & Trade, Chair; Ways & Means; Early Learning & K-12 Education

Muzzall, Ron	**State Government, Tribal Relations & Elections; Health & Long Term Care; Ways & Means
Nguyen, Joe	Human Services, Reentry & Rehabilitation, Vice Chair; Environment, Energy & Technology; Rules; Transportation
O'Ban, Steve	*Health & Long Term Care; Behavioral Health Subcommittee to Health & Long Term Care; Human Services, Reentry & Rehabilitation; Transportation
Padden, Mike	*Law & Justice; Early Learning & K-12 Education; Transportation
Pedersen, Jamie	Law & Justice, Chair; Early Learning & K-12 Education; Rules; Ways & Means
Randall, Emily	Higher Education & Workforce Development, Chair; Health & Long Term Care, Vice Chair; Transportation
Rivers, Ann	Environment, Energy & Technology; Health & Long Term Care; Rules; Ways & Means
Rolfes, Christine	Ways & Means, Chair; Agriculture, Water, Natural Resources & Parks
Saldaña, Rebecca	Transportation, Vice Chair; Housing Stability & Affordability; Labor & Commerce
Salomon, Jesse	Agriculture, Water, Natural Resources & Parks, Vice Chair; Local Government, Vice Chair; Early Learning & K-12 Education; Law & Justice
Schoesler, Mark	*Rules; Labor & Commerce; Ways & Means
Sheldon, Tim	**Transportation; Environment, Energy & Technology; Rules
Short, Shelly	*Local Government; Agriculture, Water, Natural Resources & Parks; Environment, Energy & Technology; Rules
Stanford, Derek	Higher Education & Workforce Development, Vice Chair; Environment, Energy & Technology; Labor & Commerce
Takko, Dean	Local Government, Chair; State Government, Tribal Relations & Elections; Transportation
Van De Wege, Kevin	Agriculture, Water, Natural Resources & Parks, Chair; Health & Long Term Care; Ways & Means
Wagoner, Keith	*Behavioral Health Subcommittee to Health & Long Term Care; Early Learning & K-12 Education; Ways & Means
Walsh, Maureen	*Human Services, Reentry & Rehabilitation; Labor & Commerce
Warnick, Judy	*Agriculture, Water, Natural Resources & Parks; Housing Stability & Affordability; Ways & Means
Wellman, Lisa	Early Learning & K-12 Education, Chair; Environment, Energy & Technology; Labor & Commerce
Wilson, Claire	Early Learning & K-12 Education, Vice Chair; Human Services, Reentry & Rehabilitation; Transportation
Wilson, Lynda	*Financial Institutions, Economic Development & Trade; Law & Justice; Ways & Means
Zeiger, Hans	*Housing Stability & Affordability; *State Government, Tribal Relations & Elections; Human Services, Reentry & Rehabilitation; Transportation

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee

SENATE ADMINISTRATION

Hendrickson, Brad	Secretary of the Senate
Bannister, Sarah	Deputy Secretary of the Senate
Cantore, Victoria	Sr. Senate Counsel
Gorrell, Jeannie	Sr. Senate Counsel
Bell, Laura	Sr. Office Coordinator
Gay, Diane	Payroll Analyst 2
Hellberg, Alison	Human Resource Officer
Hoirup, Reganne	Office Assistant
Kochaniewicz, Sean	Rostrum Operations Clerk
O'Leary, Breann	Workroom Clerk
Stratton, Randi	Public Records Officer
Thai, Tessica	Staff Coordinator
Wulff, Derrick	Human Resource Consultant II
Yunker Carlson, Brittany	Sr. Workroom Clerk

SENATE CIVIC EDUCATION STAFF

Rust, Colleen	Civic Education Director
Lindstrom, Louis	Asst. Civic Education/ Intern Coordinator
Villarreal, Margot	Page Supervisor
Robinson, Sharon	Asst. Page Supervisor
Lacey, Elizabeth	Page Dispatcher

SENATORS PERSONAL STAFF

Aiyer, Malika	Session Aide	Senator Wellman
Anderson, Haylee	Assoc. Legislative Assistant	Senator Rolfes
Appling, Jane	Session Aide	Senator Keiser
Arndt, Meagan	Sr. Legislative Assistant	Senator Hunt
Banuelos, Cynthia	Legislative Assistant	Senator Warnick
Barnecut, Emilia	Assoc. Legislative Assistant	Senator C. Wilson
Bohler, Alexander	Legislative Assistant	Senator Fortunato
Burgher, Noah	Legislative Assistant	Senator Wellman
Burnley, Beverly	Session Aide	Senator Sheldon
Bursell, Nicholas	Session Aide	Senator Salomon
Cardamenis, Stephen	Legislative Assistant	Senator Stanford
Carlson, Caleb	Session Aide	Senator Warnick
Chang, Coco	Assoc. Legislative Assistant	Senator Saldaña
Chang, Jenny	Assoc. Legislative Assistant	Senator Hasegawa
Chindavongsa, Crystal	Legislative Assistant	Senator Frockt
Connolly, Noelle	Executive Assistant	Senator Billig
Cooper, Suzette	Sr. Legislative Assistant	Senator Sheldon
Cowan, Coby	Session Aide	Senator O'Ban
Daniels-Brown, Kale	Session Aide	Senator Ericksen

Day, Adam	Sr. Legislative Assistant	Senator Mullet
Dhaliwal, Simreet	Session Aide	Senator Dhingra
Dillon, DeAnn	Assoc. Legislative Assistant	Senator McCoy
Dinnison, Kate	Legislative Assistant	Senator Billig
Ditlefsen, Kaylee	Session Aide	Senator Conway
Eacret, Madison	Session Aide	Senator Frockt
Eichelberger, Amanda	Session Aide	Senator Hasegawa
Elder, John	Sr. Legislative Assistant	Senator Salomon
Finley, Sharra	Sr. Legislative Assistant	Senator Wagoner
Fisch, Lisa	Sr. Legislative Assistant	Senator Darneille
Garland, Shannon	Executive Assistant	Senator Short
Gillett, Maya	Session Aide	Senator Liias
Gombosky, Devin	Session Aide	Senator King
Gordon, Kevin	Assoc. Legislative Assistant	Senator Cleveland
Hallenberg, Aaron	Legislative Assistant	Senator Zeiger
Hardtke, Amber	Sr. Legislative Assistant	Senator L. Wilson
Hasz, Josalun	Session Aide	Senator Rivers
Hemmen, Eric	Assoc. Legislative Assistant	Senator Muzzall
Hendrickson, Sam	Assoc. Legislative Assistant	Senator Pedersen
Hohengarten, Brandon	Session Aide	Senator Van De Wege
Hopper, Truman	Session Aide	Senator Brown
Jackson, Ashley	Legislative Assistant	Senator Dhingra
Jones, Maria	Session Aide	Senator Das
Kappert, Noelle	Session Aide	Senator Darneille
Kochritz, Cameron	Session Aide	Senator Randall
Kohlwes, Curt	Executive Assistant	Senator Liias
Kronen, Jordan	Legislative Assistant	Senator Lovelett
Lasley, Mark	Session Aide	Senator Muzzall
Lavoy, Tanya	Legislative Assistant	Senator Kuderer
Lelli, Kimberlie	Sr. Legislative Assistant	Senator Conway
Linse, Connor	Assoc. Legislative Assistant	Senator Hobbs
Lujan, Misha	Legislative Assistant	Senator Hobbs
Lutomski, Nicole	Assoc. Legislative Assistant	Senator Nguyen
MacKersie, Richelle	Legislative Assistant	Senator O'Ban
Madden, Shannon	Session Aide	Senator Stanford
Maganya, Yvette	Session Aide	Senator Saldaña
Marchetti, Monica	Session Aide	Senator Zeiger
May, Jeri	Sr. Legislative Assistant	Senator Braun
McCrea, Kevin	Session Aide	Senator Lovelett
McNair, Christina	Assoc. Legislative Assistant	Senator Becker
McNeal, Cicily	Assoc. Legislative Assistant	Senator McCoy
McRuer, Kaya	Session Aide	Senator Kuderer
McWain, Penelope	Sr. Legislative Assistant	Senator Honeyford
Meinecke, Michael	Session Aide	Senator Takko
Michael, Reni	Legislative Assistant	Senator Brown
Minich, Jennifer	Legislative Assistant	Senator Keiser
Moore, Sean	Session Aide	Senator Carlyle
Myers, Sarah	Legislative Assistant	Senator Randall
Nehring, Nick	Session Aide	Senator Padden
Nelson, Michael	Legislative Assistant	Senator Rivers
Owens, Linda	Sr. Executive Assistant	Senator Rolfes

Peck, Joshua	Legislative Assistant	Senator Carlyle
Peterson, Ruth	Sr. Legislative Assistant	Senator Braun
Phelps, Justus	Assoc. Legislative Assistant	Senator Hawkins
Quinn, Austin	Session Aide	Senator Hawkins
Rasavage, William	Legislative Assistant	Senator Holy
Ruff, Sandy	Sr. Legislative Assistant	Senator Ericksen
Saetern, Chio	Sr. Legislative Assistant	Senator Das
Sanné, Kaden	Legislative Assistant	Senator Schoesler
Sanné, Tiffani	Executive Assistant	Senator Becker
Schiewe, Kasey	Session Aide	Senator Hunt
Seddon, Alex	Session Aide	Senator Mullet
Smith, Matthew	Session Aide	Senator Fortunato
Smith, Tawnya	Sr. Legislative Assistant	Senator King
Smolen Fort, Jennifer	Executive Assistant	Senator Hobbs
Spires, Aaron	Session Aide	Senator C. Wilson
Steelquist, Peter	Sr. Legislative Assistant	Senator Van De Wege
Stuhlmiller, Caleb	Session Aide	Senator Honeyford
Suttle, Darci	Sr. Legislative Assistant	Senator Takko
Swenson, Jan	Sr. Legislative Assistant	Senator Walsh
Tate, Dax	Session Aide	Senator Wagoner
Taylor, Anthony	Session Aide	Senator Cleveland
Thomas Christopher	Session Aide	Senator Pedersen
VanMatre, Inna	Session Aide	Senator L. Wilson
Voye, Janet	Legislative Assistant	Senator Padden
Weston, Tammy	Session Aide	Senator Short
Winters, Krista	Sr. Executive Assistant	Senator Schoesler
Yodkerepauprai, K'gnausa	Session Aide	Senator Nguyen

SENATE COMMITTEE SERVICES

	Gavigan, Curt Johnson, Kimberly	Sr. Staff Director Deputy Director	
Alishahi, Michele	Fiscal Analyst II	Kleis, Angela	Research Analyst I
Attanasio, Greg	Staff Counsel II	Malchow, Kathryn	Committee Clerk
Bauer, Shani	Sr. Staff Counsel	Masterson, Daniel	Fiscal Analyst II
Bezanson, Michael	Sr. Staff Coordinator	Mataya, Michael	Committee Asssistant
Black, Kevin	Staff Coord/Counsel	McCarthy, Clinton	Staff Coord/Analyst
Bramlet, Erica	Fiscal Analyst II	McGuire, Vikki	Bill Report Coordinator
Brown, Samuel	Staff Coord/Counsel	Mendiola, Alison	Staff Coord/Counsel
Bublitz, Sarah	Committee Assistant	Merrick, LeighBeth	Research Analyst II
Burke-Cain, Melissa	Sr. Staff Counsel	Mitchell, Jeffrey	Fiscal Coordinator
Carlson, Brooke	Committee Assistant	Moore, Bryon	Sr. Fiscal Analyst
Cecil, Amanda	Sr. Fiscal Analyst	Murray, Julie	Sr. Budget Counsel
Cnossen, Natasha	Committee Assistant	Naas, Jeffrey	Sr. Fiscal Analyst
Cushing, Kimberly	Sr. Staff Coordinator	Nemeth, Corban	Assoc. Fiscal Analyst
Daley, Sierra	Committee Assistant	O'Connell, Kevan	Bill Report Assistant
Dean, Hunter	Committee Clerk	Odano, Jan	Sr. Research Analyst
Detweiler, Sarah	Committee Assistant	Olsen, Jeff	Sr. Research Analyst
Dzieza, Rebecca	Committee Assistant	Omdal, Benjamin	Assoc. Staff Counsel
Emmans, Sarah	Sr. Fiscal Analyst	Peterson, Jonathon	Committee Clerk
Epps, Karen	Sr. Staff Coord/Counsel	Popovac, Brandon	Staff Coord/Counsel
Fairfortune, Alexandra	Sr. Staff Counsel	Powelson, Noah	Committee Clerk
Ford, Tim	Staff Coord/Counsel	Price, Brenna	Committee Clerk
Foxlee, Cullynn	Committee Assistant	Ramsey, Richard	Fiscal Coordinator
Fujisawa, Yukimi	Committee Clerk	Reass, Shaun	Bill Report Assistant
Fung, Kelsey-anne	Staff Counsel I	Riffer, Alison	Committee Assistant
Gamble, Hayley	Fiscal Coordinator	Rodger, Richard	Sr. Staff Counsel
Garza, Maria	Committee Assistant	Sacks, Jarret	Staff Counsel II
Gunn, Kellee	Research Analyst I	Scott, Sarjan	Sr. Fiscal Analyst
Halbert, Nora	Committee Assistant	Simpson, Kelly	Sr. Staff Coordinator
Hammer, Kayla	Fiscal Analyst I	Stith, Sandy	Sr. Fiscal Analyst
Herman, Jed	Sr. Fiscal Analyst	Sugarman, Travis	Sr. Fiscal Analyst
Hovde, Maria	Sr. Fiscal Analyst	t'Sas, Ries	Assoc. Committee
Jamie, Sandy	Office Manager		Assistant
Jones, Susan	Staff Coord/Counsel	Trant, Lindsay	Committee Assistant
Kato, Ailey	Staff Coord/Counsel	Tudor, Megan	Committee Assistant
Kennedy, Alia	Staff Counsel II	Van Gorkam, Melissa	Research Analyst II
Kennedy, Ariel	System Analyst	Vogel, Gregory	Staff Counsel I
Kettel, James	Sr. Fiscal Analyst	Waesche, Nora	Committee Clerk
Kim, Bonnie	Staff Coord/Counsel	Weeks, Liza	Assoc. Committee
King, Dana	Committee Assistant		Assistant
Kinne-Clawson, Alicia	Staff Coord/Analyst	Wiedmann, Shelby	Committee Assistant
Klein, Evan	Staff Coord/Counsel	Woltjer, David	Committee Assistant

DEMOCRATIC CAUCUS STAFF

Avalos, Paulette	Chief of Staff
Dodds, Peter	Sr. Executive Assistant
Florez, Crystal	Legislative Assistant
	Liaison

REPUBLICAN CAUCUS STAFF

Troyer, James	Chief of Staff
Lubchuk, Shelby	Legislative Assistant
Martin, James	Sr. Legislative Assistant
Gano, Jason	Session Aide

POLICY

Clifthorne, Sarah	Policy Director
Althausen, Michael	Staff Counsel II
Bridges, Matt	Sr. Fiscal Analyst
Ellis, Steven	Staff Counsel I
Hall, Adam	Staff Counsel II
Junejo, Samir	Staff Counsel I
Lewis-Lechner, Heather	Sr. Leadership Counsel
Mahgoub, Noha	Research Analyst II
McCarty, Hannah	Sr. Staff Counsel
Wilburn, Gary	St. Staff Coordinator

POLICY

Lawrence, Kathleen	Policy Coordinator
Himebaugh, Daniel	Sr. Leadership Counsel
Campos, Paul	Staff Coordinator
Crandall, James	Sr. Staff Counsel
Moore, Ryan	Fiscal Coordinator
Presley, Martin	Staff Counsel I
Richartz, Sandra	Staff Counsel I
Shakotko, Veronica	Sr. Staff Counsel
Strong, Stafford	Staff Counsel I
Tremble, Matthew	Staff Counsel I

COMMUNICATIONS

Wasser, Aaron	Communications Director
West, Chris	Dep. Comm. Director
Dickson, Amelia	Information Officer
Fockele, Kenneth	Information Officer
Herrera, Nicole	Assoc. Information Officer
James, Courtney	Assoc. Information Officer
Manugian, Richard	Sr. Information Officer
McVicar, Andy	Sr. Information Officer
Sabio-Howell, Hannah	Assoc. Information Officer

COMMUNICATIONS

Wirtz, Kimberly	Communications Director
Stallworth, Booker	Dep. Comm. Director
Campbell, Eric	Sr. Information Officer
Ellis, Tracy	Information Officer
Espinoza, Laudan	Sr. Information Officer
Gullion, Tricia	Information Officer
Smith, Erik	Sr. Information Officer
Zylstra, Brian	Sr. Information Officer

OFFICE OF SENATE SECURITY

Staubitz, Andy	Security Director
Watson, Les	Deputy Security Director
Anderson, Chris	Asst. Sergeant at Arms
Brickey, Christina	Sr. Legislative Assistant
Day, Gary	Asst. Sergeant at Arms
Hamill, James	Asst. Sergeant at Arms

SECURITY STAFF

Bierer, William	Asst. Sergeant at Arms	Jorgensen, Gerald	Security Staff
Hamre, Juanita	Asst. Sergeant at Arms	Kelly, James	Security Staff
Humbock, Gary	Asst. Sergeant at Arms	Melchiori, Aldo	Security Staff
McGrady, Larry	Asst. Sergeant at Arms	Millett, James	Security Staff
Selleg, Bruce	Asst. Sergeant at Arms	Nicklaus, Jack	Security Staff
Boede, Christina	Security Staff	Patstone, Dave	Security Staff
Bowen, Cathryn	Security Staff	Patten, Gerry	Security Staff
Bradford, Del	Security Staff	Peterson, Gregg	Security Staff
Brown, Daine	Security Staff	Rankin, Thurman	Security Staff
Clifthorne, Dylan	Security Staff	Rayson, Jodeen	Security Staff
Dees, Larry	Security Staff	Reid, Rikki	Security Staff
Denney, James	Security Staff	Riddall, Jaide	Security Staff
DeRouchie, Gary	Security Staff	Ritchey, Paul	Security Staff
Duffy, Craig	Security Staff	Rivas, Juan	Security Staff
Dugal, Victor	Security Staff	Rogers, Ryan	Security Staff
Edwards, Dwight	Security Staff	Sheehan, Julia	Security Staff
Follett, Doug	Security Staff	Sinclair, Anthony	Security Staff
Hallom, Norris	Security Staff	Thomas, Terrance	Security Staff
Humphrey, Trevor	Security Staff	Vukich, Joe	Security Staff
Janda, Peter	Security Staff		

LEGISLATIVE AGENCIES

OFFICE OF THE STATE ACTUARY (OSA)	WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY (WSIPP)
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC)	LEGISLATIVE SUPPORT SERVICES (LSS)
OFFICE OF THE CODE REVISER/STATUTE LAW COMMITTEE (SLC)	JOINT LEGISLATIVE SYSTEMS COMMITTEE (JLSC)
LEGISLATIVE ETHICS BOARD (LEB)	JOINT TRANSPORTATION COMMITTEE (JTC)
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE (LEAP)	

The Washington State Legislative Internship Program is an academic internship for college students from around Washington State. Interns are assigned to Senate offices and are mentored by members and staff as they conduct research, track legislation, and work with constituents. In addition to building professional experience through their office work, interns earn academic credit and take part in seminars and workshops with state policymakers to gain a first-hand understanding of the legislative process.

The 43 Senate interns in 2020 represented 15 college campuses, a wide range of majors, and communities all over Washington.

Colleen Rust, Civic Education Director
Louis Lindstrom, Assistant Intern Coordinator

2020 Washington State Senate Interns

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Amador, Laura	Senator Darneille	University of Washington –Tacoma
Bryant, Jessica	Senator Frockt	University of Washington –Tacoma
Caron, Jordan	Senator Becker	University of Washington –Tacoma
Christopherson, Cory	Senator Hobbs	The Evergreen State College – Olympia
Clark, Jacob	Senator Warnick	Whitworth University
Cohen, Danielle	Senator Wellman	University of Washington –Seattle
Cooper, Julian	Senator Nguyen	University of Washington –Seattle
Corcoran, Hannah	Senator Pedersen	The Evergreen State College – Olympia
De La Crus-Soto, Alondra	Senator Saldaña	Eastern Washington University
Dobler, Sarah	Lieutenant Governor Habib	Gonzaga University
Donnici, Alexandra	Senator O’Ban	Washington State University – Pullman
Duling, Logan	Senator Cleveland	Western Washington University
Finch, Alicia	Senator Billig	Gonzaga University
Gilster, Liliana	Democratic Caucus	Western Washington University
Harkins, Ian	Senator Braun	Washington State University - Pullman
Hayden, Breanna	Senator Wagoner	Whitworth University
Hebner, Felicia	Senator Padden	Eastern Washington University
Hobson, Mikaela	Republican Caucus	Saint Martin’s University
Jung, Kyle	Senator Van De Wege	Western Washington University
Knapp, Jeremy	Senator Liias	Pacific Lutheran University
Kukhar, Katrina	Senator Ericksen	Western Washington University
Laue, Sean	Senator Lovelett	University of Washington – Bothell
Loring, Ashlie	Senator Rivers	Whitworth University
Mackey-Moseley, Prentice	Senator Mullet	University of Washington –Seattle
Miguel Santiago, Edith	Senator Hawkins	Eastern Washington University
Nagaich, Abby	Senator Keiser	University of Washington –Seattle
Ndambuki, Ivy	Senator Das	Washington State University - Pullman
Niitani, Allyson	Senator Kuderer	University of Puget Sound

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Norton, Carly	Senator Holy	University of Washington – Tacoma
Orffer, Nadia	Senator Brown	Washington State University - Pullman
Pappas, Michael	Senator Schoesler	Walla Walla University
Parr, LeeLee	Senator Carlyle	Washington State University – Vancouver
Portaro-Garcia, Brenda	Senator Conway	University of Washington – Tacoma
Reed, Nicholas	Democratic Caucus	The Evergreen State College – Olympia
Rot, Ashley	Senator Randall	University of Puget Sound
Saenz, Sabrina	Senator Rolfes	University of Puget Sound
Saunders, Daniel	Senator Wilson, C.	Central Washington University - Ellensburg
Singh, Jaspreet	Senator Dhingra	University of Washington – Tacoma
Sirois, Hannah	Senators Hunt and Stanford	The Evergreen State College – Olympia
Skinner, Alexis	Senator McCoy	Saint Martin’s University
Sullivan, John	Senator Salomon	University of Washington – Tacoma
Trinh, Max	Senator Hasegawa	University of Washington – Bothell
Willett, Andy	Senator Zeiger	University of Washington – Tacoma

The Senate Page Program allows young students throughout Washington State the opportunity each year to take part in the legislative process and observe the Legislature and other branches of state government during the legislative session. The students also participate in the Page School learning about the legislative process, listening to guest speakers and developing their own legislation. The Program had 204 participants during the 2020 Regular Session.

Margot Villarreal, Page Supervisor
Sharon Robinson, Asst. Page Supervisor
Elizabeth Lacey, Page Dispatcher

Stephen Pelto, Page School Teacher
Tristan Mosier, Asst. Page School Teacher

Page	Senate Sponsor	Week of
Abdilahe, Jamila	Senator Hasegawa	March 2
Ackley-Speights, Avery	Senator McCoy	March 2
Aguilar Bamaca, Jennifer	Senator Hasegawa	February 17
Albert, Jorja	Senator Holy	February 3
Alford, Avery	Senator Schoesler	January 20
Alford, Scout	Senator Schoesler	January 20
Amon, Aaron	Senator C. Wilson	March 2
Bacon, Abby	Senator Wellman	February 24
Barney, Chloe	Senator C. Wilson	January 13
Bayer, Ella	Senator Hunt	January 27
Benson, Alec	Senator Braun	February 10
Binford, Sadie	Senator Das	March 9
Bird, Amber	Senator Keiser	March 2
Blakeslee, Clara	Senator O'Ban	February 17
Braun-James, Blake	Democratic Caucus	March 9
Brine, Torin	Senator Hawkins	February 10
Broderson, Karissa	Senator Holy	March 2
Brown, Justice	Senator Liias	February 17
Calvert, John	Senator Pedersen	February 17
Carr, Ace	Senator Lovelett	February 3
Carrera-Lara, Luis	Senator C. Wilson	February 17
Chea, Malia	Senator Billig	January 27
Chevalier, Hunter	Senator Sheldon	February 3
Clark, Miles	Senator Nguyen	March 9
Codington, Danny	Senator Conway	January 20
Cohn, Tatum	Senator Hobbs	February 10
Coleman, Jerry	Senator Muzzall	January 27
Conde Martinez, Brian	Senator Lovelett	February 17
Conley, Tyler	Senator Hobbs	January 27
Cook, Claire	Senator Dhingra	March 2
Cossler, Aidan	Senator Schoesler	January 27
Costanza, Leo	Senator Pedersen	February 24
Coulombe, Hayden	Senator Liias	January 27
Craig, Kai	Senator Saldana	March 2
Crosby, Montana	Senator Rivers	March 2
Curry, Jack	Senator King	March 9
Danielson, Julie	Senator Dhingra	February 24
Davenport, Andrew	Senator Dhingra	January 13
Davis, Sam	Senator Wagoner	January 27

Page	Senate Sponsor	Week of
Davis, Zach	Senator Wagoner	January 27
Deines, Jake	Senator Carlyle	February 10
Dryden, Enzler	Senator Takko	January 13
Dubose, Monee'	Senator Zeiger	March 9
Elkins, Janaya	Republican Caucus	March 2
Fernandez, Rosario	Senator Hawkins	March 2
Garcia, Jalen	Senator Short	March 2
Gedicke, Abi	Senator short	February 24
Gomez, Natalie	Senator C. Wilson	March 9
Goodin, Fynn	Senator Fortunato	February 10
Grajeda, Maddie	Senator Warnick	February 10
Green, Nolan	Senator Randall	March 2
Greenwell, J.J.	Senator King	March 2
Hallett, Jackson	Senator O'Ban	February 24
Hallquist, Erin	Senator Brown	January 13
Halverson, Garrett	Senator Sheldon	January 27
Hammons, Natalie	Senator Ericksen	January 13
Han, Justine	Senator Hobbs	February 10
Hansen, Claire	Senator Muzzall	February 10
Harlow, Madi	Senator Muzzall	March 2
Harnett, Philip	Senator Becker	February 24
Henderson, Rhyanna	Senator Randall	February 24
Henderson, Sophie	Senator Schoesler	March 9
Hicks, Dana	Senator Darneille	March 2
Hoel, Carson	Senator Braun	January 13
Holder, Natalie	Senator Sheldon	January 13
Hoyer, Tuva	Senator Van De Wege	March 9
Hubbard, Lily	Senator Braun	January 20
Huerta, David	Lt. Governor Habib	February 17
Hufford, Roarke	Senator Mullet	February 10
Huizar, Othon	Senator Hunt	February 17
Hurd, Aleena	Senator Darneille	March 2
Jeffers, Julia	Senator Van De Wege	February 24
Jimenez, Ella	Democratic Caucus	March 2
Johnson, Jack	Senator Carlyle	March 2
Johnson, Kaleb	Senator Schoesler	January 13
Johnson, Logan	Senator King	March 9
Johnson, Tobi	Senator L. Wilson	February 10
Jones, Makenzie	Senator Short	February 17

Page	Senate Sponsor	Week of
Keller, Elizabeth	Senator L. Wilson	February 3
Keller, Zinnia	Senator Rolfes	March 9
Kerns, Brendan	Senator Randall	February 17
Khan, Sarrah	Senator Dhingra	March 2
Khan, Simren	Senator O'Ban	February 24
Kleis, Dylan	Senator Sheldon	February 10
Korch, Elena	Senator Frockt	March 9
Kropidlowski, Anna	Senator Schoesler	February 10
Krueger, Eli	Senator King	January 20
Lathia, Shayna	Senator Kuderer	February 17
Lee, Aaron	Senator Liias	February 17
Lee, Chloe	Senator Liias	February 17
Lewis, Sam	Senator Nguyen	March 9
Liska, Helen	Senator Carlyle	March 2
Loesch, Ruby	Lt. Governor Habib	February 17
Luebke Davidson, Skye	Democratic Caucus	March 2
Lustig, Seth	Senator Warnick	February 17
MacDonald, James	Senator O'Ban	January 20
Madan, Dani	Senator Wellman	February 10
Madison, Bradley	Senator Padden	January 27
Mahmud, Nandira	Senator Hobbs	February 3
Martinez, Izzy	Senator Walsh	March 9
Maynard, Kaia	Senator Becker	March 9
Maynard, Sophia	Republican Caucus	February 3
McClelland, Cassy	Republican Caucus	March 9
McConkey, Ethan	Senator Conway	March 9
McConnell, Kayden	Senator Brown	March 9
McCulloch, Hailey	Senator Rolfes	January 13
McKay, Hunter	Senator Darneille	March 9
McMillan, Isaiah	Senator Hobbs	January 27
McNeil, Alexis	Senator Braun	January 27
Menzia, Waylon	Senator Das	January 20
Miller, Angel	Senator Takko	February 17
Miller, Isadora	Senator Rolfes	February 3
Molgard Iii, Max	Senator Padden	January 13
Morfin-Valencia, Ian	Senator Hawkins	February 17
Mott, Sarah	Senator Mullet	February 10
Mottram, Will	Senator L. Wilson	January 13
Mulliken, Sam	Senator Warnick	March 9
Nadeau, Lacy	Senator Hunt	January 13
Naini, Darius	Democratic Caucus	January 27
Narvaez, Elixiah	Senator Nguyen	March 9
Negron, Emily	Senator Randall	March 9
Neubauer, Josephine	Senator Dhingra	February 17

Page	Senate Sponsor	Week of
Noble, Scout	Senator Carlyle	February 10
Noller, Chloe	Senator Warnick	February 3
Nsubuga, Nalwanga	Senator Takko	February 17
Obnial, Regina	Senator Randall	March 9
Olivares, Diego	Senator Honeyford	March 2
Olson, Alex	Senator Carlyle	February 17
Ophardt, Lizzie	Senator Billig	March 9
Orr, Jaden	Senator Braun	March 2
Parra, Ariana	Senator Walsh	February 17
Paskewitz, Rafi	Senator Zeiger	March 2
Pearson, Jack	Senator O'Ban	February 10
Pereira, Alexandira	Senator Brown	February 24
Perez, Angelica	Lt. Governor Habib	February 17
Pergamo, Evan	Senator Das	February 17
Pham, Milana	Senator Becker	February 10
Pidone, Raechelle	Lt. Governor Habib	February 17
Pierce, Holly	Senator Zeiger	February 24
Pilch-Bisson, Terra	Senator Hobbs	March 9
Pineda, Geobanny	Senator Honeyford	February 17
Pulido, Alejandra	Lt. Governor Habib	February 17
Ramilo, Kajsa	Democratic Caucus	March 2
Repp, Derek	Senator Warnick	February 17
Ria, Sinha	Senator Kuderer	January 20
Ritchie, Sam	Senator Rivers	March 2
Roberts, Betty	Senator Sheldon	January 20
Rockefeller-Campbell, Ava	Senator Rolfes	February 17
Ryu, John	Senator Mullet	February 3
Saccio-Devine, Josie	Senator Takko	March 9
Sanchidrian, Nayan	Senator Billig	February 24
Sarber, Hailey	Senator Muzzall	January 27
Schramke, Alex	Senator Salomon	January 13
Scott, Alex	Senator Conway	January 20
Senn, Rachel	Senator Wellman	February 10
Sholberg, Kirsten	Senator Mullet	March 9
Sidhu, Ashlyn	Senator Fortunato	March 9
Siebert, Lucy	Republican Caucus	February 24
Singh, Prabhsharon	Senator Das	February 24
Skundrick, Alexandra	Senator Cleveland	January 20
Slind, Maddi	Senator Carlyle	March 9
Snyder, Theo	Senator Billig	January 27
Soldonia, Ethan	Senator Fortunato	February 17
Sorensen, Brooke	Senator Cleveland	February 17

Page	Senate Sponsor	Week of
Sotomayor, Madison	Senator O'Ban	January 13
Spade, Riley	Senator Pedersen	January 13
Stilwell, Reilly	Democratic Caucus	February 17
Stith, Brianna	Senator Rolfes	February 10
Stout, Jamie	Senator Stanford	February 10
Stuhlmiller, Anna	Senator Honeyford	January 27
Suarez, Rhosyl	Senator Randall	March 2
Syverson, Isabella	Senator Wellman	January 20
Tadema, Judah	Senator Hawkins	February 3
Tarlach, Lulu	Senator Short	February 17
Thai, Tuyetlam	Senator Hasegawa	February 17
Thirumurthy, Tara	Senator Wellman	February 24
Thomson, Kai	Senator Wellman	January 27
Touney, Gwen	Senator Sheldon	February 24
Trappier, Maryam	Senator Becker	March 9
Trudel, Graceann	Senator Padden	February 3
Trudel, Jonathan	Senator Padden	February 3
Tuminello, Brock	Senator Becker	February 24
Van Niman, Graham	Senator Dhingra	February 3
Vernon, Sophia	Senator Becker	March 2
Vigil, Sofie	Senator Padden	January 20
Vincent, Emilee	Senator Short	February 24
Wagner, Emersen	Senator Wagoner	January 13
Wangsgaard, Kara	Senator Brown	January 20
Ware, Rozzy	Senator Muzzall	January 27
Waters, Adia	Senator Hunt	January 20
Waters, Sri	Senator Hunt	February 3
Weaver, Sarah	Senator Holy	March 2
Weppler, Bryce	Senator Hunt	January 27
Wilkens, Hanna	Senator Hawkins	February 24
Williams, Ashleigh	Senator Braun	January 27
Willmon, Sammy	Senator Mullet	February 3
Wirth, Lauren	Republican Caucus	February 3
Wright, Garret	Senator Das	February 10
Wyborne, Lilly	Senator Warnick	January 20
Yagen, Hannah	Senator C. Wilson	March 2
Yi, Isaac	Republican Caucus	February 10
Zabolio, Tyler	Senator Conway	March 9
Zarecor, Zachary	Senator Padden	February 24
Zipperer, Daniel	Senator Saldana	February 10

MESSAGE FROM THE GOVERNOR

March 17, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 17, 2020, Governor Inslee approved the following Senate Bill entitled:

Engrossed Substitute Senate Bill No. 6189
Relating to school employees' benefits board coverage

Sincerely,
/s/
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 18, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 18, 2020, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5165
Relating to discrimination based on citizenship or immigration status.

Engrossed Senate Bill No. 5450
Relating to superior court judges.

Senate Bill No. 5519
Relating to mosquito control districts.

Substitute Senate Bill No. 5867
Relating to the resentencing of persons convicted of drug offenses.

Substitute Senate Bill No. 5900
Relating to promoting access to earned benefits and services for lesbian, gay, bisexual, transgender, and queer veterans.

Engrossed Substitute Senate Bill No. 6028
Relating to adoption of the uniform electronic transactions act and aligning statutory provisions relating to signatures, declarations, and documents.

Engrossed Substitute Senate Bill No. 6063
Relating to improving department of corrections health care administration.

Senate Bill No. 6066
Relating to ethnic studies materials and resources for public school students in grades kindergarten through six.

Substitute Senate Bill No. 6074
Relating to reauthorizing and expanding the financial fraud and identity theft crimes investigation and prosecution program.

Senate Bill No. 6103
Relating to educational reporting requirements.

Senate Bill No. 6119
Relating to authorizing that money laundering forfeited proceeds and property be used for improvement of gambling-related law enforcement activities.

Substitute Senate Bill No. 6135

Relating to system reliability during the clean energy transformation act implementation.

Senate Bill No. 6136

Relating to updating restrictions on electronic benefit cards.

Senate Bill No. 6187

Relating to modifying the definition of personal information for notifying the public about data breaches of a state or local agency system.

Substitute Senate Bill No. 6208

Relating to increasing mobility through the modification of stop sign requirements for bicyclists.

Substitute Senate Bill No. 6210

Relating to antifouling paints on recreational water vessels.

Second Substitute Senate Bill No. 6309

Relating to expanding access to nutritious food.

Senate Bill No. 6326

Relating to municipal conflicts of interest.

Senate Bill No. 6357

Relating to increasing the dollar limit of pull-tabs.

Senate Bill No. 6423

Relating to reports alleging child abuse and neglect.

Senate Bill No. 6493

Relating to the Cooper Jones active transportation safety council.

Substitute Senate Bill No. 6500

Relating to foster care licensing following a foster-family home licensee's move to a new location.

Senate Bill No. 6567

Relating to recognizing the eighteenth day of December as blood donor day.

Substitute Senate Bill No. 6670

Relating to encouraging access to state parks through cooperative programs with libraries.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 19, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 2020, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5385

Relating to telemedicine payment parity.

Engrossed Senate Bill No. 6032

Relating to creating a Washington apples special license plate.

Substitute Senate Bill No. 6058

Relating to fire district health clinic services.

Senate Bill No. 6102

Relating to stop signal warning devices on school buses.

Engrossed Substitute Senate Bill No. 6217

Relating to minimum labor standards for certain employees working at an airport or air navigation facility.

Senate Bill No. 6218

Relating to the definition of salary for the Washington state patrol retirement system.

Substitute Senate Bill No. 6267

Relating to modifying the long-term services and supports trust program by clarifying the ability for individuals with existing long-term care insurance to opt-out of the premium assessment and making technical corrections.

Substitute Senate Bill No. 6415

Relating to allowing a permanent fire protection district benefit charge with voter approval.

Engrossed Substitute Senate Bill No. 6473

Relating to asbestos-containing building materials.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 25, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 25, 2020, Governor Inslee approved the following Senate Bills entitled:

Third Substitute Senate Bill No. 5164

Relating to providing public assistance to victims of certain crimes including human trafficking.

Engrossed Second Substitute Senate Bill No. 5291

Relating to creating alternatives to total confinement for certain qualifying persons with minor children.

Engrossed Substitute Senate Bill No. 5323

Relating to reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.

Engrossed Senate Bill No. 5402

Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

Engrossed Senate Bill No. 5457

Relating to the naming of subcontractors by prime contract bidders on public works contracts.

Second Substitute Senate Bill No. 5488

Relating to the sentencing of youth and young adults.

Engrossed Substitute Senate Bill No. 5522

Relating to providing code cities with the ability to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county.

Senate Bill No. 5811

Relating to reducing emissions by making changes to the clean car standards and clean car program.

Engrossed Substitute Senate Bill No. 5829

Relating to pension benefits and contributions in the volunteer firefighters' and reserve officers' relief and pension system.

Senate Bill No. 6034

Relating to extending the time allowed to file a complaint with the human rights commission for a claim related to pregnancy discrimination.

Senate Bill No. 6045

Relating to vulnerable users of a public way.

Substitute Senate Bill No. 6061

Relating to requiring training standards in providing telemedicine services.

Substitute Senate Bill No. 6072

Relating to dividing the state wildlife account into the fish, wildlife, and conservation account and the limited fish and wildlife account.

Senate Bill No. 6090

Relating to limiting fire protection service agency liability for the installation of detection devices.

Senate Bill No. 6120

Relating to amending types of nonprofit organizations qualified to engage in gambling activities.

Senate Bill No. 6131

Relating to repealing the debenture company laws from the securities act of Washington.

Substitute Senate Bill No. 6152

Relating to certification concerning the level of foreign national ownership and control of entities that participate in Washington state elections.

Senate Bill No. 6170

Relating to plumbing.

Substitute Senate Bill No. 6206

Relating to creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.

Senate Bill No. 6229

Relating to streamlining reporting for recipients of housing-related state funding by removing Washington state quality award program requirements.

Substitute Senate Bill No. 6257

Relating to the underground storage tank reinsurance program.

Senate Bill No. 6286

Relating to benefits provided by athlete agents.

Engrossed Substitute Senate Bill No. 6300

Relating to animal welfare.

Senate Bill No. 6312

Relating to making the nonprofit and library fund-raising exemption permanent.

Senate Bill No. 6383

Relating to the retirement strategy funds in the plan 3 and the deferred compensation programs.

Senate Bill No. 6417

Relating to allowing retirees to change their survivor option election after retirement.

Senate Bill No. 6420

Relating to underground utilities and safety committee.

Senate Bill No. 6565

Relating to establishing permissible methods of parking a motorcycle.

Substitute Senate Bill No. 6632

Relating to providing additional funding for the business licensing service program administered by the department of revenue.

Engrossed Senate Bill No. 6690

Relating to aerospace business and occupation taxes and world trade organization compliance.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 27, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2020, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5006

Relating to allowing the sale of wine by microbrewery license holders.

Engrossed Senate Bill No. 5282

Relating to informed consent for pelvic exams.

Engrossed Substitute Senate Bill No. 5395

Relating to requiring comprehensive sexual health education that is consistent with the Washington state health and physical education K-12 learning standards and that requires affirmative consent curriculum.

Engrossed Substitute Senate Bill No. 5434

Relating to restricting possession of weapons in certain locations.

Engrossed Substitute Senate Bill No. 5473

Relating to studying exceptions to provisions disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause.

Substitute Senate Bill No. 5640

Relating to youth courts.

Senate Bill No. 5792

Relating to making statutory requirements and policies for cultural access programs the same in all counties of the state.

Second Engrossed Senate Bill No. 5887

Relating to health carrier requirements for prior authorization standards.

Substitute Senate Bill No. 6037

Relating to business corporations.

Senate Bill No. 6049

Relating to funding the commissioner's criminal investigation unit by creating the insurance commissioner's fraud account.

Substitute Senate Bill No. 6051

Relating to health coverage that is supplemental to the coverage provided under an employer or union-sponsored prescription drug coverage that supplements medicare part D provided through an employer group waiver plan authorized under federal law.

Substitute Senate Bill No. 6052

Relating to life insurance products or services that are intended to incent behavioral changes that improve the health and reduce the risk of death of the insured.

Senate Bill No. 6078

Relating to clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

Substitute Senate Bill No. 6084

Relating to circular intersections.

Engrossed Substitute Senate Bill No. 6095

Relating to common carrier activities that are not prohibited under the three-tier system.

Senate Bill No. 6096

Relating to preventing disruption of certain state-financed and procured services due to labor unrest within contracted service providers.

Substitute Senate Bill No. 6158

Relating to model sexual assault protocols for hospitals and clinics.

Senate Bill No. 6164

Relating to prosecutorial discretion to seek resentencing.

Second Substitute Senate Bill No. 6231

Relating to expanding and studying the property tax exemption for physical improvements to single-family dwellings.

Engrossed Substitute Senate Bill No. 6261

Relating to strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations.

Senate Bill No. 6263

Relating to a model educational data sharing agreement between school districts and tribes.

Senate Bill No. 6305

Relating to library districts.

Engrossed Senate Bill No. 6313

Relating to increasing opportunities for young voters.

Substitute Senate Bill No. 6319

Relating to administration of the senior property tax exemption program.

Substitute Senate Bill No. 6392

Relating to the creation of a local wine industry association license.

Substitute Senate Bill No. 6409

Relating to providing an exemption from electrical licensing, certification, and inspection for industrial equipment.

Engrossed Senate Bill No. 6421

Relating to extending the farm internship program.

Engrossed Substitute Senate Bill No. 6440

Relating to industrial insurance medical examinations.

Engrossed Substitute Senate Bill No. 6574

Relating to clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.

Engrossed Substitute Senate Bill No. 6592

Relating to tourism authorities.

Substitute Senate Bill No. 6613

Relating to the inspection of marine aquatic farming locations.

Engrossed Substitute Senate Bill No. 6617

Relating to accessory dwelling unit regulation.

Substitute Senate Bill No. 6660

Relating to improving fiscal responsibility and budget discipline by replacing the spending limit with additional four-year balanced budget requirements.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

March 31, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2020, Governor Inslee approved the following Senate Bills entitled:

Engrossed Second Substitute Senate Bill No. 5549

Relating to modernizing resident distillery marketing and sales restrictions.

Engrossed Substitute Senate Bill No. 5591

Relating to exempting previously registered vehicles from the stolen vehicle check fee.

Second Substitute Senate Bill No. 5601

Relating to health care benefit managers.

Engrossed Substitute Senate Bill No. 5759

Relating to the use of remote technology in corrective lens prescriptions.

Substitute Senate Bill No. 5976

Relating to the access to baby and child dentistry program for children with disabilities.

Substitute Senate Bill No. 6048

Relating to the group-wide supervision of internationally active insurance groups.

Substitute Senate Bill No. 6086

Relating to increasing access to medications for people with opioid use disorder.

Engrossed Second Substitute Senate Bill No. 6087

Relating to cost-sharing requirements for coverage of insulin products.

Substitute Senate Bill No. 6091

Relating to continuing the work of the Washington food policy forum.

Engrossed Substitute Senate Bill No. 6097

Relating to requiring the insurance commissioner to review a health carrier's surplus levels as part of its rate filing review process.

Senate Bill No. 6143

Relating to the podiatric medical board.

Engrossed Senate Bill No. 6180

Relating to juvenile sex offense registration waivers under the special sexual offender disposition alternative.

Substitute Senate Bill No. 6190

Relating to preserving the developmental disabilities community trust.

Substitute Senate Bill No. 6191

Relating to assessing the prevalence of adverse childhood experiences in middle and high school students to inform decision making and improve services.

Second Substitute Senate Bill No. 6211

Relating to drug offender sentencing.

Senate Bill No. 6212

Relating to the authority of counties, cities, and towns to exceed statutory property tax limitations for the purpose of financing affordable housing for very low-income households and low-income households.

Senate Bill No. 6236

Relating to certain noneconomic damage waivers.

Engrossed Senate Bill No. 6239

Relating to compliance with apprenticeship utilization requirements and bidding on public works projects.

Substitute Senate Bill No. 6259

Relating to improving the Indian behavioral health system in this state.

Engrossed Substitute Senate Bill No. 6280

Relating to the use of facial recognition services.

Senate Bill No. 6359

Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area.

Senate Bill No. 6374

Relating to apprenticeship materials for dual credit scholarship programs.

Substitute Senate Bill No. 6397

Relating to nonparticipating providers.

Substitute Senate Bill No. 6429

Relating to providing a designation on a driver's license or identicard that a person has a developmental disability.

Senate Bill No. 6507

Relating to improving legislative reporting requirements for certain department of children, youth, and families programs.

Engrossed Second Substitute Senate Bill No. 6515

Relating to nursing facilities.

Substitute Senate Bill No. 6526

Relating to the reuse and donation of unexpired prescription drugs.

Senate Bill No. 6623

Relating to reducing funding restrictions for host homes.

Engrossed Substitute Senate Bill No. 6641

Relating to increasing the availability of certified sex offender treatment providers.

Substitute Senate Bill No. 6663

Relating to dual diagnoses of eating disorder and diabetes mellitus type 1.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 02, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 2020, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5097

Relating to the licensure and certification of massage therapists and reflexologists.

Second Substitute Senate Bill No. 5149

Relating to electronic monitoring with victim notification technology.

Senate Bill No. 5197

Relating to the Washington national guard postsecondary education grant program.

Engrossed Second Substitute Senate Bill No. 5481

Relating to providing department of fish and wildlife officers interest arbitration under certain circumstances.

Second Substitute Senate Bill No. 5572

Relating to modernization grants for small school districts.

Senate Bill No. 5613

Relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety.

Substitute Senate Bill No. 5628

Relating to heavy equipment rental property taxation.

Second Engrossed Second Substitute Senate Bill No. 5720

Relating to the involuntary treatment act.

Substitute Senate Bill No. 6029

Relating to the uniform directed trust act.

Substitute Senate Bill No. 6068

Relating to sales and use tax exemptions for large private airplanes.

Senate Bill No. 6123

Relating to state employee leave for organ donation.

Second Substitute Senate Bill No. 6139

Relating to the joint center for aerospace technology innovation.

Engrossed Substitute Senate Bill No. 6141

Relating to expanding access to higher education.

Second Substitute Senate Bill No. 6181

Relating to crime victims' compensation.

Engrossed Second Substitute Senate Bill No. 6205

Relating to preventing harassment, abuse, and discrimination experienced by long-term care workers.

Substitute Senate Bill No. 6256

Relating to the heating oil insurance program.

Engrossed Substitute Senate Bill No. 6268

Relating to abusive litigation.

Engrossed Substitute Senate Bill No. 6287

Relating to guardianships and conservatorships.

Engrossed Substitute Senate Bill No. 6288

Relating to the Washington office of firearm violence prevention.

Substitute Senate Bill No. 6306

Relating to creating the Washington soil health initiative.

Engrossed Substitute Senate Bill No. 6378

Relating to residential tenant protections.

Engrossed Substitute Senate Bill No. 6404

Relating to reducing barriers to patient care through appropriate use of prior authorization and adoption of appropriate use criteria.

Engrossed Substitute Senate Bill No. 6419

Relating to implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.

Engrossed Substitute Senate Bill No. 6442

Relating to the private detainment of individuals.

Substitute Senate Bill No. 6476

Relating to increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

Second Substitute Senate Bill No. 6478

Relating to revising economic assistance programs by updating standards of need, revising outcome measures and data collected, and reducing barriers to participation.

Substitute Senate Bill No. 6483

Relating to rating requirements for child care providers.

Substitute Senate Bill No. 6495

Relating to essential needs and housing support eligibility.

Substitute Senate Bill No. 6499

Relating to protecting the confidentiality of retirement system files and records relating to health information.

Second Substitute Senate Bill No. 6528

Relating to the prevention of derelict vessels.

Senate Bill No. 6551

Relating to integrating international medical graduates into Washington's health care delivery system.

Second Substitute Senate Bill No. 6561

Relating to higher education funding options for dreamers.

Substitute Senate Bill No. 6570

Relating to law enforcement officer mental health and wellness.

Engrossed Senate Bill No. 6626

Relating to creating the position of military spouse liaison.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 03, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 3, 2020, Governor Inslee approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5144

Relating to implementing child support pass-through payments.

Engrossed Substitute Senate Bill No. 5147

Relating to providing tax relief to females by exempting feminine hygiene products from retail sales and use tax.

Second Substitute Senate Bill No. 5947

Relating to establishing the sustainable farms and fields grant program.

Engrossed Substitute Senate Bill No. 6040

Relating to the budgeting process for certain state waiver services for individuals with developmental disabilities.

Engrossed Substitute Senate Bill No. 6168

Relating to fiscal matters.

Engrossed Substitute Senate Bill No. 6248

Relating to capital budget.

Substitute Senate Bill No. 6521

Relating to creating an innovative learning pilot program.

Engrossed Substitute Senate Bill No. 6534

Relating to an ambulance transport quality assurance fee.

Engrossed Substitute Senate Bill No. 6540

Relating to working connections child care payment authorizations.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

March 25, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6038 entitled:

"AN ACT Relating to acupuncture and Eastern medicine."

A technical bill drafting mistake resulted in the removal of the word "diagnosis" from acupuncturists' and Eastern Medicine practitioners' scope of practice, which would unintentionally limit their practices to therapeutic treatment. Acupuncturists and Eastern Medicine practitioners have long been authorized to diagnose individuals and removing this from statute could result in insurance companies denying claims.

For these reasons I have vetoed Senate Bill No. 6038 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute Senate Bill No. 6027 entitled:

"AN ACT Relating to floating residences."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Substitute Senate Bill No. 6027 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6065 entitled:

"AN ACT Relating to establishing the Washington blockchain work group."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6065 in its entirety.

Respectfully submitted,

/s/
Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6088 entitled:

"AN ACT Relating to establishing a prescription drug affordability board."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6088 in its entirety.

Respectfully submitted,
/s/
Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute Senate Bill No. 6128 entitled:

"AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Second Substitute Senate Bill No. 6128 in its entirety.

Respectfully submitted,
/s/
Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6142 entitled:

"AN ACT Relating to creating the Washington common application."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6142 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6430 entitled:

"AN ACT Relating to establishing a statewide industrial waste coordination program."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Senate Bill No. 6430 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute Senate Bill No. 6518 entitled:

"AN ACT Relating to reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Second Substitute Senate Bill No. 6518 in its entirety.

Respectfully submitted,

/s/

Jay Inslee
Governor

March 25, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Engrossed Senate Bill No. 5402 entitled:

"AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW."

This bill makes technical corrections to a variety of tax laws with the intent to correct errors and simplify the statutes wherever possible, without having any substantive effect on tax policy or revenue collections.

Section 21 updates an out of date reference to the definition of "hog fuel." This section is being vetoed because it duplicates the change to RCW 82.12.956 made in section 3 of House Bill 2848.

For these reasons I have vetoed Section 21 of Engrossed Senate Bill No. 5402.

With the exception of Section 21, Engrossed Senate Bill No. 5402 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

March 31, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Second Substitute Senate Bill No. 5601 entitled:

"AN ACT Relating to health care benefit managers."

This bill requires health care managers to register with the Insurance Commissioner, and it also imposes requirements on health care benefit managers and pharmacy benefit managers. Section 21 of the bill establishes a work group on pharmacy contracts to review fee structures and the use of performance-based contracts. This section was made subject to an appropriation. However, no funding was provided in the budget for this work group.

For these reasons I have vetoed Section 21 of Second Substitute Senate Bill No. 5601.

With the exception of Section 21, Second Substitute Senate Bill No. 5601 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

March 31, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 5759 entitled:

"AN ACT Relating to the use of remote technology in corrective lens prescriptions."

Section 6 of this bill limits the Department of Health's current discipline authority under the Uniform Discipline Act and is estimated to cost \$584,000 to implement, which is not included in the budget.

For these reasons I have vetoed Section 6 of Engrossed Substitute Senate Bill No. 5759.

With the exception of Section 6, Engrossed Substitute Senate Bill No. 5759 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

March 31, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 10, Engrossed Substitute Senate Bill No. 6280 entitled:

"AN ACT Relating to the use of facial recognition services."

Section 10 establishes a legislative task force on facial recognition services with the purpose of:

- providing recommendations addressing the potential abuses and threats posed by the use of facial recognition services, while also addressing how to facilitate and encourage the continued development of these services;
- providing recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and
- conducting a study on the quality, accuracy, and efficacy of a service.

While the purpose of this task force is very important, it was not funded in the budget. I recommend that the Legislature engage the Ruckelshaus Center in preparing a situation assessment that would inform policy recommendations on facial recognition technologies. Such an assessment would answer many questions about how best to proceed, and could better inform the creation of a task force in a subsequent legislative session.

For these reasons I have vetoed Section 10 of Engrossed Substitute Senate Bill No. 6280.

With the exception of Section 10, Engrossed Substitute Senate Bill No. 6280 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 2, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6 and 7, Second Substitute Senate Bill No. 6528 entitled:

"AN ACT Relating to the prevention of derelict vessels."

Section 6 creates a new grant program for enforcing vessel registration, and Section 7 creates a new pilot program for vessel disposal. Unfortunately, neither of these new programs are sustainable due to the rapidly changing budget outlook as a result of our state's efforts to respond to the Coronavirus outbreak.

For these reasons I have vetoed Sections 6 and 7 of Second Substitute Senate Bill No. 6528.

With the exception of Sections 6 and 7, Second Substitute Senate Bill No. 6528 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

April 2, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section Sec 3, Substitute Senate Bill No. 6570 entitled:

"AN ACT Relating to law enforcement officer mental health and wellness."

Section 3 of this bill directs the Washington Association of Sheriffs and Police Chiefs to establish three pilot projects, subject to amounts appropriated for this purpose, to support behavioral health and other improvement efforts for law enforcement officers. With the rapidly changing environment related to the state's response to COVID-19 and the new economic realities the state faces, I made the difficult choice to veto the funding provided to support this pilot project in Sec 218 (17) and Sec 221 (65) of Engrossed Substitute Senate Bill 6168.

For these reasons I have vetoed Section Sec 3 of Substitute Senate Bill No. 6570.

With the exception of Section Sec 3, Substitute Senate Bill No. 6570 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

April 3, 2020

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 101(2); 102(3); 11 (19); 116(9); 127(28); 127(79); 127(81); 127(87); 127(97); 127(99) ; 127(101); 127(112); 129(15); 129(17); 129(19); 202(1)(0); 204(28); 204(34); 204(37); 204(38); 205(14); 211(60); 211(68); 211(74); 211(76); 211(78); 211(79); 211(81); 211(84); 211(86); 212(7); 214(9); 215(24)(c)(d); 215(56); 215(69); 218(17); 221(55); 221(56); 221(58); 221(59); 221(61); 221(63); 221(68); 222(2)(i); 225(2)(u); 225(2)(ft); 225(2)(gg); 225(2)(jj); 225(2)(11); 225(4)(a)(ii); 225(4)(d)(viii); 225(4)(cc); 302(24); 302(30); 302(31); 302(32); 302(33); 302(42); 304(7); 304(10); 306(5); 306(10); 307, page 334, lines 22-23 ; 307(22); 307(25); 307(26); 307(27); 307(28); 307(36); 308(25); 308(28); 308(32); 309(23); 309 (27); 501(3)(h); 501(3)(k); 501(4)(aa); 501(4)(dd); 501(4)(ee); 501(4)(gg); 501(4)(jj); 501(4)(kk); 501(4)(v); 501(4)(w); 501(4)(x); 502(3); 503(2)(d); 506(10); 520(2); 520(15); 520(24); 520(26); 520(27); 520(28); 520(34); 601(9); 602(27); 602(28); 602(29); 602(31); 602(32); 603(42); 603(43); 603(44); 603(46); 603(49); 603(50); 603(53); 603(54); 603(55); 603(56); 603(57); 604(24); 604(25); 604(26); 604(29); 604(30); 604(31); 604(32); 604(33); 604(34); 604(35); 605(9); 605(11); 605(12); 606(7); 606(8); 606(9); 606(10); 607(5)(f); 607(5)(g); 607(5)(h); 607(7); 607(8); 608(9); 608(12); 608(13); 609(4); 609(5); 609(7); 609(9); 609(10); 609(11); 710; 715; 722; 801, page 529, line 34; 804, page 535, lines 32-34; and 923, Engrossed Substitute Senate Bill No. 6168 entitled: "AN ACT Relating to fiscal matters."

Section 101(2), House of Representatives, page 2; Section 102(3), Senate, page 3; and Section 923, pages 562-564, Business Plan for Establishment of Publicly Owned Depository/State Bank

These sections fund the creation of a joint legislative task force to develop a business plan for establishing a publicly owned depository/state bank in Washington. This issue has already been studied at length during the past three years. For this reason, I have vetoed Section 101(2), Section 102(3) and Section 923.

Section 113(19), page 12, Administrator for the Courts, Clark County CASA Program

This section provides an additional appropriation solely for the Clark County YWCA Court Appointed Special Advocate (CASA) program. Adding a single appropriation for one CASA program jeopardizes the current equitable allocation approach established by the Washington Association of Juvenile Court Administrators. For this reason, I have vetoed Section 113(19).

Section 127(112), page 67, Department of Commerce, Commercial Property/Clean Energy

provide the necessary funding to support the new collaborative. For this reason, I have vetoed Section 211(76).

Section 211(81), pages 196-197, Health Care Authority- Medical Assistance, Prior Authorization for Antiviral Drugs

The Health Care Authority, in coordination with the Department of Health, is directed to develop a strategy to deliver HIV antiviral drugs to enrollees without requiring a prior authorization for these prescriptions. This policy would jeopardize the state's ability to participate in the federal drug rebate program and would substantially increase costs to the state. For this reason, I have vetoed Section 211(81).

Section 212(7), page 200, Health Care Authority, Medicare-eligible Retiree Stakeholder Group

This section directs the Health Care Authority to convene a stakeholder group to provide feedback to the Office of the State Actuary. While the interest in this topic is welcome, work has been underway for some time. The Health Care Authority has already completed a report on this topic and provision of the first new option for Medicare-eligible retiree medical coverage begins on January 1, 2021. Further, the new workgroup overlaps the work of the Public Employees' Benefits Board, which includes retiree representatives and can solicit stakeholder feedback and provide information to the Legislature. I will ask the Board to include this topic on its agenda, invite the Office of State Actuary to the discussion on this issue, and report to the Legislature and me on stakeholder preferences and any additional recommendations. For these reasons, I have vetoed Section 212(7).

Section 215(24)(c) and Section 215(24)(d), pages 213-214, Health Care Authority- Community Behavioral Health, Long-term Psychiatric Inpatient Report

This proviso directs the Health Care Authority report to the Legislature on the impact of rate increases provided to long-term psychiatric inpatient providers on their capacity to serve clients and client utilization of this service. The agency indicates that there will be insufficient data to write a report by December 1, 2020. For this reason, I have vetoed Section 215(24)(c) and Section 215(24)(d).

Section 221(59), pages 265-266, Department of Health, Telemedicine Work Group

This section directs the Department of Health, within existing resources, to convene a work group to collect information and establish guidelines and recommendations for how the Office of the Insurance Commissioner can include telemedicine services in network adequacy requirements. The staff and stakeholders necessary to convene this work group are the same individuals working to address the COVID-19 outbreak. This work group requirement would divert critical resources from the pandemic response. For these reasons I have vetoed Section 221(59) and am directing the Department of Health to perform as much of the activity as feasible within available resources, given that this is important work in the current environment.

Section 221(61), page 266, Department of Health, Vapor Product Labeling

This section provides funding to implement Engrossed Second Substitute Senate Bill 6254. However, this bill did not pass the Legislature. For this reason, I have vetoed Section 221(61).

Section 222(2)(i), pages 273-274, Department of Corrections, Body Scanner Pilot Expansion

data for the previous fiscal year on an annual basis to the Education Research and Data Center (ERDC) by October 1. Section 129(21) directs the ERDC to update and expand its higher education finance report website. I am directing the higher education institutions to cooperate with the ERDC to provide the budget, expenditure and revenue data in a timely fashion and to provide the state-funded full-time equivalent student enrollment data as soon as it is feasible. The required fiscal year data is not audited or prepared by October 1; however, it could be available annually in March or April. For these reasons, I have vetoed Section 601(9).

Section 602(32), pages 461-462, State Board for Community and Technical Colleges, Running Start Data

This section directs but does not provide funding for the State Board for Community and Technical Colleges (SBCTC) to collect Running Start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for the 34 community and technical colleges for a task force created in Section 609(11). The data is requested at a level of granularity that does not currently exist in college financial systems. This would require time-consuming and manual processes to create these data elements. The SBCTC is willing to provide data on dual credit student demographics and outcomes, but does not have the resources to manually create financial data. For these reasons, I have vetoed Section 602(32).

Section 603(53), page 474, University of Washington, Adoption of Common Application**Section 604(31), pages 482-483, Washington State University, Adoption of Common Application****Section 605(11), page 485, Eastern Washington University, Adoption of Common Application Section 606(9), page 487, Central Washington University, Adoption of Common Application Section 608(12), page 493, Western Washington University, Adoption of Common Application**

These sections provide funding solely for implementation of Substitute Senate Bill 6142. I have vetoed Substitute Senate Bill 6142; therefore, this funding is not necessary. For this reason, I have vetoed Section 603(53), Section 604(31), Section 605(11), Section 606(9), and Section 608(12).

Section 722, page 528, Special Appropriations, Forest and Forest Products Carbon Account

Engrossed Second Substitute House Bill 2528 did not create the Forest and Forest Products Carbon Account, so funds cannot be transferred into this account. For this reason, I have vetoed Section 722.'

Section 801, page 529, line 34, For the State Treasurer, Manufacturing and Warehouse Jobs Centers Account

This section provides funding to implement Engrossed House Bill 1948. I have vetoed Engrossed House Bill 1948; therefore, this appropriation is not necessary. For this reason, I have vetoed Section 801.

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. My staff and I have conferred with Democratic and Republican leaders in both the

Section 211(84), pages 197-198, Health Care Authority, Prescription Drug Affordability Section 211(86), page 198, Health Care Authority, Postpartum Period Coverage

Section 214(9), pages 203-204, Health Care Authority, Postpartum Period Coverage Section 215(56), page 223, Health Care Authority, Training Grants for Providers

Section 215(69), pages 226-227, Health Care Authority, Pilot Project to Increase Access for ITA Transportation

Section 218(17), pages 234-235, Criminal Justice Training Commission, Law Enforcement Officer Mental Health and Wellness

Section 221(55), pages 264-265, Department of Health, Implementation of SHB 2419 (Death With Dignity Barriers)

Section 221(56), page 265, Department of Health, Distribution of Fruit and Vegetable Benefit

Section 221(58), page 265, Department of Health, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 221(63), pages 266-267, Department of Health, Work Group on Sexually Transmitted Infections

Section 221(68), page 267, Department of Health, Group B Water Systems

Section 225(2)(u), page 288, Department of Children, Youth and Families, Creation of YVLifeSet Program

Section 225(2)(ff), page 291, Department of Children, Youth and Families, Implementation of SHB 2525 (Family Connections Program)

Section 225(2)(gg), page 291, Department of Children, Youth and Families, Rate Increase for Child- Placing Agencies

Section 225(2)(ij), page 291, Department of Children, Youth and Families, Extracurricular Activities for Foster Youth

Section 225(2)(11), page 292, Department of Children, Youth and Families, Rate Study and Report on Contracted Parent-Child Visitation Services

Section 225(4)(a)(ii), page 299, Department of Children, Youth and Families, ECEAP Rate Increase

Section 225(4)(d)(viii), page 301, Department of Children, Youth and Families, Reduce Co-pays for Recipients and Report to Legislature

Section 225(4)(cc), pages 309-310, Department of Children, Youth and Families, Early Learning Dual Language Grant Program for ECEAP and WCCC

Section 302(24), page 321, Department of Ecology, Increase for Local Solid Waste Financial Assistance Program Integration Plan

Section 501(4)(v), pages 391-392, Office of the Superintendent of Public Instruction, Balanced School Year Pilot

Section 501(4)(w), page 392, Office of the Superintendent of Public Instruction, Health Education Standards

Section 501(4)(x), pages 392-393, Office of the Superintendent of Public Instruction, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 501(4)(dd), pages 393-394, Office of the Superintendent of Public Instruction, Spanish Language Arts Standards

Section 501(4)(ee), page 394, Office of the Superintendent of Public Instruction, Individual Health Plans Model Policy

Section 501(4)(gg), page 394, Office of the Superintendent of Public Instruction, Ethnic Studies Materials

Section 501(4)(jj), page 395, Office of the Superintendent of Public Instruction, Model Civics Curriculum

Section 501(4)(kk), page 395, Office of the Superintendent of Public Instruction, Small School Grants

Section 502(3), page 397, Office of the Superintendent of Public Instruction, Enhanced Paraeducator Training

Section 503(2)(d), page 400, Office of the Superintendent of Public Instruction, Guidance Counselors

Section 506(10), pages 415-416, Office of the Superintendent of Public Instruction, Backfill of Transportation Funds

Section 520(2), pages 436-438, Office of the Superintendent of Public Instruction, Expansion of Robotics/CTE Student Leadership Program

Section 520(15), pages 445-446, Office of the Superintendent of Public Instruction, Expansion of Extracurriculars Grant Program

Section 520(24), page 448, Office of the Superintendent of Public Instruction, Expansion of Media Literacy Grant Program

Section 520(26), pages 448-449, Office of the Superintendent of Public Instruction, Develop Bilingual Environmental Education Program

Section 520(27), page 449, Office of the Superintendent of Public Instruction, Design and Planning for Maritime Education in South King County

Section 520(28), page 449, Office of the Superintendent of Public Instruction, Create System of Career-Learning Opportunities for Students

Section 604(32), page 483, Washington State University, Implementation of SSB 6306 (Soil Health Initiative)

Section 604(33), page 483, Washington State University, Solar Siting Pilot Project in Columbia Basin

Section 604(34), page 483, Washington State University, Mental Health Counselor Position

Section 604(35), page 483, Washington State University, Implementation of E2SSB 6518 (Environmental Exposure to Certain Pesticides)

Section 605(9), page 485, Eastern Washington University, Expand American Sign Language Program

Section 605(12), page 485, Eastern Washington University, Mental Health Counselor Position

Section 606(7), pages 486, Central Washington University, Develop Educational American Sign Language Interpreter Preparation Program

Section 606(8), page 487, Central Washington University, Technology Purchase to Supervise Student Teachers in Rural Areas

Section 606(10), page 487, Central Washington University, Mental Health Counselor Position

Section 607(5)(f), pages 489-490, The Evergreen State College, WSIPP Study on Transitional Kindergarten Programs

Section 607(5)(g), page 490, The Evergreen State College, WSIPP Review of Mandatory Arrests in Domestic Violence Cases

Section 607(5)(h), page 490, The Evergreen State College, WSIPP Study of Access to Voting and Voter Registration

Section 607(7), page 491, The Evergreen State College, Implementation of Engrossed Senate Bill 6313 (Increasing Opportunities for Young Voters)

Section 607(8), page 491, The Evergreen State College, Mental Health Counselor Position

Section 608(9), page 493, Western Washington University, Development and Expansion of American Sign Language Education

Section 608(13), page 493, Western Washington University, Mental Health Counselor Position

Section 609(4), page 494, Washington Student Achievement Council, Administration Costs for Washington College Grant

Section 609(5), page 494, Washington Student Achievement Council, Expansion of College Bound Scholarship to Ninth Graders

Section 609(7), pages 494-495, Washington Student Achievement Council, New Task Force on Student Access to Health Care at Institutions

Section 609(9), page 496, Washington Student Achievement Council, Marketing and

With the exception of Sections 101(2); 102(3); 113(19); 116(9); 127(28); 127(79); 127(81); 127 (87); 127(97); 127(99); 127(101); 127(112); 129(15); 129(17); 129(19); 202(1)(0); 204(28); 204 (34); 204(37); 204(38); 205(14); 211(60); 211(68); 211(74); 211(76); 211(78); 211(79); 211(81); 211(84); 211(86); 212(7); 214(9); 215(24)(c)(d); 215(56); 215(69); 218(17); 221(55); 221(56); 221 (58); 221(59); 221(61); 221(63); 221(68); 222(2)(i); 225(2)(u); 225(2)(ff); 225(2)(gg); 225(2)(jj); 225(2)(11); 225(4)(a)(ii); 225(4)(d)(viii); 225(4)(cc);,; 302(24); 302(30); 302(31); 302(32); 302(33); 302(42); 304(7); 304(10); 306(5); 306(10); 307, page 334, lines 22-23; 307(22); 307(25); 307(26); 307(27); 307(28); 307(36); 308(25); 308(28); 308(32); 309(23); 309(27); 501(3)(h); 501(3)(k); 501 (4)(aa); 501(4)(dd); 501(4)(ee); 501(4)(gg); 501(4)(jj); 501(4)(kk); 501(4)(v); 501(4)(w); 501(4)(x); 502(3); 503(2)(d); 506(10); 520(2); 520(15); 520(24); 520(26); 520(27); 520(28); 520(34); 601(9); 602(27); 602(28); 602(29); 602(31); 602(32); 603(42); 603(43); 603(44); 603(46); 603(49); 603 (50); 603(53); 603(54); 603(55); 603(56); 603(57); 604(24); 604(25); 604(26); 604(29); 604(30); 604(31); 604(32); 604(33); 604(34); 604(35); 605(9); 605(11); 605(12); 606(7); 606(8); 606(9); 606 (10); 607(5)(f); 607(5)(g); 607(5)(h); 607(7); 607(8); 608(9); 608(12); 608(13); 609(4); 609(5); 609 (7); 609(9); 609(10)- 609(11); 710; 715; 722; 801, page 529, line 34; 804, page 535, lines 32-34; and 923 Engrossed Substitute Senate Bill No. 6168 is approved.

Respectfully submitted,

/s/

Jay Inslee
Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
McCulloch, Julie			1798	SGA 9021
Mah, Doug			1801	SGA 9030
Rushford, Jane			124	SGA 9031
West, Maureen			1800	SGA 9035
Lane, Jonathan			149	SGA 9046
Skinner, Christon C.			166	SGA 9054
Blocker, Christina			234	SGA 9059
Mansy, Heather L.			235	SGA 9060
Sayan, Marilyn Glenn			235	SGA 9064
Garrett, Ollie A.			235	SGA 9070
Vander Stoep, J.			325	SGA 9075
Adelstein, Steven P.			236	SGA 9084
Gordon, Kimberly			338	SGA 9095
Sharatt, Gene C.			349	SGA 9097
Strong, Charlene			678	SGA 9100
McDaniel, Janet			1800	SGA 9104
Jackson, Tamra L.			358	SGA 9105
Ryan, Robert M.			359	SGA 9109
Stredwick, Thomas R.			359	SGA 9113
Jackson, Kedrich			369	SGA 9114
McQuary, Donald R.			359	SGA 9116
Strong, Rekah T.			369	SGA 9120
Childs, Shannon L.			377	SGA 9124
Bagherpour, Bahram			402	SGA 9128
Scragg, John C.			715	SGA 9136
Leigh, Richard			406	SGA 9141
Smith, Stephen L.			423	SGA 9147
Sahlstrom, Skylee			761	SGA 9151
Koon, Holly			446	SGA 9154
Whaley, Robert			449	SGA 9155
Pearman-Gillman, Kim			1798	SGA 9156
Eng, Jack		850		SGA 9157
Estes, Jeffery			494	SGA 9159
Martin-Morris, Harium J.			789	SGA 9163
McCoy, Maia C.			803	SGA 9165
Savusa, Fiasili			1577	SGA 9166
Cohen, Jerome O.			818	SGA 9171
Van Der Lugt, Lisa		850	1465	SGA 9195
Mattke, Mark			823	SGA 9202
Sharpe, Susan			851	SGA 9217
Cook, Deborah			851	SGA 9219
McFadden, Charles			852	SGA 9222
Murphy, James			1063	SGA 9223
Wilson, Vicki			1063	SGA 9225
Willis, Brett W.			1108	SGA 9228
Pettis, Faith			1799	SGA 9240
Warren, William W.			1109	SGA 9250
Bennett, Kathryn A.			1110	SGA 9251
Page, Allyson			1249	SGA 9255
Salvesen Rhonda			1281	SGA 9256
Pastor, Paul			1798	SGA 9257
Krombeen, Henrik			1320	SGA 9261
Angeletti, Cheryl			1440	SGA 9271
Kirtley, Eleanor			1441	SGA 9275
Kallappa, Bill			1062	SGA 9277

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Reyes, Susana		654		SGA 9283
Pedersen, Kenneth J.		579		SGA 9284
Clark, Charles		120	345	SGA 9287
Jarrett, Fred		136	1577	SGA 9289
Hackney, George D.		163	1062	SGA 9291
McDevitt, James A.		251	1441	SGA 9292
Giniger, Judith	95			SGA 9293
Sullivan, Eileen	95			SGA 9294
Brown, Larry	95			SGA 9295
Gayton, Peter M.	95			SGA 9296
Cole, Isabel A.	95	579		SGA 9297
Cox, Lucera M.	95	146	1799	SGA 9298
Harrington, Alex R.	95	146		SGA 9299
Huang, Grace	96	265	1062	SGA 9300
Hyde, Mia A.	96	146		SGA 9301
Stuehm, Hunter R.	96	256		SGA 9302
Bennett, Jeanne K.	96			SGA 9303
Batra, Shiv	96	313	1442	SGA 9304
Gallaher, Patrick	96			SGA 9305
Jennings, Roy D.	96	313	514	SGA 9306
Pantig, Johanna Mae B.	96	146	1576	SGA 9307
Suarez, Daniela H.	96	146		SGA 9308
Guenther, Judy	96	342		SGA 9309
Sizemore, Bud E.	97			SGA 9310
Swinford, Payton O.	97	146	1480	SGA 9311
Eckmann, Tom	97			SGA 9312
Fremstad, Tenesha	97	654		SGA 9313
Frost, Amy L.	97			SGA 9314
Johnson, Jinhua	97			SGA 9315
Larsen, Ken A.	97	229		SGA 9316
Lawrence, Wendy L.	97	229		SGA 9317
Malloch, Steven	97			SGA 9318
Chang, Florence S.	98			SGA 9319
Ritchie, Craig A.	98	342		SGA 9320
Webster II, Wally	98			SGA 9321
Zimmerman, Steven A.	98			SGA 9322
Gamboa, Guadalupe	98			SGA 9323
Linville, Molly F.	98			SGA 9324
Anderson, James R.	98			SGA 9325
Gonzalez, Candelario	98			SGA 9326
Danenberg, Sophia	98			SGA 9327
Chernin, Louise	99			SGA 9328
Iniguez, Uriel R.	99			SGA 9329
Swenson, Sharmila	99			SGA 9330
Vincent, Jeff	99			SGA 9331
Quint, Meghan B.	99			SGA 9332
Sun-Widrow, Carolina T.	99			SGA 9333
Wagner, Adrienne	99			SGA 9334
Richards, Juanita D.	99			SGA 9335
Bohlke, Wendy K.	99			SGA 9336
Bryant, Harriette C.	100			SGA 9337
Ray, Kristin M.	100			SGA 9338
O'Bryan, Megan S.	100			SGA 9339
Pobee, Eben	100			SGA 9340
Ponto, Colleen F.	100			SGA 9341
Fukutaki, Richard G.	100			SGA 9342
Hamilton, Anne E.	100			SGA 9343

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Wilson, Michael D.	100			SGA 9344
Cate, Sara I.	100			SGA 9345
Rice, Constance W.	100			SGA 9346
Riojas, Rogelio	101			SGA 9347
Liberty, Michelle	101			SGA 9348
Meninick, Jerry J.	101	299		SGA 9349
Vilchez, F. Maribel	101	655		SGA 9350
Henson, Wesley	101	655		SGA 9351
Jenkins, Zabrina M.	101			SGA 9352
Rockefeller, Warren P.	101	299		SGA 9353
Sullivan, Jeromy C.	101			SGA 9354
Gregoire, Norris	101	256		SGA 9355
Ponepinto, Dona	102			SGA 9356
Rumbaugh, Stanley	102	256		SGA 9357
Skoorsmith, Christie E.	102	647		SGA 9358
Albright, Jennifer R.	102	299		SGA 9359
Mitchell, Carol	102			SGA 9360
Perez-Gibson, Miguel	102			SGA 9361
Makowski, Yona	102	271	1535	SGA 9362
Acuna, Jennifer G.	102	655		SGA 9363
Hamilton, Jason R.	102	314	1480	SGA 9364
Isserlis, Nancy L.	103	251	1591	SGA 9365
Hand, Robert	103	655		SGA 9366
Watson, Laura	141	944	1535	SGA 9367
Allard, Jerrie L.	141	342		SGA 9368
Ferreira, Teri L.	141	342		SGA 9369
Gallaher, Patrick L.	141	342		SGA 9370
Ashby, Steven	141			SGA 9371
Francis, Paul T.	141			SGA 9372
Gamboa, Guadalupe	141	256	879	SGA 9373
Golik, Tony F.	141	257		SGA 9374
Lyne, William	142			SGA 9375
Mullaney, Susan	142			SGA 9376
Standish-Kuon, Terri (Theresa) A.	142			SGA 9377
Yoshiwara, Jan	142			SGA 9378
Young, Derek M.	142	299		SGA 9379
Gardow, Kathryn	142			SGA 9380
Hix, Henry	142			SGA 9381
Nafziger, Rich	142	232, 271	1799	SGA 9382
Meotti, Michael	142			SGA 9383
Burgess, Shiloh	223	299	1591	SGA 9384
Siler, Holly M.	223			SGA 9385
Tripp, Albert L.	223	271	1800	SGA 9386
Martinez, Mark P.	265			SGA 9387
Norman, Guy R.	265			SGA 9388
Garman, Rozanne E.	265			SGA 9389
Robbins, Ann M.	307	655		SGA 9390
Broom Davidson, Jane K.	579			SGA 9391
Busto, Mark R.	579			SGA 9392
Martin, Gerald L.	579			SGA 9393
Hensler, Jeffrey J.	580			SGA 9394
Cartagena, Wilma	944			SGA 9395

GUBERNATORIAL PROCLAMATIONS REGARDING COVID-19 PANDEMIC

In February of 2020, state health officials noticed a large increase in the disease that came be known as Covid-19 and the ease in which the disease was spreading. The World Health Organization identified the virus responsible as Severe Acute Respiratory Syndrome COReNaVirus 2 (SARS-CoV-2) and named the disease COVID-19 (CoronaVirus Disease, 2019). It had been previously referred to as “2019 novel coronavirus” and the names were used interchangeably. Washington State was generally credited with having the first coronavirus case in the United States in January 2020.

Governor Jay Inslee issued Proclamation 20-05, proclaiming a state of emergency for all counties as a result of the Covid-19 outbreak and person-to-person spread of COVID-19 in Washington State. On March 11, 2020, Governor Inslee further limited gatherings of two hundred and fifty people or more, in certain counties, for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. Subsequent proclamations expanded the scope and areas of these restrictions as well as sanitizing requirements for places that were used. Eventually the entire state was under some restrictions.

Efforts to combat the pandemic resulted in the closure of childcare facilities, public schools, colleges, universities, places of worship, government offices, and businesses. The use of personal protective equipment (PPE), such as, wearing of facemasks and use of hand sanitizers, as well as gatherings of fewer than ten people but only if separated by at least six feet of space, "social distancing," became common place over the Spring and Summer. Places of learning, worship, government offices and businesses moved as much of their operations online, moving to tele-commuting and video conferencing to maintain some of their operations as they could.

After June 2020, a phased approach to reopening the state began to be implemented. However, an increase in the infection rate caused a halt to the incremental approach to reopening and, in some cases, restrictions were reimposed. Many schools, churches, government offices and businesses expected to remain closed through the end of the calendar year.

PROCLAMATION BY THE GOVERNOR

20-05

WHEREAS, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

WHEREAS, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

WHEREAS, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

WHEREAS, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person- to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING 20-05**

20-06

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, since the initial confirmed case of COVID-19 in the United States, in Snohomish County, Washington, on January 21, 2020, it has spread to eight counties of Washington State resulting in 23 deaths; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property, and the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department, Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Washington State Department of Health in assessing the magnitude and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamation 20-05 remains in effect and is amended as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments

are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20, which restrictions shall remain in effect until midnight on April 9, 2020:

1. Owners, administrators, operators, staff, contractors, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to enter the facility and visit a resident unless that person is an adult, the resident has not already had a visitor that day, and the visit takes place in the resident's room. This prohibition does not apply in end of life situations.
2. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they have been screened prior to entry for signs or symptoms of COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing, or contact with a person with a confirmed diagnosis of COVID-19 in the last 14 days, or are under investigation for COVID-19. Precautionary measures may include, but are not limited to, wearing personal protective equipment, social distancing, or visiting in designated locations.
3. No person is allowed to visit a resident of a nursing home licensed under RCW 18.51 or an assisted living facility licensed under RCW 18.20 unless they show identification, sign into a visitor's log that includes date, time in and time out, and provide their name and contact information, including phone number and email address if available.
4. Operators and staff of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from destroying each day's visitor log for 30 days.
5. Owners, administrators, and operators of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from allowing a person to work or volunteer in the facility unless the person has been screened at the start of every shift and does not show any symptoms associated with COVID-19, including fever of 100.4 or higher, cough, or difficulty breathing.
6. Residents of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 that have one or more residents, staff, contractors or volunteers subject to a Washington State Department of Health or local health department recommendation or order of isolation or quarantine for COVID-19 need to be isolated in their rooms away from other people. A resident can choose to discharge from a facility at any time.
7. Owners, administrators, operators, staff, and volunteers of nursing homes licensed under RCW 18.51 and assisted living facilities licensed under RCW 18.20 are prohibited from disclosing protected and confidential health information except as otherwise provided by law or with consent from the resident.

Nursing homes and assisted living facilities subject to these prohibitions are strongly encouraged to explore, adopt and implement reasonable alternative methods to provide access for residents to mitigate the impacts of these prohibitions.

ADDITIONALLY, based on the above situation, and to support implementation of the activities prohibited above, I also hereby find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended until midnight on April 9, 2020:

1. RCW 70.129.090(1)(f), in its entirety:
“(f) Subject to reasonable restrictions to protect the rights of others and to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident and others who are visiting with the consent of the resident;”
2. RCW 70.129.090(2), in its entirety:
“(2) The facility must provide reasonable access to a resident by his or her representative or an entity or individual that provides

health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.”

3. RCW 70.129.140(2)(b), in its entirety:

“(b) Interact with members of the community both inside and outside the facility;”

4. RCW 70.129.140(3), in its entirety:

“(3)(a) A resident has the right to organize and participate in resident groups in the facility.

(b) A resident's family has the right to meet in the facility with the families of other residents in the facility.

(c) The facility must provide a resident or family group, if one exists, with meeting space.

(d) Staff or visitors may attend meetings at the group's invitation.

(e) When a resident or family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(f) The resident has the right to refuse to perform services for the facility except as voluntarily agreed by the resident and the facility in the resident's service plan.”

5. RCW 70.129.140(4), in its entirety:

“(4) A resident has the right to participate in social, religious, and community activities that do not interfere with the rights of other residents in the facility.”

6. RCW 70.129.140(5), in its entirety: “(5) A resident has the right to:

(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and

(b) Receive notice before the resident's room or roommate in the facility is changed.”

7. WAC 388-97-0520(1)(g), in its entirety:

“(g) Subject to the resident’s right to deny or withdraw consent at any time, immediate family or other relatives of the resident;”.

8. WAC 388-97-0520(1)(h), in its entirety:

“(h) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.”

All persons are advised of potential criminal penalties for violation of this order pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-06**

20-07

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death,

has been confirmed in 9 counties of Washington State resulting in 24 deaths, with significant community spread in King, Pierce, and Snohomish counties; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, implementation of limitations on large gatherings and use of social distancing prevent initial exposure and secondary transmission to our most vulnerable populations, and are especially important for people who are over 60 years old and those with chronic health conditions due to the higher risk of severe illness and death from COVID-19; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05 and 20-06 remain in effect and are amended to impose restrictions on large gatherings in King, Pierce, and Snohomish counties as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(b) and RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in King, Pierce and Snohomish counties related to social, spiritual, and recreational gatherings, which restrictions shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

Gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06 AND 20-07**

20-08

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05, to prohibit certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, on March 11, 2020, as a result of community spread of COVID-19 in King, Pierce and Snohomish counties, I issued Proclamation 20-07, amending Proclamations 20-05 and 20-06, to prohibit social, spiritual and recreational gatherings of 250 people or more; and

WHEREAS, the spread of COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, continues to expand throughout our State, with the confirmed number of cases in the Puget Sound region expected to double every five to seven days, without any expectation of ending soon; and

WHEREAS, as of March 11, 2020, the World Health Organization has classified the global spread of COVID-19 as a pandemic, and has urged all governments throughout the world to take action now to stem the spread of the disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our State experiencing the most severe outbreaks, to include King, Pierce and Snohomish counties; and

WHEREAS, while implementation of restrictions on large social, spiritual, and recreational gatherings in King, Pierce and Snohomish counties is one necessary piece of a successful strategy for limiting transmission and spread of COVID-19, it must be supplemented by additional measures to help prevent initial exposure and secondary transmission; and

WHEREAS, many schools in King, Pierce and Snohomish counties are experiencing significant student and staff absences, resulting in some schools having difficulty providing adequate staffing; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the DOH continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05, 20-06 and 20-07 remain in effect and are amended to prohibit public school districts, charter schools, and private schools in King, Pierce and Snohomish counties from conducting in-person educational, recreational, and other K-12 school programs in their school facilities as provided herein, and that a State of Emergency continues to exist in all counties of Washington State.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address

the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities by public school districts, charter schools, and private schools in King, Pierce and Snohomish counties, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

Each public school district, charter school, and private school located in King, Pierce and Snohomish counties is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities. In addition to school districts lying wholly within King, Pierce, or Snohomish counties, the following joint school districts are subject to this order: Bainbridge Island, Stanwood-Camano, and Darrington.

Additionally, the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services in King, Pierce and Snohomish counties.

Nothing in this order shall be construed as precluding a public school district, charter school, or private school located in King, Pierce, or Snohomish counties from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.

Further, nothing in this order shall be construed as precluding public school districts, charter schools, or private schools from providing supports to students necessary to meet course and credit requirements for high school graduation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, and 20-08**

**20-09
Statewide K-12 School Closures**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, and 20-08 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, confirmed cases of COVID-19 have now spread to 15 counties in Washington State, which represents 75% of the

State's population, and the number of positive test results have increased 29% in the last four days; and

WHEREAS, while we do not fully understand the role children have in transmitting the virus, we do know they have a significant role in transmitting other respiratory viruses; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent measures to limit opportunities for disease transmission statewide beyond King, Pierce, and Snohomish counties; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, and 20-08 remain in effect, and that Proclamation 20-08, pertaining to activities by public school districts, charter schools, and private schools, is amended to expand its application to all counties of the state of Washington, and shall continue to remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08, and 20-09**

20-10

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, and 20-09, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19 continues to spread throughout Washington State with no expectation of ending soon, and is currently expected to result in the confirmed number of cases doubling in the Puget Sound region every five to seven days; and

WHEREAS, the World Health Organization has classified the global spread of COVID-19 as a pandemic and urges immediate action to stem the spread of the disease; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, an adequate number of long-term care workers is necessary to provide essential services to some of Washington's most vulnerable adults and the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers, who provide essential care to our most vulnerable populations, are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings and testing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, residents of adult family homes throughout the State are now experiencing similar issues as those in the long term care facilities subject to Proclamation 20-06 regarding significant increased risk of COVID-19 exposure and infection; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, and 20-09 remain in effect, that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action in coping with the long-term care worker shortage, and that Proclamation 20-06 is amended to expand the application of its prohibitions to include adult family homes licensed under RCW 70.128. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident-related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay action in providing

long-term care workers necessary for coping with the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety until midnight on April 9, 2020:

1. RCW 74.39A.074(1)(a)
2. RCW 74.39A.076(1) and (2)
3. RCW 74.39A.341
4. RCW 70.128.120(6)
5. RCW 70.128.230(2), (5), and (6)
6. RCW 70.128.250 (last paragraph)
7. RCW 18.20.270(2), (5), and (6)
8. RCW 18.88B.021(1) (waiving and suspending only “within two hundred calendar days”)
9. Chapter 388-112A WAC 10.WAC 388-107-0630
11. WAC 388-78A-2474(1), (2), (4) and (5)
12. WAC 388-76-10146
13. WAC 388-76-10135(4)
14. WAC 388-71-0540(13)
15. WAC 388-71-0523
16. WAC 388-71-0520
17. WAC 246-980-040(1)(a) and (c)
18. WAC 246-980-030(1) and (2)
19. WAC 246-980-010(2)

ADDITIONALLY, based on the above situation and under the provisions of RCW 43.06.220(1)(h) and RCW 43.06.220(2)(g), to help preserve and maintain life, health, property or the public peace, I also hereby amend Proclamation 20-06 to expand the application of its prohibitions to include adult family homes licensed under Ch. 70.128 RCW, and find that strict compliance with the following regulatory obligations or limitations will prevent, hinder, or delay protection of those in adult family homes that is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each regulatory provision specified below is hereby waived and suspended in its entirety until midnight on April 9, 2020:

1. WAC 388-76-10595(6)
2. WAC 388-76-10401

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10**

**20-11
Statewide Limits on Gatherings**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08,

20-09, and 20-10, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, confirmed cases of COVID-19 have now spread to 15 counties in Washington State, which represent 75% of the State's population, and the number of positive test results have increased 29% in the last four days; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately expand the restrictions on large gatherings under Proclamation 20-07 to statewide application in order to limit opportunities for disease exposure and transmission beyond King, Pierce, and Snohomish counties; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10 remain in effect, and that Proclamation 20-07, pertaining to gatherings of 250 people or more, is amended to expand its application to all counties of the state of Washington, and shall continue to remain in effect midnight on March 31, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11**

20-12

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19 continues to spread throughout Washington State with no expectation of ending soon, and is currently expected to result in the confirmed number of cases doubling in the Puget Sound region every five to seven days; and

WHEREAS, the World Health Organization has classified the global spread of COVID-19 as a pandemic and urges immediate action to stem the spread of the disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent social distancing and other measures to limit opportunities for disease transmission, especially in those areas of our state experiencing the most severe outbreaks; and

WHEREAS, many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have already cancelled classes or implemented alternative learning options to address social distancing recommendations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, and 20-11, remain in effect, and that Proclamation 20-05 is amended to prohibit all public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classes in all counties of Washington State. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government.

State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain

life, health, property or the public peace, I hereby prohibit the following activities in all counties of Washington State related to the operation of all public and private public and private universities, colleges, technical schools, apprenticeship and similar programs, which restrictions shall remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date:

All public and private universities, colleges, technical schools, apprenticeship and similar programs are prohibited from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs.

This prohibition does not apply to the conduct and operation of school and program affiliated labs and clinics, if either (1) social distancing measures are strictly implemented and monitored by designated school officials or (2) clinical protocols that are in alignment with public health guidelines are followed.

Nothing in this Proclamation shall be construed to apply to the conduct and operation of dormitory services, general administrative services, safety programs, research or medical facilities.

Nothing in this Proclamation is intended to prevent institutions from taking appropriate steps to preserve accreditation, student financial aid or student visa status.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-13

Statewide Limits: Food and Beverage Services, Areas of Congregation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, and 20-12, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce and Snohomish counties, drastically increasing the threat of significant associated health risks statewide; and

WHEREAS, on March 9, confirmed cases of COVID-19 infection in Washington totaled 162 in nine counties, including 21 deaths; and on March 13, confirmed cases increased to a total of 568 in 15 counties, including 37 deaths; and on March 15, confirmed cases further increased to 769 in 17 counties, including 42 deaths, with these 17 counties representing 85% of the State's total population;

WHEREAS, as of March 15, 2020, Washington State represents 2% of the nation's population and has 21% of confirmed COVID-19 cases, and 64% of COVID-19-related deaths, in the United States;

WHEREAS, on March 15, 2020, the United States Center for Disease Control and Prevention revised its guidance to reduce the size of gatherings from 250 persons to 50 persons;

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately prohibit any number of people from congregating in public venues for purposes of public entertainment, recreation, food or beverage service, theater, bowling, and other similar activities, in order to limit opportunities for disease exposure and transmission in the State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 is amended to prohibit any number of people from gathering in any public venue in which people congregate for purposes of public entertainment, recreation, food and beverage service, theater, bowling, fitness and other similar activities, to include all public venues in which the serving, provision, or consumption of prepared food or beverages occurs at a table, bar, or for consumption within.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the onsite consumption of food and/or beverages in a public venue, including but not limited to, the following venues, and which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date:

1. Restaurants;
2. Food courts;
3. Bars;
4. Taverns;
5. Coffee shops;
6. Catered events;
7. Clubs;
8. Bowling alleys;
9. All other similar venues in which people congregate for the consumption of food or beverages.

For purposes of this Proclamation, “public venue” has its ordinary meaning and also includes, but is not limited to, social clubs, private clubs, tennis clubs, golf clubs, faith-based organizations/facilities, and other similar venues.

This Proclamation does not prohibit the sale of prepared food or beverages that are otherwise legally delivered or taken out of the venue for consumption or the purchasing of groceries that are not consumed within the premises, more commonly known as drive-through, take-out, and delivery services.

This Proclamation does not apply to a broad range of businesses and services, including but not limited to grocery stores, pharmacies, convenience stores, gas stations, pet stores, and libraries; however, any sit-down food or beverage services within these facilities are prohibited.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the operation of public venues in which people congregate for entertainment, social or recreational purposes, including but not limited to theaters, bowling alleys, gyms, fitness centers, non-tribal card rooms, barbershops and hair/nail salons, tattoo parlors, pool halls, and other similar venues, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, for all other retail businesses except pharmacies and grocery stores, I hereby prohibit the operation of all retail stores unless they designate an employee or officer who must establish and implement social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines, which prohibition shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-07, and 20-11**

20-14

Reduction of Statewide Limits on Gatherings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, and 20-13, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has and continues to spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and protect our most vulnerable populations, it is necessary to immediately expand the restrictions on large gatherings of 250 or more as amended under Proclamation 20-11 to gatherings of 50 people or more; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and Proclamations 20-07 and 20-11, pertaining to gatherings of 250 people or more, is amended to reduce the size of gatherings to 50 people or less. Furthermore, activities of less than 50 people are also prohibited, unless organizers of those activities comply with social distancing and sanitation measures established by the United States Centers for Disease Control and Prevention or the Washington State Department of Health guidelines. The provisions of this order shall remain in effect until midnight on March 31, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-15

Department of Licensing

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, and 20-14, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the Washington State Department of Licensing (DOL) operates 56 driver licensing offices around the state where applicants for driver licenses and state identification cards may be required to be photographed and also take an eye exam using shared eye examination equipment; and

WHEREAS, approximately 200,000 people a month visit the 56 (DOL) driver licensing offices for renewal or initial issuance of a driver license or state identification card; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional social distancing actions and take other significant measures to limit opportunities for disease transmission and infection, including in the operation of DOL driver license offices serving large numbers of people on a daily basis; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all Washington State counties, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, and 20-14 remain in effect, and that Proclamation 20-05 is amended to waive specific statutes pertaining to DOL eye examinations and renewals of driver licenses and identification cards, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency when conducting eye examinations and renewals of driver licenses and identification cards at Washington State DOL driver licensing offices throughout the state, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 15, 2020:

1. RCW 46.20.130(1)(a) in its entirety, effective immediately.
2. RCW 46.20.120(3)(b) (waiving and suspending only “, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired.”), effective beginning March 23, 2020.
3. RCW 46.20.117(3)(b) (waiving and suspending only “, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.”), effective beginning March 23, 2020.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-06**

20-16

Statewide Limits on LTC – No Visitors

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, and 20-15, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, since Proclamation 20-06 issued, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, since Proclamation 20-06 issued, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, drastically increasing the threat of significant associated health risks statewide; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate residential settings are at increased risk for severe COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting pandemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department, Emergency Management Division, through the State Emergency Operations Center, is to continue coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is to continue coordinating with the Washington State Department of Health in assessing the magnitude and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, Proclamation 20-05, and all amendments thereto, remain in effect, and Proclamation 20-06, pertaining to prohibitions on the admission of visitors of residents of nursing homes and assisted living facilities, is amended as provided herein. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-06 to include the following comprehensive list of facilities subject to the prohibitions of Proclamation 20-06:

1. State operated Adult psychiatric facilities including Western State Hospital, Eastern State Hospital - RCW 72.23.020
2. The Special Commitment Center on McNeil Island - RCW 71.09.020(19)
3. The King County Secure Community Transition Facility - RCW 71.09.020(15)
4. The Pierce County Secure Community Transition Facility on McNeil Island - RCW 71.09.020(15)
5. The Fort Steilacoom Competency Restoration Program, Residential Treatment Facility – RCW 10.77
6. Maple Lane Competency Restoration Program, Residential Treatment Facility – RCW 10.77
7. Yakima Competency Restoration Program, Residential Treatment Facility – RCW 10.77
8. Intermediate Care Facilities - 42 CFR 483 subpart I and WAC 388-835, WAC 388-837
9. State Operated Living Alternatives - RCW 71A.12
10. Nursing Facilities – RCW 18.51 and RCW 74.42
11. Assisted Living Facilities - RCW 18.20
12. Adult Family Homes - RCW 70.128
13. Enhanced Service Facilities - RCW 70.97

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby also amend Proclamation 20-06 to prohibit owners, administrators, operators, staff, contractors, and volunteers of a facility listed herein from allowing any person, including friends or family, to enter the facility to visit a resident. This prohibition does not apply to end of life situations or to visits by attorneys, administrative law judges, advocates or similar persons who represent a resident. Further, it does not apply to vendors or volunteers who supply or work in a facility. However, all persons who enter a facility must meet all other prohibitions and requirements set out in Proclamation 20-06.

These prohibitions shall remain in effect until midnight on April 9, 2020. All other provisions of Proclamation 20-06 remain in effect.

All persons are advised of potential criminal penalties for violation of this order pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, and 20-16**

20-17

Statewide Limits on LTC – No Visitors Amendment

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, and 20-16, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, since Proclamation 20-06 issued, the spread of COVID-19 has been classified by the World Health Organization as

a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, since Proclamation 20-06 issued, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, drastically increasing the threat of significant associated health risks statewide; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older, those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long term care and treatment facilities, and most residents of long term care or treatment facilities are at increased risk for severe COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus into the population and start an outbreak; and

WHEREAS, the worldwide COVID-19 pandemic and the resulting epidemic in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property and the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department, Emergency Management Division, through the State Emergency Operations Center, is to continue coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is to continue coordinating with the (DOH) in assessing the magnitude and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-6 and 20-16, pertaining to prohibitions on the admission of visitors of residents to a comprehensive list of facilities, is amended as provided herein. I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 epidemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-06 and 20-16 to add the following facilities to the comprehensive list of facilities that are prohibited from the acts listed in Proclamation 20-06 and 20-16:

1. Evaluation and Treatment Facilities - RCW 71.05 and RCW 71.34
2. Residential Treatment Facilities - RCW 71.12

ADDITIONALLY, based on the above situation, and to support implementation of the activities prohibited above, and under the provisions of RCW 43.06.220(2)(g), I also hereby find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended until midnight on April 16, 2020, as it applies to the facilities listed above:

1. RCW 71.05.217(4), in its entirety:
“(4) To have visitors at reasonable times;”
2. RCW 71.05.360(10)(d), in its entirety: “(d) To have visitors at reasonable times;”
3. RCW 71.34.355(4), in its entirety:

“(4) To have visitors at reasonable times;”

All persons are advised of potential criminal penalties for violation of this order pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR

AMENDING PROCLAMATIONS 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17

20-18

Department of Social and Health Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, and 20-17, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, an adequate number of long-term care workers is necessary to provide essential services to some of Washington’s most vulnerable adults and the COVID-19 pandemic has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers, who provide essential care to our most vulnerable populations, are required to complete national fingerprint checks by certain deadlines, yet the operations of the third party vendors who collect the fingerprint impressions may be disrupted, and the FBI response to inquiries may be delayed because of the COVID-19 pandemic, exacerbating a long-term care worker shortage throughout Washington State; and

WHEREAS, the COVID-19 pandemic may result in staffing shortages of state case managers, nursing staff, and caregivers in residential long-term care facilities; and

WHEREAS, the COVID-19 pandemic may disrupt a nursing facility’s ability to request Medicaid assessments for residents prior to their admission which is required to receive reimbursement beginning on a resident’s date of admission under RCW 74.42.056; and

WHEREAS, the Department of Social and Health Services is required to complete periodic inspections and surveys of residential long-term care facilities including nursing homes; and

WHEREAS, the COVID-19 pandemic may require quarantine of residential long-term care facilities, including nursing homes, which may preclude safe inspection and survey activities and the pandemic may also negatively affect the availability of department staff to conduct timely inspections and surveys; and

WHEREAS, the COVID-19 pandemic may cause economic hardship on individuals and families without children who usually would not be eligible for benefits under the Family Emergency Assistance Program in RCW 70.04.660; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, and 20-17 remain in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a long-term care worker shortage and other disruptions to the long-term care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), I authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk destabilizing the state's long term care system and prevent, hinder, or delay the response by the Department of Social and Health Services to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 9, 2020:

1. RCW 18.51.091
2. RCW 18.51.230
3. RCW 18.20.110 (first two sentences only)
 - a. The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty-four months if the assisted living facility has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period.
4. RCW 70.128.070(2)(b)
5. RCW 70.129.090(2)
6. RCW 70.97.160(1) (partial waiver and suspension only of the following language: "...and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.")
7. RCW 74.42.056
8. RCW 74.42.360(2),(3), and (4)
9. RCW 74.39A.056(1)(b)(i)

10. RCW 43.20A.710(2)
11. RCW 43.43.837(1) (partial waiver and suspension only, starting with "...but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application" and continuing through subsection (1)(d).
12. RCW 70.128.130(13)
13. WAC 388-71-0514
14. WAC 388-76-10161(2)(b)
15. WAC 388-76-10176
16. WAC 388-78A-2462(2)(b)
17. WAC 388-78A-24681
18. WAC 388-97-1080(3), (4), (5), (6), (7), and (8)
19. WAC 388-97-1090WAC 388-107-1210(2)(b)
20. WAC 388-107-1270
21. WAC 388-101D-0080
22. WAC 388-06-0500 through 0540
23. WAC 388-106-0360

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-19 Evictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, and 20-18, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce expect to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes,

increasing the life, health, and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer) and RCW 59.18 (Residential Landlord Tenant Act) tenants seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in Chapter 43.185 RCW pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs”; and

WHEREAS, a temporary moratorium on evictions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to temporarily prohibit residential evictions statewide until April 17, 2020, as provide herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until April 17, 2020, I hereby prohibit the following activities related to residential evictions by all residential landlords operating residential rental property in Washington State:

1. Residential landlords are prohibited from serving a notice of unlawful detainer for default payment of rent related to such property under RCW 59.12.030(3).
2. Residential landlords are prohibited from issuing a 20-day notice for unlawful detainer related to such property under RCW 59.12.030(2), unless the landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.
3. Residential landlords are prohibited from initiating judicial action seeking a writ of restitution involving a dwelling unit if the alleged basis for the writ is the failure of the tenant or tenants to timely pay rent. This prohibition includes, but is not limited to, an action under Chapters 59.12 or RCW 59.18 RCW.
4. Local law enforcement is prohibited from serving or otherwise acting on eviction orders that are issued solely for default payment of rent related to such property. Nothing in this Proclamation is intended to prohibit local law enforcement from acting on orders of eviction issued for other reasons, including but not limited to waste, nuisance or commission of a crime on the premises.

Terminology used in these prohibitions shall have the meaning attributed in Chapter 59.18 RCW. Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-20

Department of Revenue – Interest, Fees, Penalties, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, and 20-19, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn in Washington State resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to a large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, certain Washington businesses and taxpayers are suffering significant economic hardship, and in some cases their financial resources are becoming limited; and

WHEREAS, the Washington State Department of Revenue is responsible for enforcing certain tax and licensing provisions applicable to businesses and taxpayers that are being adversely impacted by the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with impacts to taxpayers resulting from the COVID-19 State of Emergency and to prohibit certain activities impacting taxpayers to help preserve and maintain life, health, property or the public peace.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(e), I hereby waive and suspend following statutory obligation and limitation concerning the application of tax penalties relating to collection of taxes until midnight on April 17, 2020:

RCW 84.36.825 (late filing penalty provisions only).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay action in providing relief to businesses licensed under Chapter 19.02 RCW from certain statutorily imposed business licensing renewal and penalty provisions, which relief is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific provisions of each statute listed below addressing the renewal of business licenses and imposition of penalties for late renewals are hereby waived and suspended until midnight on April 17, 2020:

RCW 19.02.085 (late filing penalty provisions only).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay action in providing relief to taxpayers from certain statutorily imposed interest provisions, which relief is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific provisions of each statute listed below addressing the accrual and imposition of interest are hereby waived and suspended until midnight on April 17, 2020:

1. RCW 82.04.44525(6),
2. RCW 82.04.448(4),
3. RCW 82.24.120(1) and (2),
4. RCW 82.24.180(2),
5. RCW 82.24.280(1), (2) and (3),
6. RCW 82.25.110(4),
7. RCW 82.32.050(1),
8. RCW 82.32.033(5),
9. RCW 82.32.190(1),
10. RCW 82.32.200(1),
11. RCW 82.32.210(1),
12. RCW 82.32.537(2),
13. RCW 82.32.580(6),
14. RCW 82.45.100(1), (2), (3), and (4),
15. RCW 82.62.050(3),
16. RCW 82.63.045,
17. RCW 82.74.050,
18. RCW 82.75.040,
19. RCW 82.82.040, and
20. RCW 54.28.060.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities from being conducted by the Department of Revenue until midnight on April 17, 2020:

1. Enforcement of the statutory provisions waived above under RCW 43.06.220(2)(e), from February 29, 2020, until the termination of this Proclamation; and
2. Enforcement of the statutory provisions waived above under RCW 43.06.220(2)(g), from February 29, 2020, until the termination of this Proclamation.

This Proclamation shall not be construed as granting or authorizing any refunds under the waivers or prohibitions herein.

This Proclamation shall not be construed to allow refunds for interest or penalties that were paid between February 29, 2020, and the effective date of this Proclamation, March 18, 2020.

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-21

Unemployment Benefit - 1 Week Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, and 20-20, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn in Washington State resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact in Washington State, resulting in many businesses greatly reducing operations or closing and laying off employees; and

WHEREAS, as a result of the global COVID-19 pandemic, certain Washington businesses and employees are suffering significant economic hardship, and in some cases their financial resources are becoming limited; and

WHEREAS, the Washington State Department of Employment Security is responsible for administering the unemployment compensation provisions applicable to laid off employees who are being adversely impacted by the COVID-19 pandemic; and

WHEREAS, RCW 50.20.010(1)(d) requires an unemployed individual to be unemployed for a waiting period of one week before being eligible to receive unemployment benefits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life

and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend the statutory requirement that a person must be unemployed for one week before they can receive unemployment benefits, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in the provision of unemployment compensation for impacted employees, and that, for claims filed on or after March 8, 2020, the following language of each statutory provision as specified below is hereby immediately waived and suspended until midnight on April 17, 2020:

1. RCW 50.20.010(1)(d) -- Benefit Eligibility Conditions (the following language only) "He or she has been unemployed for a waiting period of one week."
2. RCW 50.20.020 -- Waiting Period Credit Limitation
"No week shall be counted as a waiting period week, (1) if benefits have been paid with respect thereto, and (2) unless the individual was otherwise eligible for benefits with respect thereto, and (3) unless it occurs within the benefit year which includes the week with respect to which he or she claims payment of benefits."
3. RCW 50.20.140 - Filing applications and claims—Definitions (the following language only)
"The term 'claim for waiting period' shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for waiting period have been met."
4. WAC 192-110-005(4) (the following language only)
"Will I receive benefits immediately? The first week you are eligible for benefits is your waiting week. You will not be paid for this week. However, you must file a claim for this week before we can pay you any benefits for future weeks."

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-22
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, and 20-21, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

WHEREAS, the President of the United States issued an Emergency Declaration on March 13, 2020, pursuant to 42 U.S.C. 5121, *et seq.*, and pursuant to 49 CFR 390.23(a)(1)(i), declared that an emergency exists that warrants an exemption from application of the driver hours of service rules in Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), to include 49 CFR § 395 that has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010. The emergency declaration was issued in response to the COVID-19 pandemic and its effects on people and the immediate risk its presents to public health, safety and welfare in the 50 States and the District of Columbia.

WHEREAS, it is essential to public health and safety to maintain a steady supply of grocery, medical, pharmaceutical, and fuel commodities available to the public, and it is anticipated that the numbers of commercial drivers available to transport commodities will be reduced by the spread of the virus which will prevent or delay such deliveries around the state; and

WHEREAS, there are national shortages in the supply chain and the production of goods, including food and other groceries, and the transportation industry is experiencing driver shortages, which is expected to increase with the closure of schools and the unavailability of childcare, and there has been a dramatic increase in the demand for groceries resulting in local shortages in Washington State.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to provide for certain exemptions from driver hours of service rules, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

I ALSO HEREBY FIND, based on the above situation, and to clarify application of the March 13, 2020, Presidential Emergency Declaration to Washington State, that motor carriers and drivers of commercial motor vehicles collecting or delivering essential food and emergency supplies in Washington State for the following purposes are providing emergency relief during an emergency under 49 CFR § 390.23 and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, until midnight on April 17, 2020:

1. Grocery purposes, including but not limited to pet food and supplies;
2. Medical supplies and equipment;
3. Pharmaceuticals; or
4. Petroleum fuels, other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, and electricity and natural gas system equipment components, including but not limited to, fissionable nuclear material.

FURTHERMORE, under the provisions of RCW 43.06.220(1)(h), to preserve and maintain life, health, property or public peace, I also hereby impose temporary restrictions on motor carriers and drivers of commercial motor vehicles identified above as being exempt from application of the driver hours of service rules in Washington State by prohibiting application of this exemption as follows:

1. Motor carriers are prohibited from operating under the terms of this exemption if either of the following conditions exist:
 - a. They have an out-of-service order in effect; or
 - b. They do not possess a current safety rating of "Satisfactory" or better assigned by the Federal Motor Carrier Safety Administration or the state in which the motor carrier has its principal place of business.
2. Motor carriers I have not prohibited from operating under the terms of this exemption are prohibited from:
 - a. Requiring or permitting a fatigued or ill driver to operate a commercial motor vehicle; and
 - b. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has informed the carrier (verbally or in writing) that he or she needs immediate rest, unless the driver has first received at least 10 consecutive hours off-duty documented in writing by the motor carrier; and
 - c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any eight consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.

I ask the motor carriers for the above-listed purposes to use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-23
UTC – Ratepayer Assistance**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout

Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, and 20-22, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn in Washington State resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them expected to suffer considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in our state and is coordinating with utilities throughout the state to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the economic impacts to utility customers throughout the state of Washington resulting from the COVID-19 State of Emergency, and to help preserve and maintain life, health, property or the public peace by prohibiting certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies in providing services to address the consequences of the COVID-19 pandemic.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the

outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(d), RCW 80.04.130(8), and RCW 80.28.060(2), I hereby waive and suspend the following statutory obligations and limitations concerning tariff changes until midnight on April 17, 2020:

1. RCW 80.04.130(1); and
2. RCW 80.28.060(1)

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay action in providing relief to utility customers throughout the state of Washington that is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific provisions of each statute listed below are hereby waived and suspended until midnight on April 17, 2020:

1. RCW 80.04.110(1)(a); and
2. RCW 80.28.068

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace in addressing the COVID-19 State of Emergency, I prohibit the Washington State Utilities and Transportation Commission from applying the waiver and suspension of RCW 80.04.110(1)(a) and RCW 80.28.068 for any purpose other than providing relief to members of the public affected directly or indirectly by the COVID-19 pandemic while this Proclamation remains in effect.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and while the statutory waivers and suspensions of this Proclamation remain in effect, I hereby prohibit the Washington State Utilities and Transportation Commission or any other person or entity from using or otherwise relying upon the waiver or suspension of any statutory provisions identified herein for any purpose other than assisting utility customers throughout Washington State impacted by the economic consequences of the COVID-19 pandemic and using surplus balances from electric and natural gas utility low income accounts to support community action agencies in providing services intended to address the consequences of the COVID-19 pandemic in Washington State.

ADDITIONALLY, In recognition of the following: (1) that many local governments have issued emergency declarations regarding the COVID-19 pandemic, (2) that municipal utilities, public utility districts, and water and sewer districts impacted by the COVID-19 pandemic are authorized under Title 35 RCW, Title 54 RCW, and Title 57 RCW to provide essential services, and (3) that preserving and maintaining essential services to vulnerable populations during this crisis supports the fundamental public purpose of protecting public health and welfare; **I hereby strongly encourage** all utilities in Washington State to take reasonable actions to mitigate the economic impacts of the COVID-19 pandemic on their utility customers caused by this crisis, including but not limited to: acting to prevent disconnection of services due to non-payment during the term of the statewide emergency declaration; waiving late payments and fees; using payment plans to fulfill customer outstanding balances; employing internal processes and procedures to facilitate social distancing and proper hygiene practices; and closing facilities to the public. **I also strongly encourage** municipal and public utility boards and commissions to delegate authority to senior utility executives to take any and all actions necessary or appropriate to mitigate the economic impacts to their utility customers to address the COVID-19 crisis.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-24

Restrictions on Non Urgent Medical Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, and 20-23, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, and significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the health care personal protective equipment supply chain in Washington State has been severely disrupted by the significant increased use of such equipment worldwide, such that there are now critical shortages of this equipment for health care workers. To curtail the spread of the COVID-19 pandemic in Washington State and to protect our health care workers as they provide health care services, it is necessary to immediately prohibit all hospitals, ambulatory surgery centers, and dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures and surgeries that require personal protective equipment, which if delayed, are not anticipated to cause harm to the patient within the next three months, except as provided herein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to immediately prohibit certain medical and dental procedures, with exceptions, and as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all hospitals, ambulatory surgical facilities, dental, orthodontic and endodontic offices in Washington State from providing health care services, procedures, and surgeries that, if delayed, are not

anticipated to cause harm to the patient within the next three months, with exceptions and as provided below. This does not include outpatient visits delivered in hospital based clinics.

Examples of procedures to delay include, but are not limited to: most joint replacements, most cataract and lens surgeries, non-urgent cardiac procedures, cosmetic procedures, some endoscopy, and some interventional radiology services.

EXCEPTION: The above prohibition does not apply to the full suite of family planning services and procedures or to treatment for patients with emergency/urgent needs (examples of the latter include, but are not limited to, people with heart attacks, strokes, or motor vehicle accidents). Hospitals and ambulatory surgical facilities may perform any surgery that if delayed or canceled would result in the patient's condition worsening (for example, removal of a serious cancerous tumor or dental care related to the relief of pain and management of infection.)

Ambulatory surgical facilities are encouraged to work with their local hospitals to assist with surge capacity needs.

This Proclamation shall remain in effect until May 18, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-25

Stay Home – Stay Healthy

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

WHEREAS, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

WHEREAS, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

a. **Essential activities** permitted under this Proclamation are limited to the following:

- 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
- 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
- 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
- 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.

b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the [“Essential Critical Infrastructure Workers”](#) list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.

c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.

d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.

b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05, 20-23**

20-23.1

UTC – Ratepayer Assistance

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, and 20-22 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn in Washington State resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them expected to suffer considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in our state and is coordinating with utilities throughout the state to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the economic impacts to utility customers throughout the state of Washington resulting from the COVID-19 State of Emergency, and to help preserve and maintain life, health, property or the public peace by prohibiting certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies or otherwise provide services to address the consequences of the COVID-19 pandemic.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(d), RCW 80.04.130(8), and RCW 80.28.060(2), I hereby waive and suspend the following statutory obligations and limitations concerning tariff changes until midnight on April 17, 2020:

1. RCW 80.04.130(1); and
2. RCW 80.28.060(1)

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay action in providing relief to utility customers throughout the state of Washington that is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific provisions of each statute listed below are hereby waived and suspended until midnight on April 17, 2020:

1. RCW 80.04.110(1)(a); and
2. RCW 80.28.068

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace in addressing the COVID-19 State of Emergency, I prohibit the Washington State Utilities and Transportation Commission from applying the waiver and suspension of RCW 80.04.110(1)(a) and RCW 80.28.068 for any purpose other than providing relief to members of the public affected directly or indirectly by the COVID-19 pandemic while this Proclamation remains in effect.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and while the statutory waivers and suspensions of this Proclamation remain in effect, I hereby prohibit the Washington State Utilities and Transportation Commission or any other person or entity from using or otherwise relying upon the waiver or suspension of any statutory provisions identified herein for any purpose other than assisting utility customers throughout Washington State impacted by the economic consequences of the COVID-19 pandemic and using surplus balances from electric and natural gas utility low income accounts to support community action agencies in providing services intended to address the consequences of the COVID-19 pandemic in Washington State.

ADDITIONALLY, In recognition of the following: (1) that many local governments have issued emergency declarations regarding the COVID-19 pandemic, (2) that municipal utilities, public utility districts, and water and sewer districts impacted by the COVID-19 pandemic are authorized under Title 35 RCW, Title 54 RCW, and Title 57 RCW to provide essential services, and (3) that preserving and maintaining essential services to vulnerable populations during this crisis supports the fundamental public purpose of protecting public health and welfare; **I hereby strongly encourage** all utilities in Washington State to take reasonable actions to mitigate the economic impacts of the COVID-19 pandemic on their utility customers caused by this crisis, including but not limited to: acting to prevent disconnection of services due to non-payment during the term of the statewide emergency declaration; waiving late payments and fees; using payment plans to fulfill customer outstanding balances; employing internal processes and procedures to facilitate social distancing and proper hygiene practices; and closing facilities to the public. **I also strongly encourage** municipal and public utility boards and commissions to delegate authority to senior utility executives to take any and all actions necessary or appropriate to mitigate the economic impacts to their utility customers to address the COVID-19 crisis.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-26

Washington State Liquor and Cannabis Board – Penalties

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, and 20-25, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn in Washington State resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) administers licensing and enforcement services, including the collection of taxes and fees, for establishments selling alcohol for on and off premises consumption; marijuana production, processing, and retail establishments; and vapor and tobacco products; and

WHEREAS, establishments licensed under the WSLCB are required to timely remit various taxes and fees by a date certain, or a mandatory late payment penalty will be imposed; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the WSLCB are suffering significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, while the WSLCB possesses authority to waive penalties for late payment of taxes by specific types of establishments it licenses, it lacks authority to offer similar financial relief for licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors, which may adversely affect the economic viability of these taxpayers to continue operating after the COVID-19 crisis ends; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under

Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with economic impacts to certain licensees of the WSLCB resulting from the COVID-19 State of Emergency and to prohibit certain activities by the WSLCB regarding imposition of penalties against certain licensees to help preserve and maintain life, health, property or the public peace.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay action in providing relief to certain businesses licensed under RCW 66.24 from specific statutorily imposed penalties by the WSLCB, which relief is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific provisions of each statute listed below addressing imposition of penalties for failure to timely remit tax payments to the WSLCB are hereby waived and suspended until midnight on April 22, 2020:

1. RCW 66.24.210(1)(b) (late filing penalty provisions only), and
2. RCW 66.24.290(1)(b) (late filing penalty provisions only).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the WSLCB from enforcing the specific statutory provisions waived above from February 29, 2020, until midnight on April 22, 2020.

This Proclamation shall not be construed as relieving any WSLCB licensee from its statutory obligations for remitting taxes to the WSLCB.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-27

Electronic Notary Effective Date

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID -19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, and 20-

26, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and regulations;

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, many professional services require the use of notary services for a variety of purposes that impact our vulnerable populations, including the need for advanced healthcare directives, wills, deeds of trust, durable powers of attorney for health care, irrevocable trusts or living trusts, real estate transfers, consents to travel documents for minors, adoptions, and affidavits of identity for a variety of purposes;

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with impacts to taxpayers resulting from the COVID-19 State of Emergency and to prohibit certain activities impacting taxpayers to help preserve and maintain life, health, property or the public peace.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay necessary action in providing relief to vulnerable populations and the businesses and professionals that serve them in the provision of estate and end of life planning, travel and adoptions, while applying appropriate social distancing measures, by removing the delayed effective date of and allowing for the new electronic notary services provisions authorized by, Senate Bill (SB) 5641, An Act relating to electronic notarial acts by remotely located individuals, Chapter 154, Laws of 2019, and codified within RCW 42.45, to take effect immediately, which relief is necessary for coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the specific effective date provisions in Section 10 of SB 5641 is hereby waived and suspended, effective March 27, 2020 until midnight on April 26, 2020:

The result of this proclamation is that the delayed effective date in Laws of 2019, ch. 154, § 10 (codified as a note following RCW 42.45.280), is removed and SB 5641, An Act relating to electronic notarial acts by remotely located individuals, will take effect immediately, until expiration of this Order.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at

Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-28
Open Public Meetings Act and Public Records Act**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, and 20-27, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting the numbers of people who may gather in one location; and

WHEREAS, transparency in state government and all of its political subdivisions is an important state policy, such that all statutes related to open public meetings and public records are the business of the state; and

WHEREAS, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend open public meetings remotely; and

WHEREAS, it is necessary to immediately waive any requirement in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that provides for any activity that necessitates an in-person setting; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under RCW 38.08, RCW 38.52 and RCW 43.06, do hereby proclaim that a state of emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended by waiving and suspending the portions of RCW 42.30 and RCW 42.56 that require in-person meetings or contact.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016> Cloud Solutions (05116): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MSRC, www.msrg.org).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking “action,” as defined in RCW 42.30.020, unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency, until such time as regular public participation under the Open Public Meetings Act is possible.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.30.030 – the following words only:
 - “and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence

- RCW 42.30.075 – as to the following words only:
 - “Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
 - “Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
 - “on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence: “Within five business days of receiving a public records request,”

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-29
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, and 20-28, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and regulations;

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person-to-person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has resulted in unprecedented demands on our health care system, and the use of telemedicine is becoming an important and necessary means of relieving some of this demand by facilitating implementation of social distancing, reducing risk of infection to patients and health care providers, and increasing patient access to necessary treatment; and

WHEREAS, to encourage increased use of telemedicine by health care providers, the 2020 Legislature enacted ESSB 5385, requiring providers to be paid at the same rate when providing services via telemedicine as they are paid for providing the same services in-person (payment parity), but this requirement does not become effective until January 1, 2021; and

WHEREAS, the immediate implementation of payment parity in the use of telemedicine is expected to increase the likelihood of medical providers using telemedicine to relieve demand on our health care system, assist with medical social distancing, reduce risk of infection to patients and providers, and increase patient access to necessary treatment during the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to assist in relieving these demands on our health care system, and to help preserve and maintain life, health, property or the public peace by prohibiting insurance carriers from certain activities related to the use of telemedicine services by medical providers.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay necessary action in addressing the unprecedented demands the COVID-19 pandemic is placing on our health care system by removing certain implementation date language in Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), that will allow for immediate implementation of its provisions addressing health care provider payment parity in providing telemedicine services, and that the following specific language of ESSB 5385, Section 1 is hereby waived and suspended until midnight on April 24, 2020:

ESSB 5385, Section 1 (Chapter 92, Laws of 2020), specifically amending RCW 48.43.735(1)(b)(i), the following language only: “for health plans issued or renewed on or after January 1, 2021.”

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace in addressing the COVID-19 State of Emergency, and for services provided during the period for which the above statutory waiver is in effect, I also prohibit the following activities by health carriers to encourage health

care providers to provide telemedicine services by providing for payment parity between telemedicine and in-person medical services:

1. Reimbursing in-network providers for telemedicine claims for medically necessary covered services at a rate lower than the contracted rate that would be paid if the services had been delivered through traditional (in-person) methods.
2. Denying a telemedicine claim from an in-network provider for a medically necessary covered service due to an existing provider contract term with that provider that denies reimbursement for services provided through telemedicine.
3. Establishing requirements for the payment of telemedicine services that are inconsistent with the emergency orders, rules or technical advisories to carriers issued by the Office of the Insurance Commissioner.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 25th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-30

Unemployment Benefits Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, and 20-29, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person-to- person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global, national and statewide economic slowdown, resulting in layoffs and reduced work hours for a significant percentage of Washington State's workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, it is necessary to waive certain statutory provisions related to obtaining unemployment benefits to assist the Washington State Employment Security Department in providing immediate financial support to those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn caused by the COVID-19 pandemic; and

WHEREAS, requiring unemployed Washington workers to search for work in order to maintain unemployment benefit eligibility is counterproductive to the state's efforts to slow the spread of COVID-19, and can be futile given the economic slowdown and reduction in business activity; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action by the Washington State Employment Security Department in providing unemployment compensation to the significant number people in Washington State suffering from layoffs resulting from the economic downturn caused by the COVID-19 pandemic.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay necessary action by the Washington State Employment Security Department in providing unemployment compensation to the significant number of people in Washington State suffering from layoffs resulting from the economic downturn caused by the COVID-19 pandemic, and that, for claims filed on or after March 8, 2020, the following specific statutory provisions are hereby waived and suspended until midnight on April 24, 2020:

1. RCW 50.20.010(1)(c)(i) – the following language only: “and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner’s agents”; and
2. RCW 50.20.240 – in its entirety.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 25th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05**

20-31

Department of Children, Youth, and Families - Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, and 20-30, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is critical to limit person to person contact through social distancing and other appropriate measures; and

WHEREAS, the Department of Children, Youth, and Families (DCYF) is the agency responsible for administering Early Learning Programs that provide subsidized child care to low income families, including the Working Connections Child Care Program and the Early Childhood Education and Assistance Program; and

WHEREAS, subsidized child care is regulated by DCYF to ensure the availability of stable and quality child care for children of low-income households; and

WHEREAS, many of the essential workers providing essential services during the COVID-19 pandemic are from low-income households and require subsidized child care to continue working; and

WHEREAS, as a part of child care licensing child care workers must submit to a background check including out of state checks requiring the submission of fingerprints and the private businesses that provide such services are currently closed and law enforcement agencies are unavailable to provide fingerprint services due to the COVID-19 pandemic response; and

WHEREAS, it is anticipated that some child care providers may avoid or decide to not provide subsidized child care or may withdraw their services if they cannot meet all the Early Achievers Quality Rating and Improvement System's regulatory requirements to submit reports and meet specific rating levels; and

WHEREAS, in order to approve foster and adoptive parents, and group care staff to have unsupervised access to children, DCYF must conduct fingerprint-based background checks on these individuals; and

WHEREAS, individuals who submit fingerprints in order to be approved to have unsupervised access to children would be at risk of being exposed to COVID-19 resulting from face to face contact in submitting their fingerprints; and

WHEREAS, the entities that receive and process fingerprints for fingerprint-based background checks have already or are anticipated to limit or suspend these operations in order to limit exposure to COVID-19; and

WHEREAS, it is anticipated that DCYF will have a reduced ability to approve individuals to have unsupervised access to children, and will therefore have a decreasing capacity to provide for the care of children in its care and to provide child care while it cannot process fingerprint-based background checks; and

WHEREAS, it is necessary to immediately waive and suspend statutes and rules that require fingerprint-based background checks before a person may be approved to have unsupervised access to children during the COVID-19 pandemic; and

WHEREAS, it is necessary to immediately waive and suspend some of the statutory and regulatory Early Achievers Quality Rating and Improvement System requirements that delay child care providers from making child care available to the children of essential staff who are from low income families who require child care services during the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a destabilization of the foster care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk destabilizing the state's subsidized child care programs and prevent, hinder, or delay the response by the Department of Children, Youth, and Families to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 25, 2020:

1. RCW 43.216.135(4)(a), the following words only: "within thirty days of receiving the initial state subsidy payment"
2. RCW 43.216.135(4)(b); RCW 43.216.135(4)(c)
3. RCW 43.216.135(5)
4. RWC 43.216.135(6), the following words only: "pending the successful completion of the level 3 rating activity" 5. RCW 43.216.085(3)
6. RCW 43.216.515(4)(a)
7. RCW 43.216.515(4)(b)
8. RCW 43.216.515(5)(a)
9. RCW 43.216.515(5)(b)
10. RCW 43.216.270(2), the following words only: "In order to determine the suitability of"
11. RCW 43.43.837(1), the following words only: "but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application"
12. RCW 43.43.837(4), the following words only: "fingerprint-based" and "and the federal bureau of investigation"
13. RCW 74.15.030(2)(b), the following words only: " , to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency"
14. RCW 13.34.065(5)(b) " , but as soon as possible after placement"

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-32

Department of Health – Healthcare Worker Licensing

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, and 20-31, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, healthcare workers, who are essential to meeting Washington State healthcare needs are critical in responding to the COVID-19 epidemic, which is expected to overwhelm the healthcare system; and

WHEREAS, it is anticipated there will be an insufficient number of available licensed healthcare providers in Washington State to meet the need as the number of people infected with COVID-19 requiring medical care increases; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to healthcare providers in the State of Washington; and

WHEREAS, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to healthcare workers to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a shortage of licensed health care providers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent the Washington State healthcare system from meeting the demand for healthcare staffing to meet the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 25, 2020:

A. Barriers to continued and uninterrupted healthcare practice, including continuing education and other training requirements and license renewal deadlines

1. RCW 43.70.280(2) - the following language only: "Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period."
2. RCW 70.41.230
3. Licensed health profession rules requiring continuing education and training

Mental health counselors, marriage and family therapists, and social workers

WAC 246-809-080
WAC 246-809-600
WAC 246-809-615
WAC 246-809-630
WAC 246-809-632

Health care assistants

WAC 246-826-230

Medical assistants

WAC 246-827-0220(1)(e)
WAC 246-827-0300(4)
WAC 246-827-0410(4)
WAC 246-827-0510(4)

Nursing professionals

WAC 246-840-025(2)
WAC 246-840-030(2)
WAC 246-840-045(1)(d)
WAC 246-840-090(6)
WAC 246-840-111(2)(c)
WAC 246-840-220
WAC 246-840-230
WAC 246-840-250
WAC 246-840-260
WAC 246-840-302(2)
WAC 246-840-360(1)(b), (c), (2)(b), (c)(i)
WAC 246-840-365(2)(e)
WAC 246-840-367(4)(b), (c)
WAC 246-840-450(1)(b), (c)
WAC 246-840-539(6)(j)
WAC 246-840-541(1)(m)

WAC 246-840-860(3)
WAC 246-840-905(2)(b)

Nursing assistants

WAC 246-841-470(6)(g) WAC 246-841-490(2)(a), (5)
WAC 246-841-578(4)
WAC 246-841-585(1)(e), (2)(e)
WAC 246-841-588(4)(b)
WAC 246-841-610

Nursing assistants – nursing homes

WAC 246-842-190(2)(a) - the following language only: “no less than seven hours must be in AIDS education and training,”

Osteopathic physicians and surgeons

WAC 246-853-065
WAC 246-853-080
WAC 246-853-230

Osteopathic physicians’ assistants

WAC 246-854-080(2)(d)
WAC 246-854-110
WAC 246-854-115
WAC 246-854-116

Pharmacists

WAC 246-861-020
WAC 246-861-090
WAC 246-861-105
WAC 246-863-120

Pharmacy ancillary personnel

WAC 246-901-061
WAC 246-901-120

Physician assistants

WAC 246-918-080(2)(d)
WAC 246-918-081(1) - the following language only: “and meeting the continuing medical education requirements under WAC 246-918-180”
WAC 246-918-180
WAC 246-918-185

Physicians

WAC 246-919-380
WAC 246-919-430
WAC 246-919-435

Respiratory care practitioners

WAC 246-928-440
WAC 246-928-442
WAC 246-928-443

Home care aides

WAC 246-980-110
WAC 246-980-115(1)(c), (2)(a) - the following language only: “submit proof of twelve continuing education hours as required by RCW 74.39A.341 and WAC 246-980-110 for each year it has been expired, and”

4. Licensed health profession rules restricting the practice of retired active licensees

Mental health counselors, marriage and family therapists, and social workers WAC 246-809-730(3) - the following language only: “, and must report eighteen hours of continuing education including six hours in professional ethics and law as required under WAC

246-809-630 every two years"

Nursing professionals

WAC 246-840-125(4)(b), (c)

Osteopathic physicians and surgeons

WAC 246-853-235(2), (3)(a) - the following language only: "calling for immediate action"

WAC 246-853-235(5)

Osteopathic physicians' assistants

WAC 246-854-112(2), (3), (4)(a) - the following language only: "calling for immediate action"

WAC 246-854-112(6)

Pharmacists

WAC 246-863-080(2) - the following language only: "shall not be authorized to practice pharmacy and"

Physician assistants

WAC 246-918-175(2), (3), (4)(a) - the following language only: "calling for immediate action"

WAC 246-918-175(6)

Physicians

WAC 246-919-480(2), (4) - the following language only: "and must report one hundred hours of continuing medical education at every renewal"

5. RCW 18.360.010(11) - the following language only: "physically present and is" and "in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available."

6. RCW 18.360.040(1)(b) - the following language only: "or after one year, whichever occurs first, and may not be renewed",

7. RCW 18.360.040(5)(d) - the following language only: "for up to sixty days" and "on the sixtieth day of employment"

8. WAC 246-827-0220(2)(c) - the following language only: "or one year after issuance of the interim certification, whichever occurs first"

9. WAC 246-827-0220(2)(d)

10. WAC 246-901-010(11)

11. WAC 246-901-020(1) - the following language only: "immediate"

12. WAC 246-901-040 - the following language only: "immediate" 13. WAC 246-976-171(4)(a), (b)

14. RCW 70.24.260

15. RCW 70.24.270

16. RCW 70.24.280

17. RCW 70.24.310

18. RCW 43.70.442

19. WAC 246-12-040(3)(a)(v), (b)(viii), (c)(vi), (ix), (xi)

20. WAC 246-12-170 through 200

21. WAC 246-12-250 through 280

B. Barriers to the practice of health care provider volunteers

1. WAC 246-12-130(2)(c)

2. WAC 246-12-130(2)(d)

3. WAC 246-12-430(1)(a)

4. WAC 246-12-440

5. WAC 246-12-530(4)

6. WAC 246-12-560(6)

7. WAC 246-840-930(8)(b)

8. WAC 246-840-940

C. Barriers to physician assistant movement related to delegation agreements

1. RCW 18.71A.030(1) - the following language only:

"A physician assistant may practice medicine in this state only with the approval of the delegation agreement by the commission and only to the extent permitted by the commission. A physician assistant who has received a license but who has not received commission approval of the delegation agreement under RCW 18.71A.040 may not practice."

2. RCW 18.71A.030(2) - the following language only:
“and that are consistent with their commission-approved delegation agreement” 3.RCW 18.71A.035(1), (2)
4. RCW 18.71A.040
5. WAC 246-918-035(1) - the following language only:
“consistent with the scope of practice in an approved delegation agreement” 6.WAC 246-918-055
7. WAC 246-918-075(2) - the following language only:
“provided that the temporary practice permit holder has a delegation agreement approved by the commission”
8. WAC 246-918-080(4)
9. WAC 246-918-082(2)
10. WAC 246-918-095 - the following language only: “delegation agreement and”
11. WAC 246-918-120
12. RCW 18.57A.030(1) - the following language only:
“An osteopathic physician assistant as defined in this chapter may practice osteopathic medicine in this state only with the approval of the delegation agreement by the board and only to the extent permitted by the board. An osteopathic physician assistant who has received a license but who has not received board approval of the delegation agreement under RCW 18.57A.040 may not practice.”
13. RCW 18.57A.030(2) - the following language only:
“and that are consistent with their board-approved delegation agreement” 14.RCW 18.57A.035(1), (2)
15. RCW 18.57A.040
16. WAC 246-854-015(2), (3), (4), (8)
17. WAC 246-854-021
18. WAC 246-854-030(1) - the following language only:
“consistent with the scope of practice in an approved delegation agreement” 19.WAC 246-854-035(2)
20. WAC 246-854-075(2) - the following language only:
“provided that the temporary practice permit holder has a delegation agreement approved by the board”
21. WAC 246-854-080(4)
22. WAC 246-854-082(2)
23. WAC 246-854-095 - the following language only: “delegation agreement and”
24. WAC 246-854-230(4) - the following language only:
“only after the board approves a delegation agreement permitting the osteopathic physician assistant to perform such procedures”
25. WAC 246-854-330(1) - the following language only:
“have a delegation agreement with a physician pain management specialist and”
26. WAC 246-854-025

D. Barriers to broader practice by allopathic and osteopathic physicians currently limited to practice in post-graduate, fellowship, instructional, or other limited settings

1. RCW 18.71.095(1) - the following language only:
“Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections”
2. RCW 18.71.095(2) - the following language only:
“Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.”
3. RCW 18.71.095(3) - the following language only:
“Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice.”
4. RCW 18.71.095(4)(a) - the following language only:
“shall permit the recipient to practice medicine only within the confines of the instructional program specified in the application and”
5. RCW 18.71.095(4)(b) - the following language only:
“Such license shall permit the holder only to practice medicine within the confines of the fellowship program to which he or she has been appointed and,”
6. RCW 18.57.035 - the following language only:
“that permits the physician in postgraduate training to practice osteopathic medicine and surgery only in connection with his or her duties as a physician in postgraduate training and does not authorize the physician to engage in any other form of practice”

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-33

Department of Children, Youth, and Families - Child Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, and 20-32, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is critical to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, many of the children and youth who are found to be dependent by superior courts are ordered into the custody of the Department of Children, Youth, and Families, resulting in the placement of many children into the care of foster parents, relatives, group homes, and other suitable persons approved by the court with statutorily required visitation between the children and their families, as well as statutorily required fact-to-face visits between the children and Department of Children, Youth, and Families case workers; and

WHEREAS, an adequate number of relative caregivers, other suitable persons, foster parents, and group homes is necessary to provide essential services to dependent children, and the COVID-19 pandemic is anticipated to significantly reduce the availability of relative, other suitable person, foster care, and group care beds if dependent children are exposed to people outside of the foster or group home through in-person visits with parents, siblings, or other family members; and

WHEREAS, relatives, other suitable persons, foster families, and group home operators are anticipated to withdraw their services and homes for placement if there is a risk that COVID-19 will spread within the home; and

WHEREAS, it is necessary to immediately waive and suspend in-person visitation requirements under RCW 13.34 and RCW 74.13 that require in-person visitation of children in the custody of the Department of Children, Youth, and Families by parents or other family members and by Department of Children, Youth, and Families case workers; and

WHEREAS, the Department of Children, Youth, and Families is required by RCW 13.34.025 to provide remedial services to parents of dependent children, and to report to the court when these services are not available; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington has resulted in many providers of remedial services to parents of dependent children temporarily shutting down; and

WHEREAS, the state's juvenile and superior courts are operating on a limited basis, only hearing emergent civil matters, and are not fully available to respond to statutorily required reports under RCW 13.34.25 by the Department of Children, Youth, and Families when remedial services are not available, and as a result these reports and any related hearings are an unnecessary burden

on currently overtaxed systems; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay action in coping with the COVID-19 State of Emergency that is necessary to prevent a destabilization of the foster care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk destabilizing the state's foster and group home system and prevent, hinder, or delay the response by the Department of Children, Youth, and Families necessary to cope with the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 25, 2020:

1. RCW 13.34.136(2)(b)(ii)(A), the following words only in the third sentence: "the maximum" and "possible";
2. RCW 13.34.136(2)(b)(ii)(C), the following words only: "limited or" and "limitation or";
3. RCW 13.34.025(2)(c), in its entirety;
4. RCW 74.13.031(6), the following words only: "face-to-face" – both references.

Nothing in this Order is intended to prevent compliance with a private parenting plan.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-34

Washington State Auditor – Financial Reports Filing Date

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, and 20-33, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many local government agencies has significantly impacted their ability to adequately staff various administrative and operational activities, including the ability to timely prepare and file annual reports required to be filed with the State Auditor's Office within the statutorily mandated time limit established in RCW 43.09.230; and

WHEREAS, local governments throughout Washington State require temporary relief from the time constraints imposed on filing financial reports under RCW 43.09.230 to assist in addressing inadequate staffing issues caused by the COVID-19 pandemic and allow remaining staff to focus on critical essential functions; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutory provisions that prevent, hinder or delay necessary action by local governments in meeting statutorily imposed time limits for filing financial reports with the Washington State Auditor's Office as a result of from the COVID-19 pandemic.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing

incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder or delay necessary action in providing local governments with relief in timely preparing and filing annual reports with the Washington State Auditor's Office within the statutorily mandated time limit established in RCW 43.09.230, and that the following language of this statute is hereby waived and suspended until midnight on April 25, 2020:

RCW 43.09.230 – the second paragraph in its entirety, which states, "Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year."

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-35

Department Of Corrections – Community Custody Violations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, and 20-34, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person-to-person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, RCW 9.94A.737(2)(b) currently requires elevation of all sixth and subsequent low level violations of community custody to high level violations, regardless of risk, necessitating arrest, a violation hearing, and sanction of up to 30-days of confinement, rather than an alternative sanction allowed for low level violations; and

WHEREAS, the COVID-19 pandemic has resulted in the requirement to practice safe distancing as described by the Centers for Disease Control and the Washington State Department of Health to avoid contracting the virus; and

WHEREAS, it is particularly difficult to accomplish the required distancing for individuals incarcerated in jails and correctional institutions, resulting in the need to avoid, where possible, the arrest and detention of individuals for low level violations of community custody that will increase the numbers of incarcerated individuals; and

WHEREAS, in 2020 the Washington State Legislature passed SHB 2417, which becomes effective June 11, 2020, and removes this requirement described above, which is too late to assist in the response to the current COVID-19 pandemic:

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to assist in relieving these demands on our health care system, and to help preserve and maintain life, health, property or the public peace by prohibiting insurance carriers from certain activities related to the use of telemedicine services by medical providers.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with RCW 9.94A.737(2)(b) will prevent, hinder or delay necessary action in addressing the unprecedented demands of the COVID-19 pandemic by requiring the arrest and imprisonment of low level community custody offenders which will result in reduced space in jails and correctional institutions, and is hereby waived and suspended until midnight on April 29, 2020.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-36

Department of Health – Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, and 20-35, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, health care facilities are critical to meeting Washington State's health care needs in responding to the COVID-19 epidemic, which is expected to overwhelm the health care system; and

WHEREAS, it is anticipated there will be an insufficient number of available health care beds and licensed health care facilities in Washington State to meet the need as the number of people infected with COVID- 19 requiring medical care increases; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to health care facilities in the State of Washington; and

WHEREAS, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to health care facilities to remove barriers to adding health care facilities and beds to meet the demands of the COVID-19 response; and

WHEREAS, the use of hand sanitizer is critical to maintaining a healthy work environment for essential workers who continue to provide essential services, and it is anticipated there will be insufficient amounts of hand sanitizer available to meet the needs of essential workers and the public; and

WHEREAS, it is necessary to immediately waive and suspend portions of the statutes relating to the manufacture and distribution of hand sanitizer to meet the demands of the COVID-19 response; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a shortage of licensed health care facilities and health care beds and to maintain a healthy work environment for essential workers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 (2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent the health care system in Washington State from meeting the demand for health care facilities to meet the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 29, 2020:

Certificate of Need

1. RCW 70.38.105(4)(a)
2. RCW 70.38.105(4)(b)
3. RCW 70.38.105(4)(e)
4. RCW 70.38.105(4)(g)
5. RCW 70.38.105(4)(h)
6. WAC 246-310-020(1)(a)
7. WAC 246-310-020(1)(b)
8. WAC 246-310-020(1)(c)
9. WAC 246-310-020(1)(e)
10. WAC 246-310-020(1)(g)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

Application deadlines for hospice service licensing

WAC 246-310-290(3) - Table A as to Cycle 2 Applicant Response Only

Application deadlines for kidney dialysis facility certificate of need applications

WAC 246-310-806(1) - Special Circumstances 1 Concurrent Review Cycle only

Facility Licensing Requirements and Regulations 1. RCW 70.41.450

2. RCW 70.41.080
3. RCW 70.41.090(3), (4), (5)
4. RCW 70.41.110 - the following language only: “: PROVIDED, That no license issued pursuant to this chapter shall exceed thirty-six months in duration”, “premises and” and “Licenses shall be posted in a conspicuous place on the licensed premises.”
5. RCW 70.41.170
6. RCW 70.41.430
7. RCW 70.56.020(2)(a) - the following language only: “, within forty-eight hours”
8. RCW 70.56.020(2)(b) - the following language only: “within forty-five days”
9. WAC 246-320-101(1)
10. WAC 246-320-111(1)(b), (c)
11. WAC 246-320-116(2), (3)
12. WAC 246-320-266(4)
13. WAC 246-320-271(4)
14. WAC 246-320-296(10)
15. WAC 246-320-500, 505, and 600
16. RCW 18.64A.040(1), (2) - the following language only: “only after authorization by the commission and”
17. RCW 18.64A.060
18. WAC 246-901-020(3) - the following language only: “according to WAC 246-901-035”
19. WAC 246-901-035 - the following language only: “A pharmacy technician who meets established criteria for employment, experience, training and demonstrated proficiency may perform specialized functions. The criteria shall be specified in the utilization plan of the pharmacy for pharmacy technicians performing specialized functions required in WAC 246-901-100(2)(b). Records of pharmacy technician training and of demonstration of proficiency shall be retrievable within seventy-two hours upon request of the board.”
20. WAC 246-901-100
21. RCW 18.64.043(1) - the following language only: “of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,”
22. RCW 18.64.043(2)(a) - the following language only: “of location” in the first sentence.
23. RCW 18.64.043(3) - the following language only: “and to keep the license of location or the renewal thereof properly exhibited in said pharmacy”
24. WAC 246-869-020(10)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, which must comply with these statutory and regulatory provisions after the expiration of this waiver.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220 and (2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations on the manufacture and distribution of hand sanitizer will prevent essential workers in Washington State from meeting the demand for essential services required during the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 29, 2020:

1. RCW 18.64.020
2. RCW 18.64.044
3. RCW 18.64.045
4. RCW 18.64.250(1), (2)

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to the manufacturing, distributing, selling, and donating of hand sanitizer.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-37

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, and 20-36, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in congregate settings such as nursing homes; and

WHEREAS, the COVID-19 pandemic has resulted in unprecedented demands on our health care system, and is expected to significantly reduce the availability of registered nursing assistants (NAR) who are necessary to provide essential care services to some of Washington State's most vulnerable adults in nursing home facilities; and

WHEREAS, nursing homes in Washington State are currently permitted by statute to utilize NARs for four months prior to the NAR being required to complete mandated training and testing to become a certified nursing assistant; and

WHEREAS, because of the current COVID-19 crisis, NAR training programs have been significantly reduced and testing operations suspended, making it impossible at this time for NARs to complete mandatory training and testing to become certified nursing assistants in the four-month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NARs after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NARs after four months, it is necessary to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-05 is amended to waive and suspend specified statutes and regulations that prevent, hinder or delay action that is necessary to cope with the COVID-19 crisis by temporarily maintaining availability of registered nursing assistants to provide essential care services for vulnerable adults in nursing home facilities.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay the provision of necessary essential care services for vulnerable adults in nursing home facilities by requiring registered nursing assistants to complete training and testing to become certified nursing assistants within four months of employment with a nursing home, and that the language of each statutory and regulatory provision specified below is hereby waived and suspended, in its entirety, until midnight on April 29, 2020:

1. RCW 18.88A.030(2)(a)
2. WAC 388-97-1660(3)(a)(i)

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-38

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, and 20-37, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, the COVID-19 pandemic has resulted in unprecedented demands on our health care system, and is expected to significantly reduce the availability of long-term care facility beds, including nursing home beds, that are necessary to provide essential services to some of Washington's most vulnerable populations during this crisis; and

WHEREAS, to address the reduced availability of long-term care facility beds resulting from the COVID-19 pandemic, and to increase the surge capacity necessary for our health care system to meet the unprecedented demands being imposed on it by this crisis, it is necessary to immediately allow the Department of Social and Health Services to license additional long-term care facilities to provide necessary capacity, which will require temporary waiver or suspension of certain construction review requirements and certificate of need requirements applicable to those long-term care facilities that can promptly be made available to help meet the unprecedented demands being placed on our health care system; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20- 05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20- 05 is amended to waive and suspend specified statutes and regulations that prevent, hinder or delay action that is necessary to increase the availability of long-term care facility beds required to meet the unprecedented demands being imposed

on Washington State's health care system by the COVID-19 pandemic.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) and (2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action by the Department of Social and Health Services to license additional long-term care facilities to increase nursing home bed capacity that is necessary to assist in meeting the unprecedented demand being placed on our health care system by COVID-19 pandemic, and that the specific language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on April 29, 2020:

Nursing Homes

1. RCW 70.38.105(4)(d)
2. RCW 18.51.091 - the following language only: "The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized."
3. RCW 18.51.240
4. WAC 246-310-020(1)(f)
5. WAC 388-97-2060(1), (2), (3)
6. WAC 388-97-3400 through WAC 388-97-3480
7. WAC 388-97-3520

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

Assisted Living Facility - Construction Review Process

Pursuant to RCW 43.06.220(1)(h), these waivers and suspensions shall not be applied to anything except to facilities opening to assist with the COVID-19 crisis and the surge capacity within the health care system.

1. RCW 18.20.110 - the following language only: "The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized."
2. WAC 388-78A-2810(1)
3. WAC 388-78A-2821(2)
4. WAC 388-78A-2850(1)
5. WAC 388-78A-2851(2)(a) and (6)
6. WAC 388-78A-2853(1)(a), (b)
7. WAC 388-78A-2853(2)(a) - the following language only: "Construction review services has approved the construction, and"
8. WAC 388-78A-2853(2)(b) - the following language only: "Construction review services has recommended approval, and"
9. WAC 388-78A-2853(2)(c) - the following language only: "Construction review services has recommended approval,"
10. WAC 388-78A-2880
11. WAC 388-78A-2900

Pursuant to RCW 43.06.220(1)(h) these waivers and suspensions do not apply except to temporary and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-39
Post-Retirement Employment**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, and 20-38, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices has significantly affected their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, there are many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response who are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, it is necessary to waive certain statutory restrictions limiting post-retirement employment; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend specific statutory restrictions limiting post-retirement employment, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to encourage retired public sector employees with critical skills necessary for response to the COVID-19 to return to service and fill these critical needs, and that the specific language of each statutory provision identified below is hereby waived and suspended in its entirety until midnight on April 30, 2020:

1. RCW 41.40.037(2) -- partial waiver and suspension only of the following language:
 - “up to eight hundred sixty-seven hours per calendar year”.
2. RCW 41.40.630(3)(b) -- partial waiver and suspension only of the following language:
 - “Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of *RCW [41.40.037](#)(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW [41.40.690](#)(1).”
3. RCW 41.40.820(3)(b) -- partial waiver and suspension only of the following language:
 - “Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of *RCW [41.40.037](#)(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW [41.40.850](#)(1).”
4. RCW 41.26.500(1) -- partial waiver and suspension only of the following language:
 - “Except under subsection (3) of this section” and
 - “not” and
 - “If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.”
5. RCW 41.37.050(2) -- partial waiver and suspension only of the following language:
 - “up to eight hundred sixty-seven hours per calendar year”.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-25**

20-25.1

Extending Stay Home – Stay Healthy to May 4, 2020

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, since Proclamation 20-25 was issued on March 23, the number of confirmed cases and deaths in Washington State has more than doubled, and there are currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and, furthermore, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the state; and

WHEREAS, hospitalizations for COVID-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, these conditions necessitate that to protect the health and safety of all Washingtonians, the stringent restrictions imposed on the people of Washington State in Proclamation 20-25 must be continued until May 4, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25 (Stay Home – Stay Healthy) is amended to extend all of its provisions and each expiration date therein to 11:59 PM on May 4, 2020. All other provisions of Proclamation 20-25 shall remain in full force and effect.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no business pass or credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-40

Amendments to State Building Code

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses and prohibitions on group gatherings; and

WHEREAS, the Washington State Building Code Council (SBCC), adopts, maintains, and amends the State Building Code, which is defined in RCW 19.27.031 to include but not be limited to the International Fire Code, the Washington State Energy Code – Residential, the Washington State Energy Code – Commercial, the International Mechanical Code, the Uniform Plumbing Code, and the International Residential Code; and

WHEREAS, the State Building Code is a complex series of regulations and standards enacted to protect public health, safety and general welfare as they relate to the construction and occupancy of residential and commercial structures throughout the state of Washington; and

WHEREAS, pursuant to its statutory authority, the SBCC adopts amendments to and new versions of portions of the State Building Code by orders adopted through rule-making conducted pursuant to its own regulations and the Washington State Administrative Procedures Act (Chapter 34.05 RCW); and

WHEREAS, the SBCC has enacted a series of orders adopting new, amended versions of portions of the State Building Code with an effective date for each such order of July 1, 2020; and

WHEREAS, prior to amendments to the State Building Code becoming effective, the SBCC and other entities and associations that perform work subject to the Washington State Building Codes or who provide training related to the Washington State Building Code must conduct outreach, training, and otherwise prepare for implementation of the amendments; and

WHEREAS, due to the COVID-19 pandemic, there are exceptional constraints to conducting necessary outreach, training, and preparation prior to the July 1, 2020, scheduled effective date of the orders adopting amendments to the State Building Code; and

WHEREAS, a delay in implementation of the orders adopting amendments to the State Building Code from July 1, 2020, to November 1, 2020, will provide the SBCC and other entities and associations that perform work subject to the Washington State Building Code or who provide training related to the Washington State Building Code time for outreach, training, and other preparations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended as provide herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until November 1, 2020, I hereby prohibit the implementation of those orders enacted by the Washington State Building Code Council adopting amendments to the State Building Code with an effective date of July 1, 2020, until November 1, 2020, as set forth below.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), and to implement the above prohibition, I also find that strict compliance with the effective dates of the orders issued by the State Building Code Council adopting new portions of the State Building Code will prevent, hinder or delay necessary action in coping with the COVID-19 pandemic, by implementing new portions of the State Building Code at a time when necessary outreach, training, and preparation, cannot feasibly take place; the specific orders set forth below are therefore suspended from their current effective dates of July 1, 2020, until November 1, 2020, as follows:

1. Order WSR 20-01-090, adopted by the Washington State Building Code Council on July 26, 2019.
2. Order WSR 20-01-103, adopted by the Washington State Building Code Council on November 8, 2019.
3. Order WSR 19-24-058, adopted by the Washington State Building Code Council on July 26, 2019.
4. Order WSR 20-01-162, adopted by the Washington State Building Code Council on October 11, 2019.

5. Order WSR 19-24-040, adopted by the Washington State Building Code Council on July 26, 2019.
6. Order WSR 20-01-047, adopted by the Washington State Building Code Council on November 8, 2019.
7. Order WSR 20-03-041, adopted by the Washington State Building Code Council on November 8, 2019.
8. Order WSR 20-02-072, adopted by the Washington State Building Code Council on November 8, 2019.
9. Order WSR 20-03-023, adopted by the Washington State Building Code Council on November 8, 2019.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of April, Two Thousand and Twenty, at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-41

Department of Licensing – License Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, and 20-40, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies has significantly impacted their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license renewal; and

WHEREAS, approximately 210,000 personal driver licensees and 1,850 commercial driver licensees are expected to have licenses expiring within the next 90 days that will require license renewal before expiration, placing significant demand on the limited available resources of the Department of Licensing to conduct these activities; and

WHEREAS, to assist the Department of Licensing in providing essential services to the public during this crisis and further reduce the risk of disease transmission to its employees and members of the public visiting its offices, it is necessary to waive and suspend certain statutory provisions that will allow it to temporarily extend the renewal of personal and commercial driver licenses; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend specific statutes pertaining to the expiration and renewal of personal and commercial driver licenses by the Department of Licensing, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to maintain the provision of essential Department of Licensing services to the public and further reduce the risk of disease transmission to its employees and members of the public visiting its offices by temporarily extending the renewal date of personal and commercial driver licenses, and that the language of each statutory provision specified below is hereby waived and suspended in its entirety until midnight on May 3, 2020:

1. RCW 46.20.181(1), and
2. RCW 46.25.088(1).

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 3rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-42

Department of Licensing – Driver License Suspension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, and 20-41, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the courts and the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, the Department of Licensing is experiencing difficulty obtaining necessary sanitation products and ensuring appropriate social distancing to mitigate spread of the COVID-19 virus to employees and members of the public while conducting even limited operations, including the ability to timely conduct administrative hearings and deferred prosecutions for driver license suspension arising from driving under the influence (DUI) arrests; and

WHEREAS, to assist the Department of Licensing in addressing these issues and to avoid DUI license suspensions from being dismissed, it is necessary to temporarily waive or suspend certain statutory time limits requiring an administrative hearing on license suspension within 30 days of a DUI arrest and for entering into a deferred prosecution within a mandated time limit; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect and is amended to waive and suspend specific statutory time limitations that if strictly applied may result in dismissal of DUI driver license suspensions.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to prevent dismissal of DUI driver license suspension actions, and that the following language of each statutory provision specified below is hereby waived and suspended until midnight on May 3, 2020:

1. RCW 46.20.308(7), the following language only: "The hearing shall be held within thirty days, excluding Saturdays, Sundays, and legal holidays, following the date of timely receipt of such request for a formal hearing before the department or thirty days, excluding Saturdays, Sundays, and legal holidays following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license under subsection (5) of this section extended, if the person is otherwise eligible for licensing."; and
2. RCW 46.20.308(9), the following language only: "The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall

issue a temporary license, or extend any valid temporary license under subsection (5) of this section, for the period of the stay.”

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 3rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
EXTENDING PROCLAMATIONS 20-08 AND 20-09**

20-09.1

Statewide K-12 School Closures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, and 20-42, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, as a result of increasing rates of COVID-19 related infections, hospitalizations and death, I issued Proclamation 20-25.1 on April 2, 2020, extending Proclamation 20-25 “Stay Home – Stay Healthy”, continuing the prohibitions on all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein, until May 4, 2020; and

WHEREAS, there are currently at least 7,984 cases of COVID-19 in Washington State with 338 associated deaths, and models predict that many hospitals in Washington State may reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the State; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, protect our people from its effects, and reduce the impact on our health care system, it is necessary to continue stringent social distancing and sanitation requirements, restrictions on gatherings and personal interactions, and closure of our K-12 schools statewide; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08 and 20-09 (Statewide K-12 School Closures) are amended to extend the prohibitions and expiration dates therein, unless modified herein, until 11:59 p.m. on June 19, 2020. All other provisions of Proclamations 20-08 and 20-09 shall remain in full force and effect. Although all prohibitions in 20-08 and 20-09 are extended by this order, the following prohibitions that apply in all counties of the state of Washington are repeated here as a convenience to the reader:

- Each public school district, charter school, and private school is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities; and
- The Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, although all other provisions of Proclamations 20-08 and 20-09 are extended by this order, the following provisions in 20-08 and 20-09 are repeated here as a convenience to the reader:

- Nothing in this order shall be construed as precluding a public school district, charter school, or private school from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.
- Further, nothing in this order shall be construed as precluding public school districts, charter schools, or private schools from providing supports to students necessary to meet course and credit requirements for high school graduation.

FURTHERMORE, if a public school or private school determines that the provision of in- person educational services on the premises of a school facility is essential and necessary under state or federal law, nothing in this order precludes the school from providing the services on site. However, schools are prohibited from providing these essential and necessary services unless state Department of Health guidelines for social distancing and proper hygiene practices are followed at all times.

FURTHERMORE, I strongly encourage all K-12 schools subject to this extension of Proclamations 20-08 and 20-09 to continue providing distance learning services through June 19, 2020, to the extent reasonably possible.

ADDITIONALLY, consistent with receiving ongoing school apportionment funding, I strongly encourage school districts, and the exclusive representatives of school employees, to continue to work together to ensure distance learning opportunities for all students during the duration of the school closure.

ADDITIONALLY, I encourage all K-12 schools subject to this extension of Proclamations 20-08 and 20-09 to immediately plan for the potential extension of these prohibitions into the summer and fall of 2020, should it be determined necessary to help preserve and maintain life, health, property or the public peace in response to the COVID-19 State of Emergency.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 6th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-43

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, and 20-42, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, Washington State employees who have not authorized direct deposit of their paychecks and who have not authorized the state to mail paychecks to them currently must pick up their paychecks in person from their office locations; and

WHEREAS, pursuant to prior proclamations and agency directives, state office buildings are closed, employees are not authorized to enter state buildings without specific permission, and all persons (including state employees) have been directed to “Stay Home, Stay Healthy;” and

WHEREAS, certain statutory and regulatory policies related to state administration and personnel operations are hindering the ability of state agencies and offices to maximize employee availability for response to hardships occurring during the COVID-19 pandemic; and

WHEREAS, without suspension of specific statutory and/or regulatory provisions related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual, state employees will be not be timely paid and/or will be less available to respond to the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action by impeding payment of salary to state employees and/or lessening state employees' flexibility with regard to leave sharing or accrual.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on May 10, 2020:

1. RCW 42.16.010(1)(c), the following language only: “, provided that the employee has requested payment by mail”
2. 41.04.665(1)(f) (passed as HB 2739, Chapter 6, 2020 Laws, signed by the Governor on March 17, 2020 but not yet in the online RCWs), the following language only: “if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider” and “suspected or confirmed infection with or exposure to”
3. RCW 43.01.044(5)
4. RCW 43.01.043, the following language only: “that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043”

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-44

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-

27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, 20-42, and 20-43, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 7,984 cases of COVID-19 in Washington State with 338 associated deaths, and models predict that many hospitals and nursing homes throughout the state will reach capacity or become overwhelmed by the COVID-19 crisis within the next few weeks unless action is immediately taken to significantly slow its spread and address its impacts; and

WHEREAS, hospitalizations for COVID-19-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, our most vulnerable populations are at greatest risk to their life, health and safety from the threat of COVID-19, especially for those receiving long-term care services in congregate settings such as nursing homes; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is immediately necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID-19 related cohorting purposes; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-05 is hereby amended to waive and suspend certain statutory and regulatory provisions that prevent, hinder, or delay action that is necessary to cope with the COVID-19 pandemic by temporarily expediting the ability to transfer or discharge nursing home residents to other long-term care facilities for specific COVID-19 related cohorting purposes, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the

outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations and limitations will prevent, hinder, or delay certain transfers or discharges of nursing home residents to other long-term care facilities that are necessary to expedite the grouping or cohorting of residents to reduce the spread of COVID-19 among our most vulnerable populations and relieve stress on our health care system to meet the increased demand of addressing COVID-19 related illnesses, and that each statutory and regulatory provision or portion thereof as specified below is hereby waived and suspended until 11:59 p.m. on May 10, 2020:

1. RCW 74.42.450(6) in its entirety.
2. WAC 388-97-0140(1)(c)(ii) in its entirety.
3. WAC 388-97-0140(2) in its entirety.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-45

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-44, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 and 20-25.1 ("Stay Home, Stay Healthy") restricting Washington residents' movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state's district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit court authority to issue initial or preliminary protection orders effective for more than a short time period, and require personal service of process and full court hearings to extend the effective time of the protection orders; and

WHEREAS, directives issued by the Governor, limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited, and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, court personnel, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social-distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology may also provide the means to e-file documents; to allow service of process by law enforcement through means such as text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service – by email or text message, or through social media applications – are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time-consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault,

stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory time restrictions or requirements relating to court-issued initial or preliminary protection orders will enable judges and magistrates to issue protection orders that remain effective for periods of time appropriate to the facts of the individual case; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for full and in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that limit the authority of courts to issue initial protection orders for more than a short period of time without full and/or in-person hearings; and to allow for use of alternative means of service, including electronic means of service, while continuing in-person service by law enforcement, when feasible, when courts have ordered firearms to be surrendered and there are concerns about increased risk of lethality, or other important public safety matters arise, including when a respondent is to be removed from a shared residence or child custody matter needs to be addressed.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein with specific language stricken (for example, “~~personal~~”), until 11:59PM on May 10, 2020:

1. RCW 10.14.070, (Harassment, Hearing—Service), the following stricken language only: Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order~~. If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order~~. Except as provided in RCW 10.14.085, ~~personal~~ service shall be made upon the respondent not less than five court days before the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by~~

~~publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the hearing date not later than twenty four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.~~

2. RCW 10.14.080(2), (Harassment: Antiharassment protection orders –Ex parte temporary--etal) the following stricken language only:

~~(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 10.14.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.~~

3. RCW 10.14.080(5), (Harassment: Antiharassment protection orders –Ex parte temporary—et al), the following stricken language only:

~~(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.~~

4. RCW 10.14.085(1)(a) through (d), (Harassment: Hearing reset after ex parte order— Service by publication—et al)

5. RCW 10.14.100, (Harassment: Service of order.), the following stricken language only:

~~(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section.~~

~~(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.~~

~~(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.~~

~~(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.~~

~~(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.~~

~~(6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.~~

~~(7) If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080. Service by publication must comply with the requirements of RCW 10.14.085.~~

6. RCW 26.09.060(3), (Dissolution Proceedings: Temporary maintenance or child support et al)

~~(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the~~

relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period ~~not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.~~

7. RCW 26.50.050, (Domestic Violence Protection: Hearing—Service—Time): the following stricken language only:
Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.

8. RCW 26.50.060(2) and (6), (Domestic Violence Prevention: Relief et al): the following stricken language only:
(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period ~~not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, *26.10, 26.26A, or 26.26B RCW.~~ With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.
(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following ~~personal service, service by publication, or service by mail~~ and whether the court has approved ~~service by publication or mail of an order issued under this section.~~

9. RCW 26.50.070(5), (Domestic Violence Prevention: Ex parte temporary order for protection), the following stricken language only:
(5) An ex parte temporary order for protection shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123.~~ The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted.~~ ~~Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.~~

10. RCW 26.50.085(1)(a) through (d), (Domestic Violence Prevention: Hearing reset after ex parte order et al), the following stricken language only:
(1) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~
(a) ~~The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~
(b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
(c) ~~The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~
(d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

11. RCW 26.50.090, (Domestic Violence Prevention: Order—Service—Fees), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (6) and ~~(8)~~ of this section.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued

under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(8) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.~~

12. RCW 26.50.123(1), (Domestic Violence Prevention: Service by mail), the following stricken language only:

(1) ~~In circumstances justifying service by publication under RCW 26.50.085(1), if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

13. RCW 74.34.120(1), (2) and (3), (Abuse of Vulnerable Adults: Protection of vulnerable adults—Hearing), the following stricken language only:

(1) The court shall order a hearing on a petition under RCW 74.34.110 ~~not later than fourteen days from the date of filing the petition.~~

(2) ~~Personal service shall be made upon the respondent not less than six court days before the hearing. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.~~

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be ~~personally~~ served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.

14. RCW 74.34.135(2), reflecting amendments passed by the Legislature in 2020 pursuant to ESSB 6287, Chapter 312, 2020 Laws, and signed by the Governor on April 2, 2020, that are not yet codified in the RCWs (Abuse of Vulnerable Adults: Protection of vulnerable adults—Filings by others—Dismissal of petition or order et al), the following stricken language only:

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held ~~within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition.~~ Notice of the time and place of the evidentiary hearing shall be ~~personally~~ served upon the vulnerable adult and the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~ If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over 38 either the person or the estate, or both, under the~~

~~guardianship laws,))~~ subject to a guardianship, conservatorship, or other protection arrangement under chapter ((44-88)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

15. RCW 7.90.050: (Sexual Assault Protection Order: Petition etal), the following stricken language only:

~~Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.~~

16. RCW 7.90.052(1), (Sexual Assault Protection Order: Service by publication), Subsection

(1) is stricken in its entirety.

17. RCW 7.90.053(1), (Sexual Assault Protection Order: Service by mail), the following stricken language only:

(1) ~~In circumstances justifying service by publication under RCW 7.90.052, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. The service must be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

18. 7.90.120(1)(a), (Sexual Assault Protection Order: Ex parte orders), the following stricken language only:

(1)(a) ~~An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.~~

19. RCW 7.90.121(4), (Sexual Assault Protection Order: Renewal of ex parte order), the following stricken language only:

(4)(a) ~~If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.~~

(b) ~~The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.~~

(c) ~~The respondent shall be personally served not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order.~~

20. RCW 7.90.140, (Sexual Assault Protection Order: Service to respondent), the following stricken language only:

(1) ~~An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.~~

(2) ~~The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.~~

(3) ~~If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued~~

under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication under RCW 7.90.052 or service by mail under RCW 7.90.053, the court may permit service by publication or service by mail of the order of protection issued under this chapter. Service by publication must comply with the requirements of RCW 7.90.052 and service by mail must comply with the requirements of RCW 7.90.053. The court order must state whether the court permitted service by publication or service by mail.~~

21. RCW 7.90.170(3), (Sexual Assault Protection Order: Modification or termination of protection orders), the following stricken language only:

(3) The court shall order that a hearing on the motion for termination or modification of the order be held ~~not later than fourteen days from the date of the order.~~ The nonmoving party shall be personally served not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. ~~If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~

22. RCW 7.92.060, (Jennifer Paulson Stalking Protection Order: Petition et al) The following stricken language only:

Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone, ~~to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 7.92.150, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service or other service as permitted under RCW 7.92.150. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.~~

23. RCW 7.92.120(5), (Jennifer Paulson Stalking Protection Order: Ex parte temporary order et al), the following stricken language only:

(5) An ex parte temporary stalking protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted.~~ Unless the court has permitted service by publication or mail, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

24. RCW 7.92.150(1) through (7)(e) and (8), (Jennifer Paulson Stalking Protection Order: Protection orders—service to respondent et al), the following stricken language only:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6), ~~(7), or (8)~~ of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be personally served.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~

- ~~(a) The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer or private process server made to complete service;~~
- ~~(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
- ~~(c) The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;~~
- ~~(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;~~
- ~~(e) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and~~
- ~~(8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
- ~~(a) Proof of service under this section shall be consistent with court rules for civil proceedings.~~
- ~~(b) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.~~

25. RCW 7.94.040(1), (Extreme Risk Protection Orders: Hearings on petition et al), the following stricken language only:

- ~~(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.~~
- ~~(a) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.~~
- ~~(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.~~
- ~~(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication or mail as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.~~
- ~~(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.~~

26. RCW 7.94.050(5), (Extreme Risk Protection Orders: Ex parte orders), the following language only:

- ~~(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing within fourteen days of the issuance of an ex parte extreme risk protection order to determine if a one-year extreme risk protection order should be issued under this chapter.~~

27. RCW 7.94.060(1), (2) and (6), (Extreme Risk Protection Orders: Service of orders), the following stricken language only:

- ~~(1) An extreme risk protection order issued under RCW 7.94.040 must be personally served upon the respondent, except as otherwise provided in this chapter.~~
- ~~(2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent personally, unless the petitioner elects to have the respondent served by a private party.~~
- ~~(6) If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW 7.94.070, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter as provided in RCW 7.94.070. The court order must state whether the court permitted service by publication or service by mail.~~

ADDITIONALLY, while the purposes of this order are to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in

this order prohibits the use of personal service, including in instances in which it is no longer required under statute. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my Office acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. This Order is intended to complement, support, and further those efforts.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 10th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-46

High-Risk Employees – Workers’ Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-45, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout the state of Washington, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, the threat of severe illness and death from COVID-19 to Washington State’s public and private sector workers who are in these higher-risk groups is recognized, and action must be taken to protect them from working conditions that require them to be placed in situations where they may be exposed to infection by the virus that causes the COVID-19 disease; and

WHEREAS, during this critical period of virus spread throughout our state, public and private sector workers in these high-risk groups must have access to accommodations to prevent greater risk of contracting COVID-19, and these decisions cannot be left solely to the employer; and

WHEREAS, to protect our public and private sector workers in these high-risk categories from the significant life, health and safety risks of the COVID-19 disease, it is necessary that employers seek any and all options for alternative work arrangements and that these workers are protected from job displacement, loss of employment benefits, and any requirement that they use personal accrued leave before applying for any available unemployment benefits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people, as well as the state economy, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect; and, that Proclamation 20-05 is amended, through the exercise of my prohibitory powers under RCW 43.06.220(1)(h), to prevent all employers, public or private, from failing to provide accommodation to high-risk workers, as defined by the Centers for Disease Control and Prevention, that protects them from risk of exposure to the COVID-19 disease on the job. If an employer determines that alternative work arrangements are not feasible, the employer is prohibited from failing to permit an employee to utilize all available accrued leave options free from risk of adverse employment action.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all public and private employers in Washington State from taking any action that is inconsistent with the following practices related to high-risk employees, as that term is described or defined in guidance issued by the Centers for Disease Control and Prevention.

This prohibition shall remain in effect until 11:59 PM on June 12, 2020, unless extended beyond that date:

1. Employers are prohibited from failing to utilize all available options for alternative work assignments to protect high-risk employees, if requested, from exposure to the COVID-19 disease, including but not limited to telework, alternative or remote work locations, reassignment, and social distancing measures; and
2. Employers are prohibited from failing to permit any high-risk employee in a situation where an alternative work arrangement is not feasible to use any available employer- granted accrued leave or unemployment insurance in any sequence at the discretion of the employee; and
3. In the event the employee's paid time off exhausts during the period of leave, employers are prohibited from failing to fully maintain all employer-related health insurance benefits until the employee is deemed eligible to return to work; and
4. Employers are prohibited from taking adverse employment action against an employee for exercising their rights under this Proclamation that would result in loss of the employee's current employment position by permanent replacement.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace and to support implementation of the above prohibited activities by employers, I also hereby prohibit all public and private employers in Washington State and labor unions representing employees in Washington State from applying or enforcing any employment contract provisions that contradict or otherwise interfere with the above prohibitions and the intent of this Proclamation as described herein until 11:59 PM on June 12, 2020, unless extended beyond that date.

To the greatest extent possible, all prohibitions in this Proclamation shall be construed to protect the employee from loss of their position, loss of employment benefits, and retaliation for decisions made regarding whether and how to work for their employer pursuant to this Proclamation.

This Proclamation shall not be construed to prohibit employers from hiring temporary employees so long as it does not negatively impact the permanent employee's right under this Proclamation to return to their employment position without any negative ramifications to their employment status by the employer.

This Proclamation also shall not be construed to prohibit an employer from requiring an employee who does not report to work under this Proclamation to give up to five days' advance notice to the employer of any decision to report to work or return to work under this Proclamation.

This Proclamation also shall not be construed to prohibit an employer from taking employment action when no work reasonably exists, such as in a circumstance of a reduction in force, for a high-risk employee during this Proclamation. However, in the case that no work exists, employers shall not take action that may adversely impact an employee's eligibility for unemployment benefits.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05**

20-47

Criminal Justice - Limitation of Actions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-46, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses, and has also impacted the ability of essential functions, like our courts, to be fully accessible and operational; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control and Prevention, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 and 20-25.1 ("Stay Home, Stay Healthy") restricting Washington residents' movement outside their homes; and

WHEREAS, directives issued by the Governor, limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited and restrict court operations; and

WHEREAS, current statutes limit prosecutors' and courts' ability to file and process criminal cases during the COVID-19 pandemic, and temporarily waiving and suspending some statutes of limitation and other timelines will help courts maintain the criminal justice system during the COVID-19 pandemic; and

WHEREAS, preserving the rights of individuals to petition the court for post-conviction relief is essential to our system of justice, and current statutes also limit an individual's right to seek such relief; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that limit prosecutors' and courts' ability to file and process criminal cases, and is also amended to waive and suspend statutes that limit an individual's right to seek post-conviction relief, during the COVID-19 pandemic.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will restrict the ability of prosecutors and courts to file and process criminal cases, and will restrict the ability of individuals to seek post-conviction relief, and prevent, hinder, or delay the ability of our criminal justice system to respond to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until midnight on May 14, 2020:

1. RCW 9A.04.080(1)(b)-(k)
2. RCW 10.73.090

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-48

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-47, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through June 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through June 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before taking a CDL skills examination, and the FMCSA has waived that requirement through June 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through June 30, 2020; and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health

of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect and is amended to waive and suspend specific statutory time limitations that if strictly applied may result in a significant reduction of commercial truck drivers.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to retain essential commercial drivers to transport goods in the supply chain, and that the following language of each statutory provision specified below is hereby waived and suspended in their entirety, unless specified herein, until midnight on May 14, 2020:

1. RCW 46.25.052(3), the following language only: "The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision."
2. RCW 46.25.052(8), the following language only: "A CLP may not be issued for a period to exceed one hundred eighty days." and "for one additional one hundred eighty-day period"
3. RCW 46.25.054(5)(b)
4. RCW 46.25.057
5. RCW 46.25.060(1)(a)(iv), the following language only: "The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department."
6. RCW 46.25.075(3)(b)
7. RCW 46.25.075(4)(a), the following language only: "a driver's medical certification or medical variance expires, or"
8. RCW 46.25.075(4)(b)
9. RCW 46.25.085(1), the following word only: "renew," 10. RCW 46.25.088(2)(c)

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the waivers and suspensions of RCW 46.25.075(3)(b), and RCW 46.25.075(4), RCW 46.25.057 from applying to any CDL/CLP holder except to those who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-49

Garnishments and Accrual of Interest

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-48 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their ability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of wages or other income, including CARES Act stimulus payments, to collect judgments for consumer debt, as authorized under RCW 6.27, and the mounting interest on that debt, as authorized under RCW 4.56.110(1) and (5), will further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishment of wages and other income to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, a temporary moratorium on garnishments of wages and other income to collect judgments for consumer debt throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to temporarily prohibit certain garnishments statewide until 11:59 PM on May 14, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that allowing garnishments to collect judgments for consumer debt and accrual of post- judgment interest on such judgments and that strict compliance with the following statutory provisions would risk the life, health and safety of people who are impacted by the economic downturn throughout Washington State and are unable to pay for basic household needs, and would prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05 and therefore, the following statutory provisions specified below are hereby waived and suspended in their entirety, until 11:59 PM on May 14, 2020:

1. RCW 6.27.020(1) and (2)
2. RCW 6.27.060
3. RCW 6.27.070(1)
4. RCW 6.27.080(2) and (3)
5. RCW 6.27.110(1) and (2)
6. RCW 6.27.120(1)
7. RCW 6.27.130(1) and (3)
8. RCW 4.56.110(1) and (5)

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until 11:59 PM on May 14, 2020, I hereby prohibit the waivers and suspensions listed above from being applied to any judgment creditor, directly or through others acting on their behalf, except for the garnishment of wages and other income to collect judgments for consumer debt as defined in RCW 6.01.060(2), and for the accrual of post-judgment interest on judgments for consumer debt.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-50
Reducing Prison Population**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-49, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has resulted in the requirement to practice safe distancing as described by the Centers for Disease Control and Prevention and the Washington State Department of Health to avoid contracting the virus; and

WHEREAS, although the Department of Corrections has taken aggressive action to mitigate the risk of COVID-19, current statutory barriers limit the Department's ability to respond swiftly to the COVID-19 emergency, including the ability to achieve safe distancing for individuals incarcerated in correctional facilities, by quickly reducing, where possible, the current population of incarcerated individuals at Washington State correctional facilities, a barrier that has become more challenging because there are currently correctional facility staff and incarcerated individuals who have become infected with COVID-19; and

WHEREAS, on March 30, 2020, to reduce the incarcerated population in Washington, I issued Emergency Proclamation 20-35, which removes a requirement to arrest and incarcerate certain individuals who have violated the terms of their community supervision. The Department of Corrections is also now using its administrative authority to release individuals incarcerated on past violations.

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to assist in relieving these demands on our health care system, and to help preserve and maintain life, health, property or the public peace by granting the governor greater authority to more broadly and efficiently wield his clemency authority to reduce the prison population.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended, except as otherwise provided herein, until 11:59 PM on May 15, 2020:

1. RCW 10.01.120 – only the following: “, upon the petition of the person convicted,”
2. RCW 9.94A.565(1) – only the following: “on an individual case-by-case basis”
3. RCW 9.94A.728(1)(d) – only the following: “, upon recommendation from the clemency and pardons board,”
4. RCW 72.09.710(1)
5. RCW 72.09.712(1), (2)
6. RCW 9.94A.729(5)(b) – only the following: “that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community”
7. RCW 9.94A.729(5)(c) – only the following: “, including proposed residence location”
8. RCW 9.94A.733(1) – the following only: “No more than the final six months of” and “However, an offender may not participate in the graduated reentry program under this section unless he or she has served at least twelve months in total confinement in a state correctional facility.”
9. RCW 9.94A.733(2) – the following only: “and must assist the offender's transition from confinement to the community.”
10. RCW 9.94A.734(4)(a)
11. RCW 9.94A.736(2)(c) – the following only: “through in-person contact”
12. RCW 9.94A.728(1)(c)(iii)
13. RCW 9.94A.728(1)(e) – the following only: “No more than the final twelve months of”
14. RCW 9.94A.728(1)(f) – the following only: “No more than the final six months of”
15. RCW 72.66.036
16. RCW 72.09.270(8)(a), (b), (c)

FURTHERMORE, though this emergency proclamation waives certain statutory notification requirement provisions, for individuals whose releases otherwise would have required the Department of Corrections to provide community or victim/witness notifications, the Department of Corrections must still make reasonable efforts to provide notification to the relevant parties at least 48 hours in advance of the individual's release from custody.

FURTHERMORE, I direct the Department of Corrections to continue to explore actions to identify other incarcerated individuals for potential release through Rapid Reentry, furlough, commutation, or emergency medical release, as eligible and needed.

Nothing in this proclamation is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-19**

**20-19.1
Evictions**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-50 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on March 20, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-607, and ordered that all non-emergency civil matters shall be continued until after April 24, 2020, except such motions, actions on agreed orders, conferences or other proceedings as can appropriately be conducted without requiring in-person attendance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;" and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who lawfully occupy or reside in less traditional dwelling situations that may or may not be documented in a lease, including, but not limited to, roommates who share a home; transient housing in hotels and motels; "Airbnbs"; motor homes; RVs; and camping areas; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities or employment in essential business services, and promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19 are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until June 4, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until June 4, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders or agreements to vacate involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that the individual(s) named in the eviction order is creating a significant and immediate risk to the health or safety of others.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any

unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident.**

- Landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent or the amount of any deposit for any dwelling or parcel of land occupied as a dwelling. This prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was not deemed essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health or safety of others created by the resident” (a) is one that is described with particularity, and cannot be established on the basis of the resident’s own health condition or disability; and (b) excludes residents who may have been exposed to, or may have contracted, the COVID-19, or who are following Department of Health guidelines regarding isolation or quarantine.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude for the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I strongly encourage every tenant to pay what they can, as soon as they can, to help support the landlords, property owners, and property managers who are supporting them through this crisis.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

PROCLAMATION BY THE GOVERNOR AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22

20-22.1

Extending Truck Driver Hours Relief

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, it is essential to public health and safety to maintain a steady supply of grocery, medical, pharmaceutical, fuel and other commodities necessary to support COVID-19 emergency relief efforts, and it is anticipated that the number of commercial drivers available to transport commodities will be reduced by the spread of the virus which will prevent or delay such deliveries throughout the State; and

WHEREAS, the transportation industry is experiencing driver shortages, and that shortage has increased with the closure of schools, increased rates of virus exposure and infection, and the unavailability of childcare, and there has been a significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-22, including the exemptions from and limitations on application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, is extended until 11:59 p.m. on May 15, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of April, A.D., Two Thousand and Twenty at

Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05, 20-23 and 20-23.1**

20-23.2

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, which was amended on March 24, 2020, by Proclamation 20-23.1, in which I prohibited certain activities and ordered the following statutory waivers and suspensions for 30 days subject to Legislative extension: (1) I waived and suspended RCW 80.04.130(1) and RCW 80.28.060(1) pursuant to the provisions of RCW 43.06.220(2)(d), RCW 80.04.130(8), and RCW 80.28.060(2), and (2) I waived and suspended RCW 80.04.110(1)(a) and RW 80.28.068 under the provisions of RCW 43.06.220(2)(g), until midnight on April 17, 2020; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), these statutory waivers and suspensions were extended by the leadership of the Washington State Senate and House of Representatives to May 4, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23 and 20-23.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives to May 4, 2020, (2) extend my order prohibiting certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies or otherwise provide services to address the consequences of the COVID-19 pandemic until May 4, 2020, and (3) under RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, prohibit all energy, telecommunications, and water utilities in Washington State from disconnecting certain residential utilities and from charging related late payment and reconnection fees until May 4, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

IT IS HEREBY RECOGNIZED that, pursuant to RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives has extended my statutory waivers and suspensions of the following statutes in Proclamations 20-23 and 20-23.1 to May 4, 2020:

1. RCW 80.04.130(1); and
2. RCW 80.28.060(1)
3. RCW 80.04.110(1)(a); and
4. RCW 80.28.068

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace in addressing the COVID-19 State of Emergency, I extend Proclamations 20-23 and 20-23.1 prohibiting the Washington State Utilities and Transportation Commission from applying the waiver and suspension of RCW 80.04.110(1)(a) and RCW 80.28.068 for any purpose other than providing relief to members of the public affected directly or indirectly by the COVID-19 pandemic while this Proclamation remains in effect.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and while the statutory waivers and suspensions of this Proclamation remain in effect, I hereby extend Proclamations 20-23 and 20-23.1 prohibiting the Washington State Utilities and Transportation Commission or any other person or entity from using or otherwise relying upon the waiver or suspension of any statutory provisions identified herein for any purpose other than assisting utility customers throughout Washington State impacted by the economic consequences of the COVID-19 pandemic and using surplus balances from electric and natural gas utility low income accounts to support community action agencies or otherwise provide services intended to address the consequences of the COVID-19 pandemic in Washington State.

FURTHERMORE, I make the following findings:

- (1) Many local governments have issued emergency declarations regarding the COVID-19 pandemic.
- (2) The following entities are authorized to provide essential utility services in Washington State:
 - a) Municipal utilities, public utility districts, and water and sewer districts authorized under Title 35 RCW, Title 54 RCW, and

Title 57 RCW;

b) Electrical, natural gas, telecommunications, and water companies regulated by the Utilities and Transportation Commission under Title 80 RCW;

c) Cooperatives formed under Chapter 23.86 RCW; and

d) Mutual corporations or associations formed under Chapter 24.06 RCW.

e) Public water systems formed under Chapter 70.119A RCW.

(3) Preserving and maintaining essential utility services to vulnerable populations during this crisis supports the fundamental public purpose of protecting public health and welfare.

FURTHERMORE, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities from March 23, 2020, the date Proclamation 20-25 was signed, until May 4, 2020: (1) disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment, except at the request of the customer; (2) refusing to reconnect any residential customer who has been disconnected due to nonpayment; and (3) charging fees for late payment or reconnection of energy, telecommunications, or water service.

Additionally, I strongly encourage all entities providing utility services in Washington State to take reasonable actions to mitigate the economic impacts of the COVID-19 pandemic on their utility customers caused by this crisis, including but not limited to: enacting flexible credit and collection procedures, such as using payment plans to fulfill customer outstanding balances; coordinating with the Department of Commerce to help eligible customers gain access to federal funding for energy bill assistance; employing internal processes and procedures to facilitate social distancing and proper hygiene practices; and closing facilities to the public. **I also strongly encourage** municipal and public utility boards and commissions to delegate authority to senior utility executives to take any and all actions necessary or appropriate to mitigate the economic impacts to their utility customers to address the COVID-19 crisis.

Additionally, these prohibitions do not relieve a utility customer from the obligation to pay for utility services.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-51

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Centers for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25 and 20-25.1 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State’s economic vitality, including severe impacts to the large number of small businesses that make Washington State’s economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-05 is amended to waive or suspend specified statutes, as provided herein, that prevent, hinder or delay action by community associations that is necessary to hold meetings remotely and provide relief to members from imposition of interest and late fees for late payment of association assessments in coping with the effects of the COVID-19 State of Emergency.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory obligations or limitations will prevent, hinder or delay necessary action in providing relief to members of community associations throughout Washington State in coping with the COVID-19 State of Emergency by limiting the ability of community associations to conduct remote meetings and to provide relief to members from the imposition of late fees and interest for late payment of association assessments, and that the specific provisions stricken (for example, “~~personal~~”) in each statute as identified below are hereby waived and suspended until 11:59 p.m. on May 17, 2020:

1. RCW 24.03.085(2) – the following stricken provisions only:

- (2) A member may vote in person or, ~~if so authorized by the articles of incorporation or the bylaws,~~ may vote by mail, by electronic transmission, or by proxy in the form of a record executed by the member or a duly authorized attorney-in-fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

2. RCW 24.03.085(3) – the following stricken provisions only:

- (3) ~~If specifically permitted by the articles of incorporation or bylaws,~~ whenever proposals or directors or officers are to be elected by members, the vote may be taken by mail or by electronic transmission if the name of each candidate and the text of each proposal to be voted upon are set forth in a record accompanying or contained in the notice of meeting. ~~If the bylaws provide,~~ an election may be conducted by electronic transmission if the corporation has designated an address, location, or system to which the ballot may be electronically transmitted and the ballot is electronically transmitted to the designated address, location, or system, in an executed electronically transmitted record. Members voting by mail or electronic transmission are present for all purposes of quorum, count of votes, and percentages of total voting power present.

3. RCW 24.03.075 – the following stricken provisions only:

- Meetings of members and committees of members may be held at such place, either within or without this state, as stated in or fixed in accordance with the bylaws. In the absence of any such provision, all meetings must be held at the registered office of the corporation in this state.

An annual meeting of the members must be held at the time stated in or fixed in accordance with the bylaws. Failure to hold the annual meeting at the designated time does not work a forfeiture or dissolution of the corporation.

Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by other officers or persons or number or proportion of members as provided in the articles of incorporation or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members having one- twentieth of the votes entitled to be cast at the meeting.

~~Except as otherwise restricted by the articles of incorporation or the bylaws,~~ members and any committee of members of the corporation may participate in a meeting by conference telephone or similar communications equipment so that all persons participating in the meeting can hear each other at the same time. Participation by that method constitutes presence in person at a meeting.

4. RCW 24.03.120 – the following stricken provisions only:

- Meetings of the board of directors, regular or special, may be held either within or without this state.

Regular meetings of the board of directors or of any committee designated by the board of directors may be held with or without notice as prescribed in the bylaws. Special meeting of the board of directors or any committee designated by the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director or a committee member at a meeting shall constitute a waiver of notice of such meeting, except where a director or a committee member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors or any committee designated by the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws. If notice of regular or special meetings is provided by electronic transmission, it must satisfy the requirements of RCW 24.03.009.

~~Except as may be otherwise restricted by the articles of incorporation or bylaws,~~ members of the board of directors or any committee designated by the board of directors may participate in a meeting of such board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

5. RCW 64.90.445(1)(f) – in its entirety as follows:

- (f) ~~The declaration or organizational documents may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.~~

6. RCW 64.90.445(2)(i) -- the following stricken provisions only:

- ~~Unless the organizational documents provide otherwise,~~ the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

7. RCW 64.34.304(1)(k) -- in its entirety as follows:

(k) ~~Impose and collect charges for late payment of assessments pursuant to RCW 64.34.364(13) and, after notice and an opportunity to be heard by the board of directors or by such representative designated by the board of directors and in accordance with such procedures as provided in the declaration or bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule thereof adopted by the board of directors and furnished to the owners for violations of the declaration, bylaws, and rules and regulations of the association;~~

8. RCW 64.34.364(13) – in its entirety as follows:

- (13) ~~The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.~~

9. RCW 64.38.020(11) – in its entirety as follows:

• (11) ~~Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;~~

10. RCW 64.90.405(2)(k) – in its entirety as follows:

(k) ~~Collect assessments and impose and collect reasonable charges for late payment of assessments;~~

11. RCW 64.90.485(18) – in its entirety as follows:

• (18) ~~The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.~~

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR LEGISLATIVE EXTENSION OF 20-15

20-15.1

Department of Licensing

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15 have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and that Proclamation 20-15 is hereby extended until May 4, 2020.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-20 20-20.1**

20-20.1

Extending Department of Revenue Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-20 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-21 20-21.1**

20-21.1

Unemployment Benefit – 1 Week Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-21, it is also necessary for me to extend the waiver and suspension rules as provided in Proclamation 20-21; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-20 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-26**

20-26.1

Extension - Liquor and Cannabis Board

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the WSLCB are continuing to suffer significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-26, waiving and suspending laws and imposing certain prohibitions relating to tax penalties, fees, interest, and due dates in order to provide tax relief to licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-26 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-27**

20-27.1

Extension - Electronic Notary

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services and continues to require a reduction in person to person contact; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-27 is amended to recognize the extension of a statutory waiver and suspension therein by the leadership of the

Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28**

20-28.1

Extension - Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus and related prohibition; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services and continues to require a reduction in person to person contact; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-28 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29**

**20-29.1
Extension - Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified

laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services and continues to require a reduction in person to person contact; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-29 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30**

20-30.1

Extension - Unemployment Benefit – Job Search Requirement

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-30, it is also necessary for me to extend the waiver and suspension rules as provided in Proclamation 20-30; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-30 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020,

whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-31**

20-31.1

Extension - Department of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections may compromise the ability of our health care system to deliver necessary health care services and continues to require and result in a reduction in person to person contact and the availability of certain businesses, including those that produce fingerprints; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending statutes and rules relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-31 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

PROCLAMATION BY THE GOVERNOR AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-32

20-32.1

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections may compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-32, it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-32 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until May 4, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-33**

20-33.1

Extension - Department of Children, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections may compromise the ability of our health care system to deliver necessary health care services and continues to require a reduction in person to person contact; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-33 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-34**

20-34.1

Extension - State Auditor's Office – Financial Reporting

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many local government agencies continues to significantly impact their ability to adequately staff various administrative and operational activities, and requires temporary relief from the time constraints imposed on filing financial reports under RCW 43.09.230;

WHEREAS, on March 26, 2020, I issued Proclamation 20-34, waiving and suspending a portion of RCW 43.09.230 requiring reports to be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-34 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-34 is amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 4

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18**

20-52

Extending Statewide Orders Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-51 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, there are currently at least 12,494 cases of COVID-19 in Washington State with 692 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, an adequate number of long term care workers is necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has significantly reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system.

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 23rd day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval

**MEMORANDUM BY THE GOVERNOR
AMENDING PROCLAMATION 20-25**

**20-25.1
Implementation of Phase 1 Construction Restart**

TO: Interested Stakeholders
FROM: Governor Jay Inslee
DATE: April 29, 2020
SUBJECT: Implementation of Phase 1 Construction Restart – Proclamation 20-25

As an addendum to Proclamation 20-25, this memorandum serves as the criteria for a limited Phase 1 Construction Restart.

After working with representatives from the Construction Roundtable, we have developed the comprehensive Phase 1 Construction Restart COVID-19 Job Site Requirements and Frequently Asked Questions. These requirements apply to all previously and newly authorized construction activities in Washington as long as Gubernatorial Proclamation 20-25, or any extension thereof, is in effect or if adopted as rules by a federal, state or local regulatory agency.

Authorized construction now includes:

- Construction previously authorized under Proclamation 20-25 and Governor Inslee’s March 25, 2020, memo on construction.
- Construction not previously authorized under Proclamation 20-25 and the March 25, 2020, memo that was in existence on March 23, 2020. For purposes of this memo, *in existence* means construction activity that is a) needed to fulfill an obligation under a contract effective prior to March 23, 2020, or b) authorized by a government-issued permit obtained prior to March 23, 2020

Although Proclamation 20-25 and the Governor’s March 25, 2020, memo will still be used to determine whether a construction project was *previously authorized*, this memorandum sets aside all restrictions on construction activity in those documents. Specifically, this memorandum allows *authorized construction* that meets a low-risk threshold of six-foot distancing to operate.

In limited circumstances where six-foot distancing requirements cannot be maintained on a specific task on projects previously authorized under Proclamation 20-25, a hazard assessment and control plan must be implemented identifying appropriate PPE use in accordance with Department of Labor & Industries requirements (<https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>). No newly authorized projects are permitted to break social distancing standards during phase 1.

No jobsite may operate until the contractor can meet and maintain all requirements, including providing materials,

schedules and equipment required to comply. Currently operating projects must be in compliance by no later than Friday, May 1.

- **All items minus numbers 28 and 30 are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH). Workplace safety and health complaints** may be submitted to the L&I Call Center: (1-800-423-7233) or via e-mail to adag235@lni.wa.gov.
- **General questions about how to comply with construction safety practices** can be submitted to the state's Business Response Center at <https://app.smartsheet.com/b/form/2562f1caf5814c46a6bf163762263aa5>.
- **All other violations related to Proclamation 20-25** can be submitted at <https://bit.ly/covid>

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25 AND 20-25.1**

20-25.2

Adjusting Stay Home – Stay Healthy to May 4, 2020

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, and 20-25.1 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, while there are currently at least 13,521 cases of COVID-19 in Washington State with 749 associated deaths, current models predict that we have started to slow its spread throughout the State; and

WHEREAS, Washington State is known for a high level of outdoor recreation on its many trails, parks, lakes, beaches and other outdoor recreational areas, and outdoor recreation is a fundamental part of maintaining physical, emotional and mental health, particularly in a time of great stress;

WHEREAS, these conditions now permit adjustment of some of the prohibitions in Proclamation 20-25 and 20-25.1 to allow for some recreational activities and related employment, while continuing to protect the health and safety of all Washingtonians by retaining the remainder of the prohibitions imposed in Proclamations 20-25 and 20-25.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency

Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim and order that a State of Emergency continues to exist in all counties of the state, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25 and 20-25.1 (Stay Home – Stay Healthy) are amended to extend all of their provisions, except those specifically listed below and as specifically allowed in the requirements available [here](#), and each expiration date therein, to May 4, 2020:

As of April 27, 2020, in order to prepare for re-opening on May 5, 2020, all employees necessary to operate and maintain day-use activity and trails, including those in state parks and state public lands, state hunting and fishing operations, golf operations, and day-use activities and trails in other public parks and public lands are authorized to return to work; and

As of May 5, 2020, the following outdoor recreational activities, when and where permitted, are authorized to commence so long as participants fully comply with the social distancing and coronavirus related hygiene requirements found [here](#), such as:

- Recreational hunting, fishing, and boating
- Outdoor exercise, including hiking, running, walking and biking
- Golfing
- Day-use activities at public parks and public lands

All other provisions of Proclamation 20-25 and 20-25.1 shall remain in full force and effect.

ADDITIONALLY, except as exempted above, I continue to prohibit all other public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved. Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; team sports activities, and similar activities that involve a gathering of people other than a household unit. This prohibition continues to apply to planned wedding and funeral events.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of the Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and coronavirus hygiene practices while engaging in outdoor recreation, or if the numbers of COVID-19 cases increase, I may be forced to reinstate the prohibition of recreational activities.

Signed and sealed with the official seal of the state of Washington on this 27th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-36**

20-36.1

Department of Health – Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 14,070 cases of COVID-19 in Washington State with 801 associated deaths, hospitalizations for COVID-19-like illnesses have sharply increased in the past month, and a large surge in the number of serious COVID-19 infections may compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36 were extended by the leadership to increase the number of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-36, it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-36; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-36 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until May 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-37**

20-37.1

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NAR's to complete mandatory training and testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NAR's after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NAR's after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-05 is amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or May 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-38**

20-38.1

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-

term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-38 is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules and prohibitions therein until termination of the COVID-19 State of Emergency or May 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-39**

20-39.1

Post-Retirement Employment

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices continue to significantly impact their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, it remains necessary to continue the waivers and suspensions of certain statutory restrictions limiting post-retirement employment; and

WHEREAS, on March 31, 2020, I issued Proclamation 20-39, waiving and suspending statutes necessary to encourage retired public sector employees with critical skills for response to the COVID-19 State of Emergency to return to service and fill these critical needs; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-39 is amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41**

**20-41.1
Department of Licensing – License Renewal Extension**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license renewal; and

WHEREAS, on April 3, 2020, I issued Proclamation 20-41, waiving and suspending statutes necessary to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices by temporarily extending the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-41 is amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-42**

20-42.1

Department of Licensing – Driver License Suspension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency continues to significantly impact the ability of many state and local government agencies and offices to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the courts and the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, the Department of Licensing continues to experience difficulty in obtaining necessary sanitation products and ensuring appropriate social distancing to mitigate spread of the COVID-19 virus to employees and members of the public while conducting even limited operations, including the ability to timely conduct administrative hearings and deferred prosecutions for driver license suspension arising from DUI arrests; and

WHEREAS, on April 3, 2020, I issued Proclamation 20-42, waiving and suspending statutory time limitations that if strictly applied may result in dismissal of DUI driver license suspensions; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-42 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-42 is amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 1st day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, and 20-25.2**

20-25.3

**Adjusting And Extending Stay Home – Stay Healthy To May 31, 2020
Safe Start Washington: Phase I – Re-Opening Washington**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, and 20-25.2 (Stay Home – Stay Healthy), prohibiting all people in Washington State from leaving their homes or participating in social, spiritual or recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I last amended the Stay Home – Stay Healthy order (Proclamation 20- 25.2) on April 27, 2020, there were 13,521 cases of COVID-19 in Washington State with 749 deaths; and, just five days later, through May 2, 2020, the Department of Health confirmed another 1,664 cases and 85 more deaths, for a total of 15,185 cases with 834 associated deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, while there continues to be a significant number of cases of COVID-19 in Washington State with associated deaths, the data and epidemiological models predict that we have passed the peak of the virus' progression in the state; and, the health experts credit this decline to the mandatory social distancing practices and prohibitions we have put in place; and

WHEREAS, the health professionals and epidemiological modeling experts predict that we have passed the peak of the progression in the state, and the data suggests it is appropriate to continue a careful, phased, and science-based approach to slowly re-opening Washington State. In addition, modelers agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

WHEREAS, this unprecedented health crisis has caused extraordinary anxiety and a significant disruption of routine and important activities for every Washingtonian; and I recognize the extraordinary resiliency, strength, adaptability, and courage of every Washingtonian during this difficult time; and

WHEREAS, many people in Washington State attend religious services on a regular basis. Such services are a vital part of the spiritual and mental health of our community, and some of these services can be conducted in a manner similar to comparable secular activities to prevent prolonged exposure to individuals outside of their immediate household while ensuring safe social distancing and hygiene practices. And, to help inform future lifting of additional restrictions in phases, I have directed my staff to engage with a broad range of religious leaders beginning as soon as this week; and

WHEREAS, the science also suggests that some business activities can be conducted with limited exposure to customers while ensuring safe social distancing and hygiene practices. These business activities include landscaping, pet walking, car washing, vehicle and vessel sales, and retail limited to curb-side pickup, all of which are important to revitalizing Washington State's economy, restoring jobs and providing necessary goods and services; and

WHEREAS, counties in Washington State with lower population density generally are experiencing a lower transitory population which decreases the risk of virus spread and, under appropriate conditions, are able to control and absorb virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed; and

WHEREAS, the Washington State Department of Health's data demonstrates that some less-populated counties with fewer than 75,000 residents have not identified a new COVID-19 case for the last three consecutive weeks, and this data supports providing those counties with an opportunity to lift additional restrictions, subject to certain conditions and requirements, an opportunity that

is not yet safe to offer to other counties; and

WHEREAS, based on the science and data, current COVID-19 pandemic conditions now permit further adjustment of the prohibitions in Proclamations 20-25, 20-25.1 and 20-25.2 to allow for resumption of some religious services and certain business activities, and the opportunity for less densely populated counties that have not identified a resident with COVID-19 in the last three weeks to seek additional exceptions to these prohibitions under certain limited circumstances, while retaining the remainder of the restrictions imposed in Proclamations 20-25, 20-25.1 and 20-25.2 to protect the health and safety of all Washingtonians; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1 and 20-25.2 (Stay Home – Stay Healthy) are amended to extend all of the prohibitions and each expiration date therein to May 31, 2020, except for those prohibitions regarding the specific activities listed below. All other provisions of Proclamations 20-25, 20-25.1, 20-25.2 shall remain in full force and effect.

FURTHERMORE, in collaboration with the Washington State Department of Health, and based on analysis of the data and epidemiological modeling, I have established a phased-in approach to re-opening Washington State, which can be found in the Safe Start Washington re-opening plan [here](#); and, while all counties are currently in Phase I, counties with a population of less than 75,000 that have not identified a resident with COVID-19 the three most recent consecutive weeks, may request an exemption from specific aspects of the remaining prohibitions of this Proclamation by submitting a variance application to the Secretary of the Washington State Department of Health in compliance with the requirements found in the Safe Start Washington re-opening plan.

FURTHERMORE, while I continue to permit remote spiritual and religious services, and while I continue to classify religious counseling as an essential activity that may be conducted in person if it is not possible to provide those counseling services remotely, I now hereby order that religious services may also be provided as a drive-in service, with one household per vehicle, but only so long as participants fully comply with requirements that will be issued as soon as possible, but no later than May 15, 2020, and with the social distancing requirements and coronavirus related hygiene recommended by the Washington State Department of Health.

FURTHERMORE, I continue to permit the low-risk activities previously permitted, including some outdoor recreation as reflected in Emergency Proclamation 20-25.2 and its accompanying guidance materials issued April 27, 2020, as well as the business activities reflected or clarified in formal guidance documents issued on March 25, 2020 (construction), March 27, 2020 (real estate and mortgage), March 31, 2020 (general guidance) and April 29, 2020 (construction).

FURTHERMORE, I hereby order that the data and science supports re-opening additional low-risk activities during Phase I, including the business activities listed below. Re-opening these low-risk activities may occur when participants are able to fully comply with the industry-specific requirements that will be issued as soon as possible but no later than May 15, 2020, which, at a minimum, will require compliance with the social distancing and hygiene requirements indicated by the Washington State Department of Health:

- Landscaping and lawn care
- Vehicle and vessel sales
- Pet walking
- Retail (curb-side pick-up orders only)

- Car washes

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the Safe Start Washington re-opening plan accordingly.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing while engaging in the phased modifications of the mandatory social distancing requirements, I may be forced to reinstate the prohibitions established in earlier proclamations.

Signed and sealed with the official seal of the state of Washington on this 4th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
LEGISLATIVE EXTENSION OF EMERGENCY PROCLAMATIONS 20-15 and 20-15.1**

**20-15.2
Department of Licensing**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives from May 4, 2020, until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15 have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and that Proclamation 20-15 is hereby extended until May 31, 2020.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-20, and 20-20.1**

**20-20.2
Department of Revenue - Relief from Penalties, Fees, Interest, Due Dates**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-20.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 4, 2020.

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20 and 20-20.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-21 and 20-21.1**

20-21.2

Unemployment Benefit – One Week Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and

reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-21.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 4, 2020.

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21 and 20-21.1, it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21 and 20-21.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-23, 20-23.1 and 20-23.2**

20-23.3

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, which was amended on March 24, 2020, by Proclamation 20-23.1, in which I prohibited certain activities and ordered the following statutory waivers and suspensions for 30 days subject to Legislative extension: (1) I waived and suspended RCW 80.04.130(1) and RCW 80.28.060(1) pursuant to the provisions of RCW 43.06.220(2)(d), RCW 80.04.130(8), and RCW 80.28.060(2), and (2) I waived and suspended RCW 80.04.110(1)(a) and RW 80.28.068 under the provisions of RCW 43.06.220(2)(g), until midnight on April 17, 2020; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), these statutory waivers and suspensions were extended by the leadership of the Washington State Senate and House of Representatives to May 4, 2020; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, 20-23.1, and 20-23.2 were again extended by the leadership of the Washington State Senate and House of Representatives

until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23, 20-23.1, and 20-23.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives to May 31, 2020, (2) extend my order prohibiting certain utility low income accounts from being used during this crisis for any purpose other than to support community action agencies or otherwise provide services to address the consequences of the COVID-19 pandemic until May 31, 2020, and (3) under RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, prohibit all energy, telecommunications, and water utilities in Washington State from disconnecting certain residential utilities and from charging related late payment and reconnection fees until May 31, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

IT IS HEREBY RECOGNIZED that, pursuant to RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives has extended my statutory waivers and suspensions of the following statutes in Proclamations 20-23, 20-23.1, and 20-23.2 to May 31, 2020:

1. RCW 80.04.130(1); and
2. RCW 80.28.060(1)
3. RCW 80.04.110(1)(a); and
4. RCW 80.28.068

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace in addressing the COVID-19 State of Emergency, I extend Proclamations 20-23, 20-23.1, and 20-23.2 prohibiting the Washington State Utilities and Transportation Commission from applying the waiver and suspension of RCW 80.04.110(1)(a) and RCW 80.28.068 for any purpose other than providing relief to members of the public affected directly or indirectly by the COVID-19 pandemic while this Proclamation remains in effect. Expenses and lost revenues as a result of rate assistance or discounts shall be included in the company's cost of service and recovered in rates to other customers, provided that the utilities making a request for such recovery demonstrate to the satisfaction of the commission that such expenses and lost revenues occurred as a result of providing rate assistance or discounts.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and while the statutory waivers and suspensions of this Proclamation remain in effect, I hereby extend Proclamations 20-23, 20-23.1, and 20-23.2 prohibiting the Washington State Utilities and Transportation Commission or any other person or entity from using or otherwise relying upon the waiver or suspension of any statutory provisions identified herein for any purpose other than assisting utility customers throughout Washington State impacted by the economic

consequences of the COVID-19 pandemic and using surplus balances from electric and natural gas utility low income accounts to support community action agencies or otherwise provide services intended to address the consequences of the COVID-19 pandemic in Washington State.

FURTHERMORE, I make the following findings:

- (1) Many local governments have issued emergency declarations regarding the COVID-19 pandemic.
- (2) The following entities are authorized to provide essential utility services in Washington State:
 - a) Municipal utilities, public utility districts, and water and sewer districts authorized under Title 35 RCW, Title 54 RCW, and Title 57 RCW;
 - b) Electrical, natural gas, telecommunications, and water companies regulated by the Utilities and Transportation Commission under Title 80 RCW;
 - c) Cooperatives formed under Chapter 23.86 RCW; and
 - d) Mutual corporations or associations formed under Chapter 24.06 RCW.
 - e) Public water systems formed under Chapter 70.119A RCW.
- (3) Preserving and maintaining essential utility services to vulnerable populations during this crisis supports the fundamental public purpose of protecting public health and welfare.

FURTHERMORE, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities from March 23, 2020, the date Proclamation 20-25 was signed, until May 31, 2020: (1) disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment, except at the request of the customer; (2) refusing to reconnect any residential customer who has been disconnected due to nonpayment; and (3) charging fees for late payment or reconnection of energy, telecommunications, or water service.

Additionally, I strongly encourage all entities providing utility services in Washington State to take reasonable actions to mitigate the economic impacts of the COVID-19 pandemic on their utility customers caused by this crisis, including but not limited to: enacting flexible credit and collection procedures, such as using payment plans to fulfill customer outstanding balances; coordinating with the Department of Commerce to help eligible customers gain access to federal funding for energy bill assistance; employing internal processes and procedures to facilitate social distancing and proper hygiene practices; and closing facilities to the public. **I also strongly encourage** municipal and public utility boards and commissions to delegate authority to senior utility executives to take any and all actions necessary or appropriate to mitigate the economic impacts to their utility customers to address the COVID-19 crisis.

Additionally, these prohibitions do not relieve a utility customer from the obligation to pay for utility services.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-26 and 20-26.1**

20-26.2

Liquor and Cannabis Board

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the Washington State Liquor and Cannabis Board (WSLCB) are continuing to suffer significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-26, waiving and suspending laws and imposing certain prohibitions relating to tax penalties, fees, interest, and due dates in order to provide tax relief to licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors ; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-26.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 4, 2020.

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-26 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-26 and 20-26.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-27, and 20-27.1**

**20-27.2
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 15,462 cases of COVID-19 in Washington State with 841 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-27.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-27 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27 and 20-27.1 are amended to recognize the extension of a statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-28 and 20-28.1**

20-28.2

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified

laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 15,462 cases of COVID-19 in Washington State with 841 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus and related prohibition; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-28.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-28 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28 and 20-28.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, except for RCW 42.56.520(1), which was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, and (2) similarly extend the prohibitions therein to May 31, 2020, or in the case of RCW 42.56.520(1) May 11, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31, except for 42.56.520(1) until May 11

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-29 and 20-29.1**

**20-29.2
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 15,462 cases of COVID-19 in Washington State with 841 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-29.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29 and 20-29.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-30 and 20-30.1**

20-30.2

Unemployment Benefit – Job Search Requirement

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make

Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-30.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30 and 20-30.1 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-32 and 20-32.1**

20-32.2

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 15,462 cases of COVID-19 in Washington State with 841 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-32.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-32, it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32 and 30-32.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-33 and 20-23.1**

20-33.2

Division of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, there are currently at least 15,462 cases of COVID-19 in Washington State with 841 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-33.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33 and 20-33.1 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 11

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-34 and 20-34.1**

20-34.2

State Auditor's Office – Financial Reporting

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many local government agencies continues to significantly impact their ability to adequately staff various administrative and operational activities, and requires temporary relief from the time constraints imposed on filing financial reports under RCW 43.09.230;

WHEREAS, on March 26, 2020, I issued Proclamation 20-34, waiving and suspending a portion of RCW 43.09.230 requiring reports to be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-34 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-34.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-34 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-34 and 20-34.1 are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-53

Maintaining Access to the Ballot for All Candidates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-52 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, not all candidates for public office have the means to pay the required filing fee to be included on the ballot for election, and the statutory alternative to paying the fee involves collecting a sufficient number of signatures from voters, which is very difficult to do by the May 15, 2020, deadline without the person-to-person contact currently prohibited by Proclamation 20-25 and as amended (Stay Home- Stay Healthy); and

WHEREAS, although the worldwide COVID-19 pandemic's progression in Washington State has slowed, it continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend specific statutory restrictions necessary to maintain ballot access for all candidates, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to prevent person-to-person contact and to remove barriers that prevent some candidates for election in Washington State from being included on the ballot for election, and that the specific language of the statutory provision identified below is hereby waived and suspended until midnight on June 4, 2020:

- RCW 29A.24.091(4), the following language only: “The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.”

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 5th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-55

State Collective Bargaining Agreements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency are significantly increasing the costs and risks associated with public sector agencies and offices providing services and activities involving necessary direct interaction with the public, requiring the removal of barriers that prevent Washington State from providing relief for excess costs and risks for certain employees, groups of individuals, and entities by waiving certain requirements related to funding specific state collective bargaining agreements; and

WHEREAS, although the worldwide COVID-19 pandemic's progression in Washington State has slowed, it continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend the specific statutory restrictions relating to state collective bargaining agreements, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to remove barriers that prevent Washington State from providing relief for the excess costs and risks associated with providing necessary direct services to the public, and that the specific language of each specific statutory provision identified below is hereby waived and suspended in its entirety until midnight on June 6, 2020:

- RCW 41.56.029(5), (6), and (7)
- RCW 41.56.473(4) and (5)
- RCW 41.80.010(3)
- RCW 47.64.170 (9)
- RCW 74.39A.300(1), (2) and (3)

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 7th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-36 and 20-36.1**

20-36.2

Department of Health— Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 16,891 cases of COVID-19 in Washington State with 931 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-36.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36 and 20-36.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 8, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-36 and 20-36.1, it is also necessary for me to extend the waiver and suspension of rules and prohibitions in Proclamation 20-36 and 20-36.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36 and 20-36.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 8, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until July 8, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 8

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-37 and 20-37.1**

20-37.2

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NAR's to complete mandatory training and testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NAR's after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NAR's after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-37.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37 and 20-37.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-37 and 20-37.1, it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-37 and 20-37.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-37 and 20-37.1 are amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05, 20-38 and 20-38.1**

20-38.2

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-38.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38 and 20-38.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-38 and 20-38.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency

or May 31, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules and prohibitions therein until termination of the COVID-19 State of Emergency or May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-39, and 20-39.1**

**20-39.2
Post-Retirement Employment**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices continue to significantly impact their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, on March 31, 2020, I issued Proclamation 20-39, waiving and suspending statutes necessary to encourage retired public sector employees with critical skills for response to the COVID-19 State of Emergency to return to service and fill these critical needs; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 1, 2020, I issued Proclamation 20-39.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-39 and 20-39.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-39 and 20-39.1, it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-39 and 20-39.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-39 and 20-39.1 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-41, and 20-41.1**

20-41.2

Department of Licensing – License Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license renewal; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 1, 2020, I issued Proclamation 20-41.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-41 and 20-41.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-41 and 20-41.1, it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-41 and 20-41.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41 and 20-41.1 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington

State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05, 20-42, AND 20-42.1**

20-42.2

Department of Licensing – Driver License Suspension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency continues to significantly impact the ability of many state and local government agencies and to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the courts and the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, the Department of Licensing continues to experience difficulty in obtaining necessary sanitation products and ensuring appropriate social distancing to mitigate spread of the COVID-19 virus to employees and members of the public while conducting even limited operations, including the ability to timely conduct administrative hearings and deferred prosecutions for driver license suspension arising from DUI arrests; and

WHEREAS, on April 3, 2020, I issued Proclamation 20-42, waiving and suspending statutory time limitations that if strictly applied may result in dismissal of DUI driver license suspensions; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-42 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 09, 2020, whichever occurs first; and

WHEREAS, on May 1, 2020, I issued Proclamation 20-42.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-42 and 20-42.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-42 and 20-42.1, it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-42 and 20-42.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-42 and 20-42.1 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43**

20-43.1

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, Washington State employees who have not authorized direct deposit of their paychecks and who have not authorized the state to mail paychecks to them, currently must pick up their paychecks in person; and

WHEREAS, pursuant to prior proclamations and agency directives, state office building are closed, employees are not authorized to enter state buildings without specific permission, and all persons (including state employees) have been directed to “Stay Home, Stay Healthy”; and

WHEREAS, certain statutory and regulatory policies related to state administration and personnel operations are hindering the ability of state agencies and offices to maximize employee availability for response to hardships occurring during the COVID-19 pandemic; and

WHEREAS, to help ensure that state employees will be timely paid and will be available to respond to the COVID-19 pandemic, on April 10, 2020 I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-43 it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-43; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action by impeding payment of salary and/or lessening flexibility with regard to leave sharing or accrual.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44**

20-44.1

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-56, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 16,891 cases of COVID-19 in Washington State with 931 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID-19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of Proclamation 20-44 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-44 are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52**

**20-52.1
Statewide Orders Relating to Long-Term Care**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 16,891 cases of COVID-19 in Washington State with 931 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, 20-18 and 20-52 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein to May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-28, 20-28.1 and 28.2**

20-28.3

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 17,122 cases of COVID-19 in Washington State with 945 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-28.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending its prohibitions; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-28 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which I extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28 was again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; provided, that the waiver of RCW 42.56.520(1) does not apply to requests for public records received by an agency electronically; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28 and 20-28.1, 20-28.2 are amended to recognize the extension of the statutory waiver and suspension of RCW 42.56.520(1) by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020,

except that the extension of the waiver and suspension of language in RCW 42.56.520(1) will not apply to 5-day response requirements under the statute for public records requests received by an agency electronically.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31 for the entire order (clarified that 5-day exemption doesn't apply to electronically-filed PRA requests)

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-31 and 20-31.1**

20-31.2

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 17,122 cases of COVID-19 in Washington State with 945 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-31.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives denied extension of the statutory waivers and suspensions in Proclamations 20-31 and 20-31.1, and on May 9, 2020, I asked them to reconsider their denial and to extend the statutory waivers and suspensions in these Proclamations until 11:59 p.m. on May 31, 2020; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 and 20-31.1 were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31 and 20-31.1 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-33, 20-23.1, and 20-33.2**

20-33.3

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, there are currently at least 17,122 cases of COVID-19 in Washington State with 945 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-33.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-33.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 18, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, 20-33.1 and 20-33.2 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 18, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 18

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-22 AND 20-22.1**

**20-22.2
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002,

providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, maintaining a steady supply of grocery, medical, pharmaceutical, fuel and other commodities necessary to support COVID-19 emergency relief efforts continues to be essential to public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, which is expected to increase with the closure of schools, increased rates of virus exposure and infection, and the unavailability of childcare, and there has been a significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22 and 20-22.1, including the exemptions from and limitations on application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, is extended until 11:59 p.m. on June 14, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 14

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATION
20-45**

20-45.1

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors’ efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state’s district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts’ authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social- distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service – by email or text message, or through social media applications – are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time-consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, there are currently at least 17,773 cases of COVID-19 in Washington State with 983 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes impeding or restricting efforts to reduce the prison population in Washington; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extension for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 as described herein until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamation 20-45 is amended, reinstated, in part, and extended to waive and suspend specified statutes that limit the use of alternative methods of holding hearings and means of service, including electronic means of service, while continuing in-person service by law enforcement, when feasible, when courts have ordered firearms to be surrendered and there are concerns about increased risk of lethality, or other important public safety matters arise, including when a respondent is to be removed from a shared residence or child custody matter needs to be addressed.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I again find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended as provided herein with specific language stricken (for example, “personal”), until 11:59PM on June 15, 2020:

1. RCW 10.14.070, (Harassment, Hearing—Service), the following stricken language only:
Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five court days before the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. ~~If the court permits service by publication, the court shall set the hearing date not later than twenty-four days from the date of the order.~~
The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.
2. RCW 10.14.080(2), (Harassment: Antiharassment protection orders –Ex parte temporary--etal) the following stricken language only:

- (2) An ex parte temporary antiharassment protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 10.14.085.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication is permitted.~~ Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be ~~personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.
3. RCW 10.14.080(5), (Harassment: Antiharassment protection orders –Ex parte temporary—et al), the following stricken language only:
 - (5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing ~~which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty four days from the date of the order.~~ If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.
 4. RCW 10.14.085(1)(a) through (d), (Harassment: Hearing reset after ex parte order— Service by publication—et al)
 5. RCW 10.14.100, (Harassment: Service of order.), the following stricken language only:
 - (1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (5) and (7) of this section.
 - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
 - (3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.
 - (4) Returns of service under this chapter shall be made in accordance with the applicable court rules.
 - (5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.
 - (6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
 - (7) ~~If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080. Service by publication must comply with the requirements of RCW 10.14.085.~~
 6. RCW 26.09.060(3), (Dissolution Proceedings: Temporary maintenance or child support et al)
 - (3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period ~~not to exceed fourteen days, or upon court order, not to exceed twenty four days if necessary to ensure that all temporary motions in the case can be heard at the same time.~~
 7. RCW 26.50.050, (Domestic Violence Protection: Hearing—Service—Time): the following stricken language only:

Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date~~

- of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.
8. RCW 26.50.060(2) and (6), (Domestic Violence Prevention: Relief et al): the following stricken language only:
 - (2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period ~~not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, *26.10, 26.26A, or 26.26B RCW.~~ With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.
 - (6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following ~~personal service, service by publication, or service by mail~~ and whether the court has approved service ~~by publication or mail of an order issued under this section.~~
 9. RCW 26.50.070(5), (Domestic Violence Prevention: Ex parte temporary order for protection), the following stricken language only:
 - (5) An ex parte temporary order for protection shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123.~~ The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted.~~ Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.
 10. RCW 26.50.085(1)(a) through (d), (Domestic Violence Prevention: Hearing reset after ex parte order et al), the following stricken language only:
 - (1) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~
 - ~~(a) The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~
 - ~~(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
 - ~~(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~
 - ~~(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~
 11. RCW 26.50.090, (Domestic Violence Prevention: Order—Service—Fees), the following stricken language only:
 - (1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (6) ~~and (8)~~ of this section.
 - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9A.18.000 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
 - (3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
 - (4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or

- municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
- (5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
 - (6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
 - (7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
 - (8) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.~~
12. RCW 26.50.123(1), (Domestic Violence Prevention: Service by mail), the following stricken language only:
- ~~(1) In circumstances justifying service by publication under RCW 26.50.085(1), if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate.~~
- ~~Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
13. RCW 74.34.120(1), (2) and (3), (Abuse of Vulnerable Adults: Protection of vulnerable adults—Hearing), the following stricken language only:
- ~~(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition.~~
 - ~~(2) Personal service shall be made upon the respondent not less than six court days before the hearing. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.~~
 - ~~(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW~~
- ~~74.34.115. When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~
- ~~(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.~~
 - ~~(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.~~
 - ~~(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.~~
14. RCW 74.34.135(2), reflecting amendments passed by the Legislature in 2020 pursuant to ESSB 6287, Chapter 312, 2020 Laws, and signed by the Governor on April 2, 2020, that are not yet codified in the RCWs (Abuse of Vulnerable Adults: Protection of vulnerable adults—Filings by others—Dismissal of petition or order et al), the following stricken language only:
- ~~(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than six court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over 38 either the person or the estate, or both, under the guardianship laws,))~~ subject to a guardianship, conservatorship,~~

or other protection arrangement under chapter ((41.88)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

15. RCW 7.90.050: (Sexual Assault Protection Order: Petition etal), the following stricken language only:
Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining ~~personal~~ service or ~~permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053.~~ The court shall not require more than two attempts at obtaining ~~personal~~ service and shall ~~permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order.~~ The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.
16. RCW 7.90.052(1), (Sexual Assault Protection Order: Service by publication), Subsection (1) is stricken in its entirety.
17. RCW 7.90.053(1), (Sexual Assault Protection Order: Service by mail), the following stricken language only:
(1) ~~In circumstances justifying service by publication under RCW 7.90.052, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. The service must be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
18. 7.90.120(1)(a), (Sexual Assault Protection Order: Ex parte orders), the following stricken language only:
(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period ~~not to exceed fourteen days.~~ A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication or service by mail is permitted.~~ If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order ~~not to exceed another twenty four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.~~
19. RCW 7.90.121(4), (Sexual Assault Protection Order: Renewal of ex parte order), the following stricken language only:
(4)(a) If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held ~~not later than fourteen days from the date of the order.~~
(b) The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
(c) The respondent shall be ~~personally~~ served not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining ~~personal~~ service or ~~permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053.~~ ~~The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order.~~
20. RCW 7.90.140, (Sexual Assault Protection Order: Service to respondent), the following stricken language only:
(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsection (6) of this section.
(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license,

- the order must be served by a law enforcement officer.
- (3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
 - (4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
 - (5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
 - (6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
 - (7) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication under RCW 7.90.052 or service by mail under RCW 7.90.053, the court may permit service by publication or service by mail of the order of protection issued under this chapter. Service by publication must comply with the requirements of RCW 7.90.052 and service by mail must comply with the requirements of RCW 7.90.053. The court order must state whether the court permitted service by publication or service by mail.~~
21. RCW 7.90.170(3), (Sexual Assault Protection Order: Modification or termination of protection orders), the following stricken language only:
- (3) The court shall order that a hearing on the motion for termination or modification of the order be held ~~not later than fourteen days from the date of the order.~~ The nonmoving party shall be personally served not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. ~~If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~
22. RCW 7.92.060, (Jennifer Paulson Stalking Protection Order: Petition et al) The following stricken language only:
Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone, ~~to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 7.92.150, personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining ~~personal~~ service or ~~other service as permitted under RCW 7.92.150.~~ The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.
23. RCW 7.92.120(5), (Jennifer Paulson Stalking Protection Order: Ex parte temporary order et al), the following stricken language only:
- (5) An ex parte temporary stalking protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted.~~ Unless the court has permitted service by ~~publication or mail,~~ the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.
24. RCW 7.92.150(1) through (7)(e) and (8), (Jennifer Paulson Stalking Protection Order: Protection orders—service to respondent et al), the following stricken language only:
- (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6); (7), or (8) of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be personally served.
 - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
 - (3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
 - (4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit~~

~~notification.~~

- (5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
 - (6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
 - (7) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~
 - (a) ~~The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer or private process server made to complete service;~~
 - (b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
 - (c) ~~The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;~~
 - (d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;~~
 - (e) ~~The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and~~
 - (8) ~~In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
 - (a) Proof of service under this section shall be consistent with court rules for civil proceedings.
 - (b) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.
25. RCW 7.94.040(1), (Extreme Risk Protection Orders: Hearings on petition et al), the following stricken language only:
- (1) Upon receipt of the petition, the court shall order a hearing to be held ~~not later than fourteen days from the date of the order~~ and issue a notice of hearing to the respondent for the same.
 - (a) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
 - (b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.
 - (c) ~~Personal~~ service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication or mail as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.
 - (d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.
26. RCW 7.94.050(5), (Extreme Risk Protection Orders: Ex parte orders), the following language only:
- (5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing ~~within fourteen days of the issuance of an ex parte extreme risk protection order~~ to determine if a one-year extreme risk protection order should be issued under this chapter.
27. RCW 7.94.060(1), (2) and (6), (Extreme Risk Protection Orders: Service of orders), the following stricken language only:

(1) An extreme risk protection order issued under RCW 7.94.040 must be ~~personally~~ served upon the respondent, except as otherwise provided in this chapter.

(2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent ~~personally, unless the petitioner elects to have the respondent served by a private party.~~

~~(6) If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW 7.94.070, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter as provided in RCW 7.94.070. The court order must state whether the court permitted service by publication or service by mail.~~

ADDITIONALLY, while the purposes of this order are to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in this order or the amendment, reinstatement, and extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and should be made using electronic/ telephonic means of service with acknowledgement of receipt, such as by email, text message, facsimile or through social media applications. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my Office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. This Order is intended to complement, support, and further those efforts.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51

20-51.1

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 ("Stay Home, Stay Healthy") restricting Washington residents' movement

outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-51 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATIONS
20-45 AND 20-45.1**

20-45.2

Protection Orders and Personal Service – Technical Corrections

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors’ efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state’s district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts’ authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face

obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social- distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service – by email or text message, or through social media applications – are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time-consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, there are currently at least 18,433 cases of COVID-19 in Washington State with 1,001 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 as described herein until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamation 20-45 is amended, reinstated in part, and extended to waive and suspend specified statutes that limit the use of alternative methods of holding hearings and means of service, including electronic means of service, while continuing in-person service by law enforcement, when feasible, when courts have ordered firearms to be surrendered and there are concerns about increased risk of lethality, or other important public safety matters arise, including when a respondent is to be removed from a shared residence or child custody matter needs to be addressed.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I again find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended as provided herein with specific language stricken (for example, “~~personal~~”), until 11:59PM on June 15, 2020:

1. RCW 10.14.070, (Harassment, Hearing—Service), the following stricken language only:

Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. ~~Except as provided in RCW 10.14.085, personal~~ service shall be made upon the respondent not less than five court days before the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service or permit service by publication as provided by RCW 10.14.085. ~~If the court permits service by publication, the court shall set the hearing date not later than twenty-four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.

2. RCW 10.14.080(2), (Harassment: Antiharassment protection orders –Ex parte temporary--et al) the following stricken language only:

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days. ~~or twenty-four days if the court has permitted service by publication under RCW 10.14.085.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order ~~or not later than twenty-four days if service by publication is permitted.~~ Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be ~~personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice

that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

3. RCW 10.14.080(5), (Harassment: Antiharassment protection orders—Ex parte temporary—et al), the following stricken language only:

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order.

~~Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.~~

4. RCW 10.14.085(1)(a) through (d), (Harassment: Hearing reset after ex parte order—Service by publication—et al):

(1) ~~If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~

(a) ~~The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~

(b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~

(c) ~~The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~

(d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

5. RCW 10.14.100, (Harassment: Service of order.), the following stricken language only:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.

(6) Except in cases where the petitioner has fees waived under RCW

10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

~~(7) If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080. Service by publication must comply with the requirements of RCW 10.14.085.~~

6. RCW 26.50.050, (Domestic Violence Protection: Hearing—Service—Time): the following stricken language only:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require

assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 26.50.085 and 26.50.123,~~ personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. ~~The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.~~

7. RCW 26.50.060(2) and (6), (Domestic Violence Prevention: Relief et al): the following stricken language only:

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period ~~not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, *26.10, 26.26A, or 26.26B RCW.~~ With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, ~~service by publication, or service by mail~~ and whether the court has approved service ~~by publication or mail of an order issued under this section.~~

8. RCW 26.50.070(5), (Domestic Violence Prevention: Ex parte temporary order for protection), the following stricken language only:

(5) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ex parte temporary order ~~or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123,~~ the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.

9. RCW 26.50.085(1)(a) through (d), (Domestic Violence Prevention: Hearing reset after ex parte order et al), the following stricken language only:

(1) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and ~~may order service by publication instead of personal service under the following circumstances:~~

(a) ~~The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~

~~—(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~

~~—(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~

~~—(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

10. RCW 26.50.090, (Domestic Violence Prevention: Order—Service—Fees), the following stricken language only:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (6) and ~~(8)~~ of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service

is waived and proof of service of that order is not necessary.

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(8) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.~~

11. RCW 26.50.123(1), (Domestic Violence Prevention: Service by mail), the following stricken language only:

(1) ~~In circumstances justifying service by publication under RCW 26.50.085(1), if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

12. RCW 74.34.120(1), (2) and (3), (Abuse of Vulnerable Adults: Protection of vulnerable adults—Hearing), the following stricken language only:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition.

(2) ~~Personal service shall be made upon the respondent not less than six court days before the hearing. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.~~

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be ~~personally~~ served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(a) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.

13. RCW 74.34.135(2), reflecting amendments passed by the Legislature in 2020 pursuant to ESSB 6287, Chapter 312, 2020 Laws, and signed by the Governor on April 2, 2020, that are not yet codified in the RCWs (Abuse of Vulnerable Adults: Protection of vulnerable adults—Filings by others—Dismissal of petition or order et al), the following stricken language only:

(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be ~~personally~~ served upon the vulnerable adult and the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~ If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over 38 either the person or the estate, or both, under the guardianship laws.))~~ subject to a guardianship, conservatorship, or other protection arrangement under chapter ~~((41.88))~~ 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

14. RCW 7.90.050: (Sexual Assault Protection Order: Petition et al), the following stricken language only:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the

order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.

15. RCW 7.90.052(1), (Sexual Assault Protection Order: Service by publication), Subsection

(1) is stricken in its entirety.

16. RCW 7.90.053(1), (Sexual Assault Protection Order: Service by mail), the following stricken language only:

(1) ~~In circumstances justifying service by publication under RCW 7.90.052, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. The service must be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

17. 7.90.120(1)(a), (Sexual Assault Protection Order: Ex parte orders), the following stricken language only:

(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty-four days from the date of reissuing the ex parte protection order. ~~Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.~~

18. RCW 7.90.121(4), (Sexual Assault Protection Order: Renewal of ex parte order), the following stricken language only:

(4)(a) If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.

(b) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.

(c) The respondent shall be personally served not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.

19. RCW 7.90.140, (Sexual Assault Protection Order: Service to respondent), the following stricken language only:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication under RCW 7.90.052 or service by mail under RCW 7.90.053, the court may permit service by publication or service by mail of the order of protection issued under this chapter. Service by publication must comply with the requirements of RCW 7.90.052 and service by mail must comply with the requirements of RCW 7.90.053. The court order must state whether the court permitted service by publication or service by mail.~~

20. RCW 7.90.170(3), (Sexual Assault Protection Order: Modification or termination of protection orders), the following stricken language only:

(3) The court shall order that a hearing on the motion for termination or modification of the order be held not later than fourteen days from the date of the order. The nonmoving party shall be ~~personally~~ served not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and shall ~~either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~

21. RCW 7.92.060, (Jennifer Paulson Stalking Protection Order: Petition et al) The following stricken language only:

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone, ~~to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 7.92.150, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service or other service as permitted under RCW 7.92.150. The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.~~

22. RCW 7.92.120(5), (Jennifer Paulson Stalking Protection Order: Ex parte temporary order et al), the following stricken language only:

(5) An ex parte temporary stalking protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by ~~publication or~~ mail. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by ~~publication or~~ by mail is permitted. ~~Unless the court has permitted service by publication or mail, the respondent shall be personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

23. RCW 7.92.150(1) through (7)(e) and (8), (Jennifer Paulson Stalking Protection Order: Protection orders—service to respondent et al), the following stricken language only:

(1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsection (6), ~~(7), or (8)~~ of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ~~personally~~ served.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9A.18.000 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service ~~by publication instead of personal service under the following circumstances:~~

(a) ~~The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer or private process server made to complete service;~~

(b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~

(c) ~~The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office,~~

~~directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;~~

~~(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;~~

~~(e) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and~~

~~(8) In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

~~(a) Proof of service under this section shall be consistent with court rules for civil proceedings.~~

~~(b) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter.~~

~~Service shall be deemed complete upon the mailing of two copies as prescribed in this section.~~

24. RCW 7.94.040(1), (Extreme Risk Protection Orders: Hearings on petition et al), the following stricken language only:

~~(1) Upon receipt of the petition, the court shall order a hearing to be held not later than fourteen days from the date of the order and issue a notice of hearing to the respondent for the same.~~

~~(a) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.~~

~~(b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.~~

~~(c) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication or mail as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty-four days from the date the order issues.~~

~~(d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.~~

25. RCW 7.94.050(5), (Extreme Risk Protection Orders: Ex parte orders), the following language only:

~~(5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing within fourteen days of the issuance of an ex parte extreme risk protection order to determine if a one-year extreme risk protection order should be issued under this chapter.~~

26. RCW 7.94.060(1), (2) and (6), (Extreme Risk Protection Orders: Service of orders), the following stricken language only:

~~(1) An extreme risk protection order issued under RCW 7.94.040 must be personally served upon the respondent, except as otherwise provided in this chapter.~~

~~(2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent personally, unless the petitioner elects to have the respondent served by a private party.~~

~~...~~

~~(6) If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW 7.94.070, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter as provided in RCW~~

~~7.94.070. The court order must state whether the court permitted service by publication or service by mail.~~

ADDITIONALLY, while the purposes of this order are to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in this order or the amendment, reinstatement, and extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and should be made using electronic/telephonic means of service with verification of receipt, such as by email, text message, facsimile

or through social media applications. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. This Order is intended to complement, support, and further those efforts.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 15

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 AND 20-48**

20-48.1

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through June 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through June 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before taking a CDL skills examination, and the FMCSA has waived that requirement through June 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through June 30, 2020; and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, there are currently at least 17,773 cases of COVID-19 in Washington State with 983 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to CDL and CLP holders; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-48 are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on May 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military

Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-49**

20-49.1

Garnishments and Accrual of Interest

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their ability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of wages or other income, including CARES Act stimulus payments, to collect judgments for consumer debt, as authorized under RCW 6.27, and the mounting interest on that debt, as authorized under RCW 4.56.110(1) and (5), will further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishment of wages and other income to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, a temporary moratorium on garnishments of wages and other income to collect judgments for consumer debt throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic; and

WHEREAS, there are currently at least 17,773 cases of COVID-19 in Washington State with 983 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-49, waiving and suspending statutes and prohibiting certain activities relating to garnishments of wages and other income to collect judgments for consumer debt throughout Washington State; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-49 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on May 21, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on May 21, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 21

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51**

20-51.1

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-51 is amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM

on May 31, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-24**

20-24.1

Reducing Restrictions on, and Safe Expansion of, Non-Urgent Medical and Dental Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, and significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the health care personal protective equipment supply chain in Washington State has been severely disrupted by the significant increased use of such equipment worldwide, such that there are now critical shortages of this equipment for health care workers. To curtail the spread of the COVID- 19 pandemic in Washington State and to protect our health care workers as they provide health care services, it is necessary to prohibit all medical, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures and surgeries unless specific procedures and criteria are met; and

WHEREAS, the extensive public-private collaboration between our state and local governments, and the state's hospitals, health systems, and other providers of clinical services in addressing the health care issues created for people and communities by the COVID-19 pandemic is commendable; and

WHEREAS, Washington State's collaborative approach has been effective in addressing the significant public health issues associated with the disease, while greatly expanding the clinical and operational capacity of the health system to effectively care

for COVID-19 patients and safely provide preventive, diagnostic, outpatient, ambulatory, acute, and post-acute care for all people in need of care via both in-person and virtual means. The professionalism, expertise, and compassion of Washington's clinicians, nurses, and other health care professionals during the COVID-19 pandemic has been exemplary; and

WHEREAS in the early days of the pandemic, I, in collaboration with the Washington State Department of Health and health care system partners, established a data-driven approach to addressing the health and safety of Washington's citizens and communities. The actions taken pursuant to this approach reduced the impact of the disease in the State. As the State moves into its Safe Start of the economy, it is important that the healthcare system move rapidly towards a more normal operating position and expand access to care for patients in a manner that is safe and equitable; and

WHEREAS, I support extending Proclamation 20-29, which requires telemedicine payment parity through year-end 2020, when the new parity law in SB 5385 will formally take effect. However, the extension must be approved by the Legislature.

WHEREAS, recognizing that health status is impacted both by social determinants of health and untreated health conditions, it is vital that public and private sector participants in the health care system work to enhance public health capabilities and capacity, such as testing, contact tracing and follow-up, and that access to appropriate care be expanded as safely as possible; and

WHEREAS, the exercise of clinical judgement by healthcare and dental professionals related to the care of patients is essential, and it is essential for all of our health and dental partners to follow the same procedures as outlined in this proclamation and work together to protect the health of all of our residents; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-24 are amended to immediately prohibit certain medical and dental procedures, with exceptions, and as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Also, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE: based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit all medical, dental and dental specialty facilities, practices, and practitioners in Washington State from providing non-urgent health care and dental services, procedures, and surgeries unless they act in good faith and with reasonable clinical judgment to meet and follow the procedures and criteria provided below:

COVID Assessment:

Local health jurisdictions (LHJs) in collaboration with their health partners, should assess the COVID-19 status in the communities

they serve. This assessment should be updated on a regular basis. Important COVID-19 disease information relevant to this assessment is available at <https://www.doh.wa.gov/Emergencies/NovelCoronavirusOutbreak2020COVID19/DataDashboard>, and LHJs should have relevant information as well.

Expansion/Contraction of Care Plan

Each health care, dental or dental specialty facility, practice, or practitioner must develop an expansion/contraction of care plan that is both congruent with community COVID-19 assessment described above, consistent with the clinical and operational capabilities and capacities of the organization, and responsive to the criteria provided below.

Expansion/contraction of care plans should be operationalized based on the standards of care that are in effect in the health care facility, practice or practitioner's relevant geography as determined by that region's emergency health care coalition, as follows:

- Conventional Care Phase – All appropriate clinical care can be provided.
- Contingency Care Phase – All appropriate clinical care can be provided so long as there is sufficient access to PPE and, for hospitals, surge capacity is at least 20%.
- Crisis Care Phase – All emergent and urgent care shall be provided; elective care, that the postponement of which for more than 90 days would, in the judgement of the clinician, cause harm; the full suite of family planning services and procedures, newborn care, infant and pediatric vaccinations, and other preventive care, such as annual flu vaccinations, can continue.

Criteria for Resuming Non-Urgent Procedures

Until there is an effective vaccine, effective treatment, or herd immunity and until supply chains for PPE return to a more normal status, hospitals and LHJs will work together to maintain some level of surge capacity in our health care system and prudently use PPE so that we can keep health care workers safe and provide the needed health care to our communities. To this end, the following must be met by health care, dental and dental specialty facilities, practices, and practitioners:

- Exercise clinical judgment to determine the need to deliver a health care service, in the context of the broader health care and dental needs of patients and communities and in the context of the pandemic, and within the parameters of operation provided by the health care, dental or dental specialty facility, practice or practitioner setting in which they are providing services.
- Continuously monitor capacity in the system to ensure there are resources, including ventilators, beds, PPE, blood and blood products, pharmaceuticals, and trained staff available to combat any potential surges of COVID-19, participation, as required by Department of Health guidelines, with the WA HEALTH data reporting system to allow for a state-wide common operating perspective on resource availability.
- Follow Department of Health's current PPE conservation guidance, which will be regularly reviewed and updated by the Department of Health, as published on the Department of Health website at <https://www.doh.wa.gov/Emergencies/Coronavirus>. If the health care facility, practice or practitioner's PPE status deteriorates, adjustments to expansion of care will be required.
- Review infection prevention policies and procedures and update, as necessary, to reflect current best practice guidelines for universal precautions.
- Develop a formal employee feedback process to obtain direct input regarding care delivery processes, PPE, and technology availability related to expansion of care.
- Appropriately use telemedicine. Appropriate use of telemedicine will facilitate access to care while helping minimize the spread of the virus to other patients and/or health care workers.
- Use on-site fever screening and self-reporting of COVID-19 symptom screening for all patients, visitors and staff prior to (the preferred approach), or immediately upon, entering a facility or practice.
- For clinical procedures and surgeries, develop and implement setting-appropriate, pre- procedure COVID-19 testing protocols that are based on availability, Department of Health guidance, if any, and/or relevant and reputable professional clinical sources and research.
- Implement policies for non-punitive sick leave that adhere to U.S. Centers for Disease Control and Prevention (CDC) return-to-work guidance.
- Post signage that strongly encourages staff, visitors and patients to practice frequent hand hygiene with soap and water or hand sanitizer, avoid touching their face, and practice cough etiquette.
- Maintain strict social distancing in patient scheduling, check-in processes, positioning and movement within a facility. Set up waiting rooms and patient care areas to facilitate patients, visitors and staff to maintain ≥ 6 feet of distance between them whenever possible, consider rooming patients directly from cars or parking lots, space out appointments, and consider scheduling or spatially separating well visits from sick visits.
- Limit visitors to those essential for the patient's well-being and care. Visitors should be screened for symptoms prior to entering a health care facility and ideally telephonically prior to arriving. Visitors who are able should wear a mask or other appropriate face covering at all times while in the health care facility as part of universal source control.

- Ambulatory patients, who are able and when consistent with the care being received, should wear a mask or other appropriate face covering at all times while in the health care facility as part of universal source control.
- Frequently clean and disinfect high-touch surfaces regularly using an EPA-registered disinfectant.
- Identify and implement strategies for addressing employees who have had unprotected exposures to COVID-19 positive patients, are symptomatic, or ill, which should include requiring COVID-19 positive employees to stay at home while infectious, and potentially restricting employees who were directly exposed to the COVID-19 positive employee. Timely notification of employees with potential COVID-19 exposure and appropriate testing of employees who are symptomatic should be a component of these strategies. Follow CDC cleaning guidelines to deep clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the business until the location can be properly disinfected.
- Educate patients about COVID-19 in a language they best understand. The education should include the signs, symptoms, and risk factors associated with COVID-19 and how to prevent its spread.
- Follow requirements in Governor Inslee's Proclamation 20-46 - *High-Risk Employees – Workers' Rights*.

ADDITIONALLY, for purposes of this Proclamation, evaluation of “harm” is the same as described in the May 7, 2020, Updated Interpretive Statement related to Proclamation 20-24, and is repeated here: The decision to perform any surgery or procedure in hospitals, ambulatory surgical facilities, dental, orthodontic, and endodontic offices, including examples of those that could be delayed should be weighed against the following criteria when considering potential harm to a patient's health and well-being:

- Expected advancement of disease process
- Possibility that delay results in more complex future surgery or treatment
- Increased loss of function
- Continuing or worsening of significant or severe pain
- Deterioration of the patient's condition or overall health
- Delay would be expected to result in a less-positive ultimate medical or surgical outcome
- Leaving a condition untreated could render the patient more vulnerable to COVID-19 contraction, or resultant disease morbidity and/or mortality
- Non-surgical alternatives are not available or appropriate per current standards of care
- Patient's co-morbidities or risk factors for morbidity or mortality, if inflicted with COVID-19 after procedure is performed

Furthermore, diagnostic imaging, diagnostic procedures or testing should continue in all settings based on clinical judgement that uses the same definition of harm and criteria as listed above.

ADDITIONALLY, when making health system care capacity decisions, health care, dental and dental specialty facilities, practices, and practitioners must, in addition to the above, consider 1) the level and trending of COVID-19 infections in the relevant geography, 2) the availability of appropriate PPE, 3) collaborative activities with relevant emergency preparedness organizations and/or LHJ, 4) surge capacity of the hospital/care setting, and 5) the availability of appropriate post- discharge options addressing transitions of care.

ADDITIONALLY, given the geographic diversity of Washington, the variability in COVID-19 disease burden within the state, and health care system capabilities and capacity, no uniform approach to expanding access to care is possible nor would any such approach be effective or wise. It is essential that health care system participants act with good judgment within the context of their patients' needs, their environment, and their capabilities and capacity.

This Proclamation is retroactive to 11:59 PM on May 17, 2020, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Violators of this order may be subject to penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-33, 20-33.1, 20-33.2 and 20-33.3**

20-33.4

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, there are currently at least 18,611 cases of COVID-19 in Washington State with 1,002 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-33.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-33.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 18, 2020; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-33.3 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, 20-33.1, 20-33.2 and 20-33.3 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05, 20-49 and 20-49.1**

20-49.2

Garnishments and Accrual of Interest

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their ability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of wages or other income, including CARES Act stimulus payments, to collect judgments for consumer debt, as authorized under RCW 6.27, and the mounting interest on that debt, as authorized under RCW 4.56.110(1) and (5), will further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishment of wages and other income to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, a temporary moratorium on garnishments of wages and other income to collect judgments for consumer debt throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic; and

WHEREAS, there are currently at least 19,117 cases of COVID-19 in Washington State with 1,044 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-49, waiving and suspending statutes and prohibiting certain activities relating to garnishments of wages and other income to collect judgments for consumer debt throughout Washington State; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first; and

WHEREAS, on May 15, 2020, I issued Proclamation 20-49.1, waiving and suspending statutes and prohibiting certain activities relating to garnishments of wages and other income to collect judgments for consumer debt throughout Washington State; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on May 27, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under

Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-49, and 20-49.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on May 27, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on May 27, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 22nd day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 27

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-49, 20-49.1, and 20-49.2**

**20-49.3
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, there are currently at least 20,181 cases of COVID-19 in Washington State with 1,078 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their inability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of CARES Act stimulus payments and unemployment payments to collect judgments for consumer debt, as authorized under RCW 6.27, would further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, state unemployment compensation and federal pandemic unemployment compensation payments under the CARES Act may be deposited directly into workers' bank accounts and are entitled to exemption from garnishment by statute and should remain protected from garnishment; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishments to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49 on April 14, 2020, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 27, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-49, 20-49.1, and 20-49.2 are amended to

(1) recognize the extension of statutory waivers and suspensions therein, as amended and indicated below, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on May 31, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on May 31, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I amend Proclamations 20-49, 20-49.1, and 20-49.2 to prevent garnishments of bank accounts to collect judgments for consumer debt and therefore, only the following statutory provisions specified below are hereby waived and suspended in their entirety, until 11:59 PM on May 31, 2020:

1. RCW 6.27.020(1) and (2)
2. RCW 6.27.060
3. RCW 6.27.070(1)
4. RCW 6.27.080(2) and (3)
5. RCW 6.27.110(1) and (2)
6. RCW 6.27.120(1)
7. RCW 6.27.130(1) and (3)

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until 11:59 PM on May 31, 2020, I hereby amend Proclamations 20-49, 20-49.1 and 20-49.2 to prohibit the waivers and suspensions listed above from being applied to any judgment creditor, directly or through others acting on their behalf, except for the garnishment of bank accounts to collect judgments for consumer debt as defined in RCW 6.01.060(2) only.

The intent of this amended proclamation is to continue to protect CARES Act stimulus payments, as well as state and federal unemployment payments, from bank account garnishments.

This amended and extended proclamation is effective as of 11:59 PM on May 27, 2020, subject to agreement by the leadership of the Washington State Senate and House of Representatives.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until May 31

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-56

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout

Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, it is necessary to waive or suspend restrictions contained in agreements between tribes and the Governor's Office on the use of fuel tax refunds and to waive or suspend the statutory requirement for such restrictions; and

WHEREAS, there are currently at least 20,406 cases of COVID-19 in Washington State with 1,095 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend the specific statutory and regulatory restrictions relating to tribes' use of fuel tax refunds, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay tribal action that is necessary to address the COVID-19 pandemic with State fuel tax receipts collected by and refunded to tribes, and that the specific language of the below statutory provision is hereby waived and suspended in its entirety until 11:59 p.m. on June 27, 2020:

- RCW 82.38.310(3)(b)

AND, FURTHERMORE, I hereby waive and suspend any and all provisions in agreements between the Governor of the state of Washington and an Indian Tribe or Tribes restricting the use of fuel tax refund monies to highway- or transportation-related purposes, such waiver and suspension to be in effect until 11:59 on June 27, 2020.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 28th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, 20-25.2, AND 20-25.3**

20-57

Concerning the Health of Agricultural Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55, and 20-56, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, barring all people in Washington State from participating in social, spiritual and recreational gatherings of any kind, and all non-essential businesses in Washington State from conducting business; and

WHEREAS, under Proclamation 20-25, *Stay Home – Stay Healthy*, I deemed workers in the agricultural industry, including those working in fruit, vegetable, nut, flower, grain, dairy, and livestock production, to be essential; and

WHEREAS, Washington is the nation's leading producer of hops, cherries, apples, and pears, including more than seventy percent of the nation's hops and cherries, more than sixty percent of all apples, and nearly fifty percent of all pears; the nation's second highest producer of grapes, apricots, potatoes, onions, raspberries, and blueberries; and a top-ten highest producer of many other crops; and

WHEREAS, Washington's crops, produced by more than thirty thousand farms spanning nearly fifteen million acres, yield more than ten billion dollars in sales revenues each year and comprise twelve percent of Washington's economy; and

WHEREAS, tens of thousands of Washingtonians will work outdoors tending and harvesting crops and will be joined by tens of thousands of other individuals who will travel to Washington State to assist, and tens of thousands more will work indoors packing and shipping the crops; and

WHEREAS, immigrants make up a significant majority of the agricultural workforce, many of whom labor, live, and travel together, and without proper precautions, will be vulnerable to increased exposure to COVID-19, jeopardizing their health, the health of their families and communities, and Washingtonians' access to an abundant supply of nutritious, locally grown foods; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, there are currently at least 20,406 cases of COVID-19 in Washington State with 1,095 associated deaths; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, and that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), all provisions of Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*) shall remain in full force and effect, except for the specific conditions to such prohibitions set forth below.

FURTHERMORE, I hereby modify those provisions of Proclamation 20-25 (as amended) applicable to essential workers and workplaces to prohibit any agricultural employer from continuing to operate beyond June 3, 2020, unless the employer complies with all provisions of the Agriculture COVID-19 Requirements – Provisions for All Worksites and Work-Related Functions found [here](#), which prohibition shall remain in effect throughout the duration of the State of Emergency.

For purposes of this Proclamation, agricultural employers include orchards, fields, dairies, and all other operations expressly identified in WAC 296-307-006; all fruit- and vegetable-packing warehouses whether owned by the grower or producer or not; and employer- or operator-provided transportation and housing. These requirements do not apply to meat or other food processing operations.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5) in addition to enforcement actions taken by the Washington Department of Labor & Industries' Division of Occupational Health and Safety.

Signed and sealed with the official seal of the state of Washington on this 28th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-20, 20-20.1 and 20-20.2**

20-20.3

Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-20.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 4, 2020; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-20.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 31, 2020; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, 20-20.1 and 20-20.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-32, 20-32.1 and 20-32.2**

20-32.3

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-32.1 acknowledging the State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 and 32.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-32.2 acknowledging the State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, 20-32.1, and 20-32.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, 20-32.1 and 20-32.2, it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, 20-32.1 and 20-32.2; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, 20-32.1 and 30-32.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at

Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-15, 20-15.1 and 20-15.2**

**20-15.3
Department of Licensing**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives from May 4, 2020, until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15 have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and that Proclamation 20-15 is hereby extended until 11:59 p.m. on June 17, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-21, 20-21.1 and 20-21.2**

**20-21.3
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-

to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-21.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-21.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, 20-21.1 and 20-21.2, it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, 20-21.1 and 20-21.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-23, 20-23.1, 20-23.2 and 20-23.3**

20-23.4

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them

suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23 and 20-23.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-23.2, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, 20-23.1, and 20-23.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-23.3, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, 20-23.1, 20-23.2, and 20-23.3 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, 20-23.1, 20-23.2, and 20-23.3, it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23, 20-23.1, 20-23.2, and 20-23.3 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19

State of Emergency or 11:59 PM on June 17, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, as a condition of the prohibitions under this proclamation, as amended, I require all utilities providing energy, telecommunications, and water services in Washington State to develop COVID-19 Customer Support Programs, consistent with the [attached](#) guidance document. The programs must be reviewed and posted prominently on a public website by July 10, 2020.

ADDITIONALLY, the prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 PM on July 28, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-26, 20-26.1 and 20-26.2**

20-26.3

Liquor and Cannabis Board

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make

Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the WSLCB are continuing to suffer significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-26, waiving and suspending laws and imposing certain prohibitions relating to tax penalties, fees, interest, and due dates in order to provide tax relief to licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors ; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-26.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 4, 2020.

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-26 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-26.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the prohibitions therein to May 31, 2020.

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-26 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-26, 20-26.1 and 20-26.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described

above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-27, 20-27.1 and 20-27.2**

**20-27.3
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-27.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-27 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-27.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-27 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27, 20-27.1 and 20-27.2 are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-28, 20-28.1, 28.2, and 28.3**

**20-28.4
Open Public Meetings Act and Public Records Act**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-28.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending its prohibitions; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-28 and 20-28.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which I extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28, 20-28.1, and 20-28.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, as subsequently amended in 20-28.1, 20-28.2 and 20-28.3 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020;

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, 20-28.1, 20-28.2, 20-28.3 are amended to recognize the extension of the statutory waiver and suspension of RCW 42.56.520(1) by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on June 17, 2020 as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in- person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016> Cloud Solutions (05116): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MRSC, www.mrsc.org).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on June 17, 2020:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”

- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on June 17, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-29, 20-29 .1, and 20-29.2**

**20-29.3
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute

Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-29.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29 and 20-29.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-29.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29, 20-29.1, and 20-29.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, 20-29.1 and 20-29.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-30, 20-30.1, and 20-30.2**

20-30.3

Unemployment Benefit – Job Search Requirement

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-30.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 and 20-30.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-30.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, 20-30.1, and 20-30.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, 20-30.1, and 20-30.2 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-31, 20-31.1, and 20-31.2**

20-31.3

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-31.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives denied extension of the statutory waivers and suspensions in Proclamations 20-31 and 20-31.1, and on May 9, 2020, I asked them to reconsider their denial and to extend the statutory waivers and suspensions in these Proclamations until 11:59 p.m. on May 31, 2020; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 and 20-31.1 were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-31.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31, 20-31.1, and 20-31.2 were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on June 17, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, 20-31.1 and 20-31.2 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-33, 20-33.1, 20-33.2, 20-33.3 and 20-33.4**

20-33.5

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-33.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19

State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 and 20-33.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-33.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, 20-33.1, and 20-33.2 were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 18, 2020; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-33.3 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, 20-33.1, 20-33.2, and 20-33.3, were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on May 31, 2020; and

WHEREAS, on May 19, 2020, I issued Proclamation 20-33.4 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, 20-33.1, 20-33.2, 20-33.3, and 20-33.4 were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on June 17, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, 20-33.1, 20-33.2, 20-33.3, and 20-33.4 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency

Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-34, 20-34.1, and 20-34.2**

20-34.3

State Auditor's Office – Financial Reporting

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many local government agencies continues to significantly impact their ability to adequately staff various administrative and operational activities, and requires temporary relief from the time constraints imposed on filing financial reports under RCW 43.09.230;

WHEREAS, on March 26, 2020, I issued Proclamation 20-34, waiving and suspending a portion of RCW 43.09.230 requiring reports to be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-34 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-34.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-34 and 20-34.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-34.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations

20-34, 20-34.1 and 20-34.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-34, 20-34.1, and 20-34.2 are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-37, 20-37.1, and 37.2**

20-37.3

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NAR's to complete mandatory training and testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NAR's after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NAR's after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-37.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37 and 20-37.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-37.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, 20-37.1, and 20-37.2, were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-37, 20-37.1, and 20-37.2, it is also necessary for me to extend the waiver and suspension of rules in Proclamations 20-37, 20-37.1 and 20-37.2; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that

Proclamations 20-37, 20-37.1, and 20-37.2 are amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-38, 20-38.1, and 20-38.2**

20-38.3

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-38.1 acknowledging the extension of statutory waivers and suspensions

therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38 and 20-38.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-38.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, 20-31.1, and 20-38.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-38, 20-38.1, and 20-38.2, it is also necessary for me to extend the waiver and suspension of rules in Proclamations 20-38, 20-38.1 and 20-38.2; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-38, 20-38.1, and 20-38.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules and prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-39, 20-39.1, and 20-39.2**

20-39.3

Post-Retirement Employment

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices continue to significantly impact their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, on March 31, 2020, I issued Proclamation 20-39, waiving and suspending statutes necessary to encourage retired public sector employees with critical skills for response to the COVID-19 State of Emergency to return to service and fill these critical needs; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 1, 2020, I issued Proclamation 20-39.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-39 and 20-39.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-39.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-39, 20-39.1, and 20-39.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-39, 20-39.1, and 20-39.2 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-41, 20-41.1, and 20-41.2**

20-41.3

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 1, 2020, I issued Proclamation 20-41.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-41 and 20-41.1 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 15, 2020, I issued Proclamation 20-41.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-41, 20-41.1, and 20-41.2 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, approximately 21,500 driver instructional permits will expire in the next 90- day period and many will need to be renewed or extended, placing significant demand on the limited available resources of the Department of Licensing; and

WHEREAS, to assist the Department of Licensing to serve persons with or needing drivers instructional permits while reducing the risk of disease transmission to its employees and members of the public visiting its offices, it is necessary to waive and suspend certain statutory provisions that will allow it to temporarily extend the expiration of driver instructional permits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, 20-41.1, and 20-41.2 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to maintain the provision of essential Department of Licensing services to the public and further reduce the risk of disease transmission to its employees and members of the public visiting its offices by temporarily extending the

validity period of driver instructional permits, and that the language of each statutory provision specified below is hereby waived and suspended as noted until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

- RCW 46.20.055(4), the following language only: “for one year”
- RCW 46.20.055(4)(a) - (c)

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-43, and 20-43.1**

20-43.2

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, Washington State employees who have not authorized direct deposit of their paychecks and who have not authorized

the state to mail paychecks to them, currently must pick up their paychecks in person; and

WHEREAS, pursuant to prior proclamations and agency directives, state office building are closed, employees are not authorized to enter state buildings without specific permission, and all persons (including state employees) have been directed to “Stay Home, Stay Healthy”; and

WHEREAS, certain statutory and regulatory policies related to state administration and personnel operations are hindering the ability of state agencies and offices to maximize employee availability for response to hardships occurring during the COVID-19 pandemic; and

WHEREAS, to help ensure that state employees will be timely paid and will be available to respond to the COVID-19 pandemic, on April 10, 2020, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-43.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 and 20-43.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43 and 20-43.1 are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05, 20-44, AND 20-44.1**

20-44.2

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-57 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-44.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the waivers and suspensions of rules therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44 and 20-44.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-44 and 20-44.1 it is also necessary for me to extend the waiver and suspension of rules in Proclamation 20-44 and 20-44.1; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-44 and 20-44.1 are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05, 20-48, and 20-48.1**

20-48.2

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through June 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through June 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before taking a CDL skills examination, and the FMCSA has waived that requirement through June 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through June 30, 2020; and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths,

demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to CDL and CLP holders; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 15, 2020, I issued Proclamation 20-48.1, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 and 20-48.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48 and 20-48.1, it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-48, and 20-48.1 are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-49, 20-49.1, 20-49.2, AND 20-49.3**

**20-49.4
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their inability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of CARES Act stimulus payments and unemployment payments to collect judgments for consumer debt, as authorized under RCW 6.27, would further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, state unemployment compensation and federal pandemic unemployment compensation payments under the CARES Act may be deposited directly into workers' bank accounts and are entitled to exemption from garnishment by statute and should remain protected from garnishment; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishments to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49 on April 14, 2020, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 27, 2020, whichever occurs first; and

WHEREAS, on May 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-49, 20-49.1, 20-49.2 and 20-49.3 are amended to (1) recognize the extension of statutory waivers and suspensions therein, as amended and indicated below, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I amend Proclamations 20-49, 20-49.1, 20-49.2, and 20-49.3 to prevent garnishments of bank accounts to collect judgments for consumer debt and therefore, only the following statutory provisions specified below are hereby waived and suspended in their entirety, until 11:59 PM on June 17, 2020:

1. RCW 6.27.020(1) and (2)
2. RCW 6.27.060
3. RCW 6.27.070(1)
4. RCW 6.27.080(2) and (3)
5. RCW 6.27.110(1) and (2)
6. RCW 6.27.120(1)
7. RCW 6.27.130(1) and (3)

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until 11:59 PM on June 17, 2020, I hereby amend Proclamations 20-49, 20-49.1, 20-49.2, and 20-49.3 to prohibit the waivers and suspensions listed above from being applied to any judgment creditor, directly or through others acting on their behalf, except for the garnishment of bank accounts to collect judgments for consumer debt as defined in RCW 6.01.060(2) only.

The intent of this amended proclamation is to continue to protect CARES Act stimulus payments, as well as state and federal unemployment payments, from bank account garnishments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-51.1, and 20-51.2**

20-51.2

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 15, 2020, I issued Proclamation 20-51.1, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51 and 20-51.1 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on June 17, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, and 20-52.1**

20-52.2

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 20,764 cases of COVID-19 in Washington State with 1,106 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, and 20-52.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-52.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, and 20-52.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-06, 20-10, and 20-18, 20-52, and 20-52.1, it is also necessary for me to extend the waiver and suspension of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, and 20-52.1 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein to 11:59 p.m. on June 17, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until June 17

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25, 20-25.1, 20-25.2 and 20-25.3**

20-25.4

Transition From “Stay Home – Stay Healthy” To “Safe Start – Stay Healthy” County-By-County Phased Reopening

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (*Stay Home – Stay Healthy*), prohibiting all people in Washington State from leaving their homes except to participate in essential services or essential work and preventing all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I last amended the *Stay Home – Stay Healthy* order (Proclamation 20- 25.3) on May 4, 2020, there were approximately 15,462 cases of COVID-19 in Washington State with 841 deaths; and, now, as of May 31 2020, the Department of Health indicated that there have been 21,349 cases and 1,118 deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the health professionals and epidemiological modeling experts predict that although we have passed the peak of the first wave of COVID-19 in the State and we have made adequate progress as a state to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

WHEREAS, although the judicial system, an essential service, has undergone significant disruption and modification to operate safely during this crisis, and by order of the Supreme Court has delayed most jury trials in criminal and civil matters, in-person proceedings are necessary in many circumstances, and the judicial system is currently working with health officials to innovate and plan for the safe resumption of jury trials and other court services including at offsite facilities; and the efforts undertaken to innovate and plan are equally essential to the resumption of our judicial system, and should be conducted remotely if possible but otherwise may be conducted in person if appropriate physical distancing and protective measures are in place; and

WHEREAS, this unprecedented health crisis has caused extraordinary anxiety and a significant disruption of routine and important activities for every Washingtonian; and I recognize the extraordinary resiliency, strength, adaptability, and courage of every Washingtonian during this difficult time; and

WHEREAS, many people in Washington State attend religious services on a regular basis, making such services a vital part of the spiritual and mental health of our community, and previous guidance issued related to remote services, drive-in services, counseling, outdoor services, and Phase 2 indoor services, all subject to restrictions outlined in those guidance documents, remain in place and may be further expanded or modified as the science and data support; and

WHEREAS, the science also suggests that by ensuring safe social distancing and hygiene practices, many business activities can be conducted with limited exposure to customers, which is important to revitalizing Washington State’s economy, restoring jobs, and providing necessary goods and services; and

WHEREAS, in Proclamation 20-25.3 I established an initial four-phased approach to reopening Washington State; and, while all

counties started in Phase I on May 4, 2020, a total of 28 counties are now either in or eligible to apply for Phase 2; and

WHEREAS, the Washington State Department of Health's data and modeling demonstrate that many counties have significantly reduced or eliminated the number of new COVID-19 cases sufficiently to enable those counties to control and respond to virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed, and this data supports providing all counties with an opportunity to lift some restrictions, subject to certain conditions and requirements; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*) are amended to extend all of the prohibitions and each expiration date therein to 11:59 p.m. on July 1, 2020, and are renamed (*Safe Start – Stay Healthy*), and that except as otherwise provided in this order or the *Safe Start Washington* Phased Reopening County-by-County Plan found [here](#), all other provisions of Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 shall remain in full force and effect.

FURTHERMORE, in collaboration with the Washington State Department of Health, and based on analysis of the data and epidemiological modeling, I hereby order that, beginning on June 1, 2020, the *Safe Start Washington* Phased Reopening Plan will be applied on a county-by-county basis, and will allow any county that has been in Phase 1 or 2 for three weeks to apply to the Secretary of Health to move in whole or in part to the next phase; and further, the application process will include target metrics (intended to be applied as “targets” and not hard-line measures) set by the Secretary of Health, and the application must be submitted by the County Executive, or, in the absence of a County Executive, with the approval of the County Council or Commission, in accordance with the instructions provided by the Secretary of Health; and

FURTHERMORE, in evaluating any application to move forward, the Secretary of Health may approve a county moving in whole to the next phase, or may only approve certain activities moving to the next phase; and

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore, throughout all phases, individuals should continue to engage in personal protective behaviors including: practice physical distancing, staying at least six feet away from other people; wear cloth face coverings in public places when not eating or drinking; stay home if sick; avoid others who are sick; wash hands frequently; cover coughs and sneezes; avoid touching eyes, nose and mouth with unwashed hands; and disinfect surfaces and objects regularly; and

FURTHERMORE, I hereby order, in addition to other requirements detailed in the *Safe Start Washington* Phased Reopening Plan, that, beginning on June 8, 2020, when on the job, all employees must wear a facial covering except when working alone or when the job has no in-person interaction as detailed in the *Safe Start Washington* Phased Reopening Plan; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection; and

FURTHERMORE, I continue to permit the low-risk activities previously permitted as reflected or clarified in formal guidance documents [here](#), and which may be updated or modified as the science and data supports; and

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the *Safe Start Washington* Phased Reopening Plan accordingly.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are again reminded that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order goes into effect on June 1, 2020, and expires at 11:59 pm on July 1, 2020.

Signed and sealed with the official seal of the state of Washington on this 31st day of May, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING 20-05, 20-19, and 20-19.1**

20-19.2

Evictions and Related Housing Practices

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes,

increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on May 28, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-625 and ordered that courts should begin to hear non-emergency civil matters. While appropriate and essential to the operation of our state justice system, the reopening of courts could lead to a wave of new eviction filings, hearings, and trials that risk overwhelming courts and resulting in a surge in eviction orders and corresponding housing loss statewide; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;” and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who have lawfully occupied or resided in less traditional dwelling situations for 14 days or more, whether or not documented in a lease, including but not limited to roommates who share a home; long-term care facilities; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; and camping areas; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities or employment in essential business services, and promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-19, and 20-19.1 are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until 11:59 p.m. on August 1, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until 11:59 p.m. on August 1, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager (a) attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) provides at least 60 days' written notice of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager (a) attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) shows that at least 60 days' written notice were provided of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the

eviction order clearly states that it was issued based on a court's finding that (a) the individual(s) named in the eviction order is creating a significant and immediate risk to the health, safety, or property of others; or (b) at least 60 days' written notice were provided of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property.

- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident; failure to provide a reasonable re-payment plan shall be a defense to any lawsuit or other attempts to collect.**
- Landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent for any dwelling, parcel of land occupied as a dwelling. Except as provided below, this prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak. This prohibition does not apply to commercial rental property if rent increases were included in an existing lease agreement that was executed prior to February 29, 2020 (pre- COVID-19 state of emergency).
- Landlords, property owners, and property managers are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 20-19, 20-19.1, 20-19.2, or any other state or federal law providing rights or protections for residential dwellings. Nothing in this order prevents a landlord from seeking to engage in reasonable communications with tenants to explore re-payment plans in accordance with this order.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW

49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health, safety, or property of others created by the resident” (a) is one that is described with particularity, and cannot be established on the basis of the resident’s own health condition or disability; (b) excludes the situation in which a resident who may have been exposed to, or contracted, the COVID-19, or is following Department of Health guidelines regarding isolation or quarantine; and (c) excludes circumstances that are not urgent in nature, such as conditions that were known or knowable to the landlord, property owner, or property manager pre-COVID-19 but regarding which that entity took no action.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our State. To that end, this order further acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I want to thank the vast majority of tenants who have continued to pay what they can, as soon as they can, to help support the people and the system that are supporting them through this crisis. The intent of Proclamation 20-19, and all amendments and extensions thereto, is to provide relief to those individuals who have been impacted by the COVID-19 crisis. I strongly encourage landlords and tenants to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions that all parties will need in order to overcome the severe challenges that COVID-19 has imposed for landlords and tenants alike.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATIONS 20-05 AND 20-46

20-46.1

High-Risk Employees – Workers’ Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout the state of Washington, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, the threat of severe illness and death from COVID-19 to Washington State’s public and private sector workers who are in these higher-risk groups is recognized, and action must be taken to protect them from working conditions that require them to be placed in situations where they may be exposed to infection by the virus that causes the COVID-19 disease; and

WHEREAS, during this critical period of virus spread throughout our state, public and private sector workers in these high-risk groups must have access to accommodations to prevent greater risk of contracting COVID-19, and these decisions cannot be left solely to the employer; and

WHEREAS, to protect our public and private sector workers in these high-risk categories from the significant life, health and safety risks of the COVID-19 disease, it is necessary that employers seek any and all options for alternative work arrangements and that these workers are protected from job displacement, loss of employment benefits, and any requirement that they use personal accrued leave before applying for any available unemployment benefits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people, as well as the state economy, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect; and, that Proclamations 20-05 and 20-46 are amended, through the exercise of my prohibitory powers under RCW 43.06.220(1)(h), to continue to prevent all employers, public or private, from failing to provide accommodation to high-risk workers, as defined by the Centers for Disease Control and Prevention, that protects them from risk of exposure to the COVID-19 disease on the job. If an employer determines that alternative work arrangements are not feasible, the employer is prohibited from failing to permit an employee to utilize all available accrued leave options free from risk of adverse employment action.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby continue to prohibit all public and private employers in Washington State from taking any action that is inconsistent with practices related to high-risk employees, as described in Emergency Proclamation 20-46. This prohibition shall remain in effect until 11:59 PM on August 1, 2020, unless extended beyond that date.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace and to support implementation of the above prohibited activities by employers, I also hereby continue to prohibit all public and private employers in Washington State and labor unions representing employees in Washington State from applying or enforcing any employment contract provisions that contradict or otherwise interfere with the above prohibitions and the intent of this Proclamation as described herein until 11:59 PM on August 1, 2020, unless extended beyond that date.

To the greatest extent possible, all prohibitions in this Proclamation shall be construed to protect employees from loss of their positions, loss of employment benefits, and retaliation for decisions made regarding whether and how to work for their employers pursuant to this Proclamation.

This Proclamation shall not be construed to prohibit employers from hiring temporary employees so long as it does not negatively impact permanent employees' rights under this Proclamation to return to their employment positions without any negative ramifications to their employment status by their employer.

This Proclamation also shall not be construed to prohibit employers from requiring employees who do not report to work under this Proclamation to give up to five days' advance notice to employers of any decision to report to work or return to work under this Proclamation.

This Proclamation also shall not be construed to prohibit employers from taking employment action when no work reasonably exists, such as in a circumstance of a reduction in force, for a high-risk employee during this Proclamation. However, in the case that no work exists, employers shall not take action that may adversely impact an employee's eligibility for unemployment benefits.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 9th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-08, 20-09, and 20-09.1**

20-09.2

Phased Reopening of K-12 Schools

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (Stay Home – Stay Healthy), and 20-25.4 (Safe Start WA), all of which limit people in Washington State from leaving their homes except to participate in certain permitted activities; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system;

WHEREAS, health professionals and epidemiological modeling experts indicated that continued operation of schools could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, 20-09, and 20-09.1, I prohibited public school districts, charter schools, and private schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, schools are the foundation of Washington's communities, and in addition to traditional classroom education, schools provide a variety of vital services to students, families and communities that play a vital role in students' ability to succeed, including academic supports, special education supports, health therapies, mental/behavioral supports, access to nutritious food, and other community services; and

WHEREAS, closing our schools has been stressful for all Washingtonians, and has been particularly difficult for children with heightened social, physical, developmental, or emotional needs, and those who rely on our schools to provide services, structure, and positive social interactions; and

WHEREAS, although parents, students, school teachers, and administrators have made tremendous efforts to continue to function through distance learning, and I recognize their extraordinary resilience, strength, adaptability, and courage, all agree that re-opening our schools and restarting face-to-face learning as soon as can be safely accomplished will benefit our children, families and communities; and

WHEREAS, although the Department of Health indicates that on June 1, 2020, there were 21,977 cases of COVID-19 in Washington State with 1,124 associated deaths and as of June 11, 2020, there currently are 24,652 cases of COVID-19 with 1,190 associated deaths, demonstrating the ongoing, present threat of this lethal disease, health professionals and epidemiological modeling experts predict that we have passed the peak of the first wave of COVID-19 in the state and we have made adequate progress against COVID-19 as a state to modify statewide closure of K-12 school facilities; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to re-open schools only through a careful, phased, flexible, and science-based approach; and

WHEREAS, the science suggests that by ensuring safe social distancing and hygiene practices, and modifying procedures and facilities, many school functions can be conducted with limited risk of exposure and spread of COVID-19; and

WHEREAS, school programs, activities, and services offered during the summer generally involve fewer students than school-year programs, activities, and services, and accordingly are well-suited to operate with the modified procedures and facilities necessary for a safe opening; and

WHEREAS, all schools must engage in planning for fall programs, activities, and services, and they must do so well in advance of the fall; and

WHEREAS, schools will continue to need to prepare to be flexible to pivot in whole or in part to distance learning if there is an outbreak of COVID-19 in their county or within their school community and to follow guidance from the Department of Health, the Department of Labor and Industries, and the Superintendent of Public Instruction to help mitigate risk to students, teachers, and the community; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08, 20-09, and 20-09.1 are amended to extend all of the prohibitions and each expiration date therein until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, except as amended to allow re-opening as provided in this order and subject to the requirements in the *K-12 Schools Summer 2020 Guidance* document found [here](#) and the *Re-opening K-12 Fall 2020-2021 Guidance* document found [here](#).

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial, and therefore ordered, that schools implement and require all personal protective behaviors set forth in the *K-12 Summer 2020 Services During the COVID-19 Outbreak* and the *COVID-19 School Worksite K-12 Fall 2020 Services* guidance documents.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect on June 20, 2020, and will remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 11th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-22, 20-22.1, AND 20-22.2**

**20-22.3
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied

gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, maintaining a steady supply of livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19 continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, 20-22.1, and 20-22.2, to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as modified by the June 8, 2020 order of the Federal Motor Carrier Safety Administration, are extended until 11:59 p.m. on July 14, 2020.

FURTHERMORE, to clarify application of the June 8, 2020, order of the Federal Motor Carrier Safety Administration, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the June 8, 2020, order of the Federal Motor Carrier Safety Administration, and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on July 14, 2020:

1. Livestock and livestock feed;
2. Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; and;
3. Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described

above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATIONS
20-45, 20-45.1, and 20-45.2**

20-45.3

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, 20-25.1, 20-25.2, 20-25.3, and 20-25.4 ("*Stay Home, Stay Healthy*" and "*Safe Start, Stay Healthy*") restricting Washington residents' movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers

and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state’s district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts’ authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service—by email or text message, or through social media applications—are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time- consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 15, 2020, whichever occurs first; and

WHEREAS, on May 18, 2020, I issued Proclamation 20-45.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 15, 2020, whichever occurs first, and making technical corrections to Proclamation 20-45.1; and

WHEREAS, on June 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45.2 as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first; and

WHEREAS, there are currently at least 26,158 cases of COVID-19 in Washington State with 1,221 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45,

20-45.1, and 20-45.2 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, while the purposes of this order continue to be to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in the extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and should be made using

electronic/telephonic means of service with verification of receipt, such as by email, text message, facsimile or through social media applications. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. The extension of this Order is intended to complement, support, and further those efforts.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-15, 20-15.1, 20-15.2, AND 20-15.3**

**20-15.4
Department of Licensing**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives from May 4, 2020, until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15 have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on June 17, 2020, whichever occurs first, and that Proclamation 20-15 is hereby extended until 11:59 p.m. on July 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-20, 20-20.1, 20-20.2 and 20-20.3**

20-20.4

Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-20.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020 in Proclamation 20-20.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, 20-20.1, 20-20.2, and 20-20.3 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-21, 20-21.1, 20-21.2 and 20-21.3**

**20-21.4
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-20.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-20.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, 20-21.1, 20-21.2, and 20-21.3 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security

Department to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-23, 20-23.1, 20-23.2, 20-23.3, and 20-23.4**

20-23.5

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-23.2; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-23.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-23.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23 et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23, 20-23.1, 20-23.2, 20-23.3, and 20-23.4 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 PM on July 1, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, as a condition of the prohibitions under this proclamation, as amended, I require all utilities providing energy, telecommunications, and water services in Washington State to develop COVID-19 Customer Support Programs, consistent with the [attached](#) guidance document. The programs must be reviewed and posted prominently on a public website by July 10, 2020.

ADDITIONALLY, the prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 PM on July 28, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-26, 20-26.1, 20-26.2, and 20-26.3**

**20-26.4
Liquor and Cannabis Board**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the WSLCB are continuing to suffer significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-26, waiving and suspending laws and imposing certain prohibitions relating to tax penalties, fees, interest, and due dates in order to provide tax relief to licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-26.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-26.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-26.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-26 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-27, 20-27.1, 20-27.2, and 20-27.3**

**20-27.4
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27 et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27 et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-27.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health

of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27 et seq., are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-28, 20-28.1, 20-28.2, 20-28.3, and 20-28.4**

**20-28.5
Open Public Meetings Act and Public Records Act**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving

and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-28.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which I extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020; and

WHEREAS, on May 29, 2020, I issued Proclamation 20-28.4 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending its prohibitions to June 17, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020;

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health

officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28 et seq., are amended to recognize the extension of the statutory waiver and suspension of RCW 42.56.520(1) by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in- person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016> Cloud Solutions (05116): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MRSC, www.mrsc.org).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on July 1, 2020:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's

principal location.”

- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on July 1, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-29, 20-29.1, 20-29.2, and 20-29.3**

**20-29.4
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 26,158 cases of COVID-19 in Washington State with 1,221 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-29.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-29.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-29.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, 20-29.1, 20-29.2, and 20-29.3 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-30, 20-30.1, 20-30.2, and 20-30.3**

20-30.4

Unemployment Benefit – Job Search Requirement

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-30.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-30.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-30.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-31, 20-31.1, 20-31.2, and 20-31.3**

20-31.4

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-31.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives denied extension of the statutory waivers and suspensions in Proclamations 20-31 et seq., and on May 9, 2020, I asked them to reconsider their denial and to extend the statutory waivers and suspensions in this Proclamation until 11:50 p.m. on May 31, 2020; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-31.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-31.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-32, 20-32.1, 20-32.2 and 20-32.3**

20-32.4

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 26,158 cases of COVID-19 in Washington State with 1,221 associated deaths, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-32.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of

the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-32.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-32.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32 et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long- term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-33, 20-33.1, 20-33.2, 20-33.3, 20-33.4, and 20-33.5**

20-33.6

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-33.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 11, 2020, in Proclamation 20-33.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 18, 2020, in Proclamation 20-33.3; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-33.4; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-33.5; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-34, 20-34.1, 20-34.2, and 20-34.3**

**20-34.4
State Auditor's Office – Financial Reporting**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many local government agencies continues to significantly impact their ability to adequately staff various administrative and operational activities, and requires temporary relief from the time constraints imposed on filing financial reports under RCW 43.09.230;

WHEREAS, on March 26, 2020, I issued Proclamation 20-34, waiving and suspending a portion of RCW 43.09.230 requiring reports to be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-34 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-34.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-34 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 13, 2020, in Proclamation 20-34.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-34 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-34.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-34 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-34 et seq., are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-37, 20-37.1, 20-37.2, and 37.3**

20-37.4

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NAR's to complete mandatory training and testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NAR's after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NAR's after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-37.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination

of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-37.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-37.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-37 et seq., are amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-38, 20-38.1, 20-38.2, and 20-38.3**

20-38.4

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-38.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-38.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-38.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under

Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-38 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules and prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-39, 20-39.1, 20-39.2, and 20-39.3**

**20-39.4
Post-Retirement Employment**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices continue to significantly impact their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, on March 31, 2020, I issued Proclamation 20-39, waiving and suspending statutes necessary to encourage retired public

sector employees with critical skills for response to the COVID-19 State of Emergency to return to service and fill these critical needs; and

WHEREAS, on May 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-39.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-39.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-39 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-39.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-39 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-39 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-41, 20-41.1, 20-41.2, and 20-41.3**

20-41.4

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-41.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-41.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-41.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-41 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, approximately 21,500 driver instructional permits will expire in the next 90- day period and many will need to be renewed or extended, placing significant demand on the limited available resources of the Department of Licensing; and

WHEREAS, to assist the Department of Licensing to serve persons with or needing drivers instructional permits while reducing the risk of disease transmission to its employees and members of the public visiting its offices, it is necessary to waive and suspend certain statutory provisions that will allow it to temporarily extend the expiration of driver instructional permits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to maintain the provision of essential Department of Licensing services to the public and further reduce the risk of disease transmission to its employees and members of the public visiting its offices by temporarily extending the validity period of driver instructional permits, and that the language of each statutory provision specified below is hereby waived and suspended as noted until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

- RCW 46.20.055(4), the following language only: “for one year”
- RCW 46.20.055(4)(a) - (c)

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-43, 20-43.1, and 20-43.2**

20-43.3

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, Washington State employees who have not authorized direct deposit of their paychecks and who have not authorized the state to mail paychecks to them, currently must pick up their paychecks in person; and

WHEREAS, pursuant to prior proclamations and agency directives, state office building are closed, employees are not authorized to enter state buildings without specific permission, and all persons (including state employees) have been directed to “Stay Home, Stay Healthy”; and

WHEREAS, certain statutory and regulatory policies related to state administration and personnel operations are hindering the ability of state agencies and offices to maximize employee availability for response to hardships occurring during the COVID-19 pandemic; and

WHEREAS, to help ensure that state employees will be timely paid and will be available to respond to the COVID-19 pandemic, on April 10, 2020, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-43.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-43.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health

of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05, 20-44, 20-44.1, AND 20-44.2**

20-44.3

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-57 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and

suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-44.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-44.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-44 et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05, 20-48, 20-48.1, and 20-48.2**

20-48.3

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through September 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through September 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before taking a CDL skills examination, and the FMCSA has waived that requirement through September 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through September 30, 2020; and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020, which was recently extended to September 30, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to CDL and CLP holders; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 15, 2020, I issued Proclamation 20-48.1, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first and similarly extending the prohibitions therein; and

WHEREAS, on May 29, 2020, I issued Proclamation 20-48.2, acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending the prohibitions therein; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48 et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-48 et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 PM on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-49, 20-49.1, 20-49.2, 20-49.3, and 20-49.4**

**20-49.5
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their inability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of CARES Act stimulus payments and unemployment payments to collect judgments for consumer debt, as authorized under RCW 6.27, would further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, state unemployment compensation and federal pandemic unemployment compensation payments under the CARES Act may be deposited directly into workers' bank accounts and are entitled to exemption from garnishment by statute and should remain protected from garnishment; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishments to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49 on April 14, 2020, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 21, 2020, in Proclamation 20-49.1; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 27, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 27, 2020 in Proclamation 20-49.2; and

WHEREAS, on May 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020 in Proclamation 20-49.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020 in Proclamation 20-49.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

The intent of this amended proclamation is to continue to protect CARES Act stimulus payments, as well as state and federal unemployment payments, from bank account garnishments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-51.1 and 20-51.2**

20-51.3

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25 et seq., restricting Washington residents' movement outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-51.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-51.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59

p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

PROCLAMATION BY THE GOVERNOR

AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, 20-52.1, and 20-52.2

20-52.3

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by

third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-52.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 29, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, and 20-52.1 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, on May 29, 2020, I issued Proclamation 20-52.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, 20-52.1, and 20-52.2 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-06, 20-10, and 20-18, 20-52, 20-52.1, and 20-52.2, it is also necessary for me to extend the waiver and suspension of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, 20-52.1, and 20-52.2 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein to 11:59 p.m. on July 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-41, 20-41.1, 20-41.2, 20-41.3, and 20-41.4**

20-41.5

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting

its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-41.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-41.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-41.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-41.4; and

WHEREAS, approximately 21,500 driver instructional permits will expire in the next 90- day period and many will need to be renewed or extended, placing significant demand on the limited available resources of the Department of Licensing; and

WHEREAS, to assist the Department of Licensing to serve persons with or needing drivers instructional permits while reducing the risk of disease transmission to its employees and members of the public visiting its offices, it is necessary to waive and suspend certain statutory provisions that will allow it to temporarily extend the expiration of driver instructional permits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to maintain the provision of essential Department of Licensing services to the public and further reduce the risk of disease transmission to its employees and members of the public visiting its offices by temporarily extending the validity period of driver instructional permits and by temporarily waiving the requirement for in-person signatures, and that the language of each statutory provision specified below is hereby waived and suspended as noted until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

- RCW 46.20.055(4), the following language only: “for one year”
- RCW 46.20.055(4)(a) - (c)
- RCW 46.20.091(2), the following language only: “before a person authorized to administer oaths”.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-58

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state’s law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that as of June 16, 2020, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present threat of this lethal disease,

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend RCW 50.60.110(1), in its entirety, through 11:59 p.m. on July 19, 2020, because it prevents, hinders or delays necessary action to restore at least partial employment of the workforce that has been dramatically affected by the COVID-19 pandemic.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-59

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout

Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-58, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health- care system;

WHEREAS, healthcare workers are essential to meeting Washington State healthcare needs and critical in responding to the COVID-19 epidemic; and

WHEREAS, the COVID-19 epidemic has hindered the ability of recent graduates to obtain licenses and enter the health care workforce, which threatens Washingtonians’ ability to promptly access care; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to healthcare providers in the State of Washington; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to the issuance of Temporary Practice Permits (TPP) for healthcare workers who have recently graduated from professional health care programs in dentistry, pharmacy, and dental hygiene; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease,

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action to prevent a shortage of licensed health care providers by modifying the eligibility for Temporary Practice Permits of recent graduates from professional programs in dentistry, pharmacy, and dental hygiene until 11:59 p.m. on July 19, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent the Washington State healthcare system from meeting the demand for healthcare staffing to meet the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein with specific language stricken (for example, "~~licensed~~"), until 11:59 p.m. on July 19, 2020:

1. RCW 18.130.075 (Temporary practice permits—Penalties), the following stricken language only:

(1) If an individual ~~licensed in another state that has licensing standards substantially equivalent to Washington~~ applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect ~~statutory~~ limitations on the scope of practice. ~~The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits.~~

(2) Failure to surrender the temporary practice permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter.

(3) The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

2. WAC 246-12-050
3. WAC 246-817-185
4. WAC 246-817-186
5. WAC 246-863-035

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the waivers and suspensions listed above from applying except as follows:

1. Eligibility. The waivers set forth above shall be only for persons applying for Temporary Practice Permits to practice as dentists, pharmacists, and dental hygienists who meet all of the following eligibility criteria:
 - a. Graduated from an approved educational program, as required for the relevant profession, after January 1, 2020,
 - b. Has not previously taken the state-level examination(s) required for licensure,
 - c. Attests to the inability to take the required examination(s) within the normal timeframe due to a lack of exam space,
 - d. Is included on a list, submitted by the relevant educational program to the Department of Health, of eligible graduates who, in the opinion of the relevant educational program, are prepared and competent to enter practice,
 - e. Files an application on a form provided by or as otherwise directed by the Department of Health,
 - f. Pays the required license application fee to the Department of Health,
 - g. Completes any required background check, provided that a Temporary Practice Permit can be issued while the background check is completed, and
 - h. Meets all other requirements to qualify and apply for licensure other than the examination requirement.
2. Expiration. The waivers set forth above shall expire at the earliest of any of the following:
 - a. The declared end of the COVID-19 Emergency (Proclamation 20-05),
 - b. The Temporary Practice Permit holder fails to take the first examination available, unless unable to do so due to illness or other extenuating circumstances beyond their control,
 - c. A license is issued,
 - d. The Temporary Practice Permit holder receives a failing result on a required professional licensing examination,
 - e. The disciplining authority suspends or revokes the Temporary Practice Permit, or
 - f. 180 days after the Temporary Practice Permit is issued, provided, that this automatic expiration date can be extended for up to two 60-day increments during the declared COVID-19 pandemic emergency if the Temporary Practice Permit holder demonstrates an effort to schedule an exam that was unsuccessful due to extenuating circumstances such as continued limitations

on testing capacity.

3. Limitations on Scope of Practice.

- a. Individuals issued Temporary Practice Permits under this proclamation are prohibited from prescribing or dispensing controlled substances (e.g. opioids) without a fully licensed co-prescriber, and
- b. The disciplining authority may impose other limitations on the scope of practice when issuing a Temporary Practice Permit when the disciplining authority determines that such limitations are warranted for the protection of patient safety.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-12**

20-12.1

Higher Education – Fall 2020

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20- 59, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20- 25, et seq., prohibiting all people in Washington State from leaving their homes except to participate in certain permitted activities, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington’s public and private health-care system; and

WHEREAS, health professionals and epidemiological modeling experts indicated that continued normal operation of public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs recognized the risk of continued in-person classes and unilaterally moved to remote instruction or implemented alternative learning options to address physical distancing recommendations; and

WHEREAS, on March 13, 2020, I issued Proclamation 20-12 prohibiting public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs; and

WHEREAS, the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges,

technical schools, apprenticeship programs, and similar schools and programs have remained in modified operation, including remote learning and certain programs for essential workers; and

WHEREAS, Washington's public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

WHEREAS, using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians; and

WHEREAS, the progression of COVID-19 in Washington State shows racial disparities in health impacts which are likely to increase racial disparities in access and success in post- secondary education requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

WHEREAS, although public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have made tremendous efforts to continue to function through remote learning, returning to campus and these facilities as soon as can be safely accomplished will benefit Washington; and

WHEREAS, although the Department of Health indicates that COVID-19 is an ongoing, present threat in Washington State, health professionals and epidemiological modeling experts predict that we have made adequate progress against COVID-19 to plan for a return to campus at our public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs in fall 2020; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to physically return to campus and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs only through a science- based approach that incorporates safety, sanitation, and physical distancing guidelines; and

WHEREAS, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs need sufficient time to prepare to restart in-person instruction and to provide information to students, family, faculty and employees regarding the measures taken to provide a safe learning environment; and

WHEREAS, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs will continue to need to prepare to be flexible to pivot in whole or in part to remote learning if there is an outbreak of COVID-19 in their county or within their educational community;

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20-25, et seq., (as otherwise amended) continue in effect except as amended herein, to allow for a physical return to campuses and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs in fall 2020 provided certain requirements are and continue to be satisfied.

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial, and therefore ordered, that beginning on August 1, 2020, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs may resume general instruction, to include in-person classroom instruction, lectures and similar educational gatherings, only if they implement, follow, and enforce the requirements specified below. **NOTE: These requirements are specific to general instruction at public or private higher education facilities regardless of what phase or county they are in. Higher education facilities in counties in Phase 1 or modified Phase 1 may need to implement additional precautions. The local health department shall determine, in consultation with the state health department, if or how the facilities in these counties can operate.**

CAMPUS SAFETY

- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop comprehensive plans (“Safe Back to School Plan”) based on the [Campus Reopening Guide](#) prepared by the Higher Education Re-Opening Work Group. The plan must meet all standards for reopening in accordance with federal, state and local health requirements (to include *Safe Start* proclamations and guidance), and make available a copy of these plans at each location on campus;
- Follow state return to work guidance to include allowing work from home for operations able to be performed remotely;
- Maintain minimum physical distancing whenever possible of six feet between all on- campus personnel, including with visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain frequent and adequate hand washing policies and include adequate maintenance of supplies;
- Use disposable gloves and other Personal Protective Equipment (PPE) where safe and applicable to prevent transmission on shared items;
- Implement and maintain adequate sanitization of high-touch surfaces and shared resources (e.g., doorknobs, elevators, vending machines, points of sales);
- Implement and maintain a self-certification program through which students and personnel are asked to self-certify that they have experienced no COVID-19 symptoms since last visit to campus facility;
- Require that students and personnel stay home and seek medical or local public health guidance if they are experiencing any known symptoms and to remain isolated until diagnosis and next steps are clear;
- Require that students and personnel self-quarantine or isolate per local public health guidelines if they are confirmed to have COVID-19 or have been exposed to confirmed case;
- Refer to guidance from the Washington State Department of Health: <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/COVIDExposed.pdf>;
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or are confirmed to have COVID-19;
- Avoid non-essential travel by school personnel and self-quarantine per local public health and worker safety guidelines after any high-risk travel as defined by the CDC (e.g., international travel);
- Follow state reopening guidelines for travel;
- Follow state guidelines for logging onsite personnel by, to the extent feasible, implementing a program to log students, personnel, and visitors;
- Provide contact information to all students/personnel to report concerns and/or potential violations of the Safe Back-to-School Plan;
- Regularly self-monitor and update the Safe Back-to-School Plan;
- Communicate the Safe Back-to-School Plan to all students and personnel including any future modifications; and
- Designate specific spaces for isolating campus personnel who live on campus and/or residential students as needed (e.g. specific building campus personnel and/or students can quarantine in).

STUDENT AND PERSONNEL SUPPORT

- Adhere to state and federal law for health and workplace safety during COVID-19 including state "Safe Start" guidance and State Department of Labor & Industries guidelines;
- Provide students and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for students/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits of six feet), and shut down or suspend any activity if PPE cannot be provided;
- Note: Follow WA Labor and Industries guidelines for masks: <https://www.lni.wa.gov/forms-publications/F414-168-000.pdf>;
- Identify available alternative arrangements for students and personnel upon requests or refusals to work due to concerns related

to campus safety. Priority should be given for students/personnel who are considered high-risk or vulnerable as defined by public health officials; following state guidelines (to include *Safe Start* guidance) for COVID-19 scenarios and benefits; and

- Educate students and personnel on symptom detection, sources of high risk to COVID- 19, prevention measures, and leave benefits/policies (e.g., UI for personnel that need to self-quarantine); following any education requirements for employers per state COVID- 19 *Safe Start* plan.

VISITOR EXPECTATIONS

- Limit or prohibit visitors; and
- Post visible entry point signage for students, personnel, and visitors describing shared on- campus responsibilities, to include guidance regarding proper hygiene and sanitization, physical distancing and PPE guidance, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

FOOD SERVICES

- Follow Washington State reopening guidelines for restaurants;
- Enforce capacity limits (e.g., enforced at point of entry with clickers);
- Maintain physical distancing of six feet;
- Implement floor markings to promote physical distancing;
- Post signs to remind students/personnel of physical distancing, PPE requirements, and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales);
- Restrict cash payments; allow payments only by card or contactless; and
- Require all patrons to wear cloth face coverings except while eating.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

PROCLAMATION BY THE GOVERNOR AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-51.1, 20-51.2 and 20-51.3

20-51.4

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-60, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamations 20-25 et seq., restricting Washington residents' movement outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-51.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-51.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51 et seq., are amended to recognize the extension of statutory waivers and suspensions therein, *except as provided below*, by the leadership of the Washington State Senate and House of Representatives until the termination of the

COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

FURTHERMORE, by altering the waiver and suspension of the following statutory language, this Proclamation 20-51.4 corrects a technical, drafting error in Proclamation 20-51 to clarify that community associations may collect assessments:

RCW 64.90.405(2)(k) – only the following stricken provisions are waived and suspended:

(k) Collect assessments and impose and collect reasonable charges for late payment of assessments;

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05**

20-60

Yakima County – Face Coverings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-59, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, as of June 20, 2020, Yakima County had the highest rate of COVID-19 per capita in the western United States, with twenty-six percent positivity in COVID-19 tests the week of June 15, 2020, twenty-two percent of all hospitalizations statewide for COVID-19, nineteen percent occupancy hospital beds by COVID-19 patients (as compared to two and one half percent

statewide), and approximately ten percent of all COVID-19 deaths statewide, while comprising three percent of Washington's population; and

WHEREAS, as of June 22, 2020, Yakima County reported 6,435 cases of COVID-19 infection and King County reported 9,366 cases of COVID-19 infection, while King County is nearly ninety percent larger than Yakima County; and

WHEREAS, the COVID-19 outbreak has reached an alarming and critical juncture in Yakima County, and additional infection control measures must be immediately implemented by its residents and business owners and operators to avoid the likely outcome of tragic and significant additional loss of life; and

WHEREAS, the Department of Health and the United States Centers for Disease Control and Prevention recommend that, in addition to its recommendation to maintain six feet of physical distance from non-household members and frequent hand washing with soap and water or alcohol-based hand sanitizer, people wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times, given the substantial increase in the numbers of cases of COVID-19 infection, these precautions must be mandatory; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), I hereby impose the following necessary restrictions on participation by all people in Yakima County by prohibiting each of the following activities by all people and businesses throughout that county:

- No individual may appear in a public place without wearing a face covering, under the circumstances described in Order of the Secretary of Health 20-03;
- No business may operate, allow a customer to enter a business, or conduct business with a customer inside any building that is open to public or outdoors in a public place unless the customer is wearing a face covering, as described in Order of the Secretary of Health 20-03;
- No individual may enter a place of business, whether the business is operating indoors or outdoors, without first donning a face covering, unless the individual does so under circumstances expressly exempted from this requirement under Order of the Secretary of Health 20-03.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. Order of the Secretary of Health 20-03, issued on June 24, 2020, found [here](#), is incorporated by reference, may be amended as is necessary, and all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as WAC 296-800-14035.
3. The general public must cooperate with the implementation of infection control measures implemented by public health authorities pursuant to State Board of Health rule WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the Order of the Secretary of Health 20-03, may be found at the Governor's Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything

reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order shall take effect on June 26, 2020, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 24th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-56**

20-56.1

Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-60, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, it is necessary to waive or suspend restrictions contained in agreements between tribes and the Governor's Office on the use of fuel tax refunds and to waive or suspend the statutory requirement for such restrictions; and

WHEREAS, on June 26, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56 is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-61

Department of Transportation – Annual Updates to Transportation Improvement Plans

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-60, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, RCW 35.77.010 requires all cities and towns to adopt a comprehensive Transportation Improvement Plan (TIP) covering the ensuing six years, and requires cities and towns to adopt annual updates to their TIPs no later than July 1 of each year; and

WHEREAS, the process of adopting an update to a TIP requires public hearings, significant municipal staff time, and municipal resources, all of which are significantly impacted by the COVID-19 pandemic; and

WHEREAS, due to the COVID-19 pandemic, cities and towns are facing staffing shortages and unprecedented revenue shortfalls, requiring re-evaluation of revenue projections and planned transportation improvements; and

WHEREAS, the Department of Transportation is responsible for receiving and tracking annual updates to TIPs, requiring staff time and resources; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action by requiring annual updates to Transportation Improvement Plans by July 1 of each year.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its

entirety, except as otherwise provided herein, until 11:59 p.m. on July 30, 2020:

RCW 35.77.010(1), only the following language as indicated by strikethrough (for example “annually”) –

(1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first-class city derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city transportation needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive transportation program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year plan for each city or town shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue

to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25 et seq.**

20-25.5

“Safe Start – Stay Healthy” County-By-County Phased Reopening

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*), and I subsequently issued Proclamation 20-25.4 (*“Safe Start – Stay Healthy” County-By-County Phased Reopening*), wherein I amended and transitioned the previous proclamations’ requirements to “*Safe Start – Stay Healthy*” requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4 and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I issued the *Safe Start– Stay Healthy* order (Proclamation 20-25.4) on May 31, 2020, there were approximately 21,349 cases of COVID-19 in Washington State with 1,118 deaths; and, now, as of July 1, 2020, the Department of Health indicated that there have been 32,824 cases and 1,332 deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the health professionals and epidemiological modeling experts predict that although Washington State has passed the peak of the first wave of COVID-19 and has made adequate progress to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases; and

WHEREAS, the United States Centers for Disease Control and Prevention recommends that, in addition to its recommendation to maintain six-feet of physical distance from non-household members and frequent hand washing with soap and water or alcohol-based hand sanitizer, people wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times, given the substantial increase in the numbers of cases of COVID-19 infection, these precautions must be mandatory; and

WHEREAS, the science also suggests that by ensuring safe social distancing hygiene practices, and the use of cloth face coverings, many business and recreational activities can be conducted with limited exposure to customers, which is important to revitalizing Washington State’s economy, restoring jobs, and providing necessary goods and services; and

WHEREAS, the Washington State Department of Health’s data and modeling demonstrate that many counties have significantly reduced or eliminated the number of new COVID-19 cases sufficiently to enable those counties to control and respond to virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed, and this data continues to support providing all counties with an opportunity to lift some restrictions, subject to certain conditions and requirements, including the use of cloth face coverings; and

WHEREAS, on June 8, 2020, I ordered all employees to wear a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries’ COVID-19 workplace safety and health requirements; and

WHEREAS, on June 24, 2020, the Secretary of Health issued Order 20-03, effective June 26, 2020, requiring every individual in Washington state to wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting, except under certain circumstances, which provides a minimum level of protection for Washingtonians when they are not at work where the Department of Labor & Industries’ face covering requirements apply; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., are amended to extend all of the prohibitions and each expiration date therein to 11:59 p.m. on July 9, 2020, and that except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03*, issued on June 24, 2020, found [here](#), and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to continue to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore, throughout all phases, individuals should (or must, as noted below) continue to engage in personal protective behaviors including:

- practicing physical distancing, staying at least six feet away from other people;
- wearing cloth face coverings in public settings (required, with some exceptions, pursuant to *Order of the Secretary of Health 20-03*);
- staying home if sick;
- avoiding others who are sick;
- washing hands frequently;
- covering coughs and sneezes;
- avoiding touching eyes, nose and mouth with unwashed hands; and
- disinfecting surfaces and objects regularly; and

FURTHERMORE, I hereby incorporate a reference to the previously issued order requiring face coverings in the work place and further order, in addition to other requirements detailed in the *Safe Start Washington Phased Reopening Plan*, that:

While at work:

- No employee may work unless that employee wears a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries' COVID-19 Workplace Safety and Health Requirements. These face covering requirements supersede the face covering requirements in *Order of the Secretary of Health 20-03* to the extent that they would apply to employees when working.

When not at work:

- As required by *Order of the Secretary of Health 20-03*, or as I otherwise direct, no individual who is not expressly exempted may appear in any indoor or outdoor public setting, including but not limited to, a business, without wearing a face covering.

Employers:

- No employer may operate, allow a customer to enter a business, conduct business, or employ employees unless the employer
 - (a) cooperates with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19;
 - (b) cooperates with the implementation of infection control measures, including but not limited to isolation and quarantine and following the cleaning guidelines set by the CDC to deep clean and sanitize; (c) complies with all public health authority orders and directives; and
 - (d) complies with all Department of Labor & Industries interpretive guidance, regulations, and rules and Department of Labor & Industries-administered statutes. Cooperation and compliance requirements are listed in the Reopening Plan.

FURTHERMORE, I continue to permit the low-risk activities previously permitted as reflected or clarified in formal guidance documents [here](#), and which may be updated or modified as the science and data supports; and

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the *Safe Start Washington Phased Reopening Plan* accordingly. Such adjustments may include, if necessary based on the data and science, delaying progress of any or all counties to a subsequent phase, or returning any or all counties to a prior phase.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296- 800-14035](#), and Department of Labor & Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are reminded again that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order goes into effect immediately, and remains in effect until it expires at 11:59 p.m. on July 9, 2020, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 1st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-15 et seq.**

**20-15.5
Department of Licensing**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives from May 4, 2020, until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15 et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and that Proclamation 20-15 et seq., is hereby extended until 11:59 p.m. on August 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-20 et seq.**

20-20.5

Department of Revenue - Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make

Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-20.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020 in Proclamation 20-20.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020 in Proclamation 20-20.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-21, et seq.**

20-21.5

Unemployment Benefit – 1 Week Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation

20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-21.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-21.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-21.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 and 20-23, et seq.,**

20-23.6

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended

the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-23.2; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-23.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-23.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-23.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05, 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, as a condition of the prohibitions under this proclamation, as amended, I require all utilities providing energy, telecommunications, and water services in Washington State to develop COVID-19 Customer Support Programs, consistent with the [attached](#) guidance document. The programs must be reviewed and posted prominently on a public website by August 1, 2020.

ADDITIONALLY, the prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-26 et seq.**

**20-26.5
Liquor and Cannabis Board**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers are suffering significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, as a result of the global COVID-19 pandemic, many establishments licensed by the WSLCB are continuing to suffer significant economic hardship and in some cases their financial resources are becoming severely limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-26, waiving and suspending laws and imposing certain prohibitions relating to tax penalties, fees, interest, and due dates in order to provide tax relief to licensed microbreweries, domestic breweries, and beer distributors, as well as wineries and wine distributors; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-26.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-26.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-26.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-26.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-26 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-26 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at

Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-27 et seq.**

**20-27.5
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-27.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-27.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27, et seq., are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28 et seq.**

20-28.6

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, in Proclamation 20-28.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which I extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020; and

WHEREAS, on May 29, 2020, I issued Proclamation 20-28.4 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending its prohibitions until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.5; and

WHEREAS on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 7, 2020, whichever occurs first; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28 et seq., are amended to recognize the extension of the statutory waiver and suspension of RCW 42.56.520(1) by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 7, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows: Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

As an exception to the above prohibition, public agencies holding public meetings in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are followed:

- a) Compliance with all provisions of the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), including but not limited to the requirements that in-person gatherings are limited to 50 persons, and that all attendees are required to be separated by six feet;
- b) Compliance with all provisions of Proclamation 20-25 et seq. *Safe Start-Stay Healthy*;
- c) Compliance with the *Order of the Secretary of Health* 20-03;
- d) Notice of the physical location shall be included as required by RCW Chapter 42.30;
- e) If an in-person component public meeting is offered, any person wishing to attend the public meeting in person must be able to do so at a physical location meeting all requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
- f) If at any time during the public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be adjourned, continued, or otherwise terminated. When compliance is restored, the meeting may resume.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016> Cloud Solutions (05116): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MRSC, www.mrsc.org).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that

strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on July 7, 2020:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on July 7, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 7

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.5
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-29.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-29.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-29.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-29.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

20-30.5

Unemployment Benefit – Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-30.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-30.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-30.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-30.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first and to waive and suspend the following statutes or portions of statutes:

- RCW 50.22.020(1)(b), in its entirety;
- RCW 50.22.020(2), the following words “or (1)(b)” only;
- RCW 50.22.020(5), in its entirety.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.5

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative

requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives denied extension of the statutory waivers and suspensions in Proclamations 20-31, et seq., and on May 9, 2020, I asked them to reconsider their denial and to extend the statutory waivers and suspensions in this Proclamation until 11:50 p.m. on May 31, 2020; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020, and which I acknowledged in Proclamation 20-31.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management

Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.5

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-32.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-32.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-32.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-33, et seq.,**

20-33.7

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.3; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.4; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.5; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.6; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 14, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 14, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until July 14

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-37, et seq.,**

20-37.5

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NARs to complete mandatory training and

testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NARs after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NARs after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-37, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-37, et seq., are amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-38, et seq.**

20-38.5

Department of Social & Health Services – Facilities

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-38.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-38.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination

of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-38.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-38.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-38, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waivers and suspensions of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41 et seq.**

20-41.6

Department of Licensing – License and Permit Renewal Extension

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.4, which was amended to correct a technical error but otherwise unchanged in Proclamation 20-41.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, approximately 21,500 driver instructional permits will expire in the next 90-day period and many will need to be renewed or extended, placing significant demand on the limited available resources of the Department of Licensing; and

WHEREAS, to assist the Department of Licensing to serve persons with or needing drivers instructional permits while reducing the risk of disease transmission to its employees and members of the public visiting its offices, it is necessary to waive and suspend certain statutory provisions that will allow it to temporarily extend the expiration of driver instructional permits; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.4

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout

Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, Washington State employees who have not authorized direct deposit of their paychecks and who have not authorized the state to mail paychecks to them, currently must pick up their paychecks in person; and

WHEREAS, pursuant to prior proclamations and agency directives, state office building are closed, employees are not authorized to enter state buildings without specific permission, and all persons (including state employees) have been directed to “Stay Home, Stay Healthy”; and

WHEREAS, certain statutory and regulatory policies related to state administration and personnel operations are hindering the ability of state agencies and offices to maximize employee availability for response to hardships occurring during the COVID-19 pandemic; and

WHEREAS, to help ensure that state employees will be timely paid and will be available to respond to the COVID-19 pandemic, on April 10, 2020, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees’ ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first and which I acknowledged in Proclamation 20-43.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43 et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020,

whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44 et seq.**

20-44.4

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-61 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-44.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-44.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-44.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44 et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-44 et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department

of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATION
20-45 et seq.**

**20-45.4
Protection Orders and Personal Service**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 et seq., *Safe Start*, *Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state's district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts' authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service—by email or text message, or through social media applications—are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45 were reinstated and extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or June 15, 2020 in Proclamation 20-45.1, which was restated to correct a technical issues but otherwise unchanged by Proclamation 20-45.2; and

WHEREAS, on June 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 et seq. as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first; and

WHEREAS, on July 1, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 et seq. as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45 et seq. are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, while the purposes of this order continue to be to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in the extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and should be made using electronic/telephonic means of service with verification of receipt, such as by email, text message, facsimile or through social media applications. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public

safety demands personal service.

ADDITIONALLY, my office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. The extension of this Order is intended to complement, support, and further those efforts.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48 et seq.**

20-48.4

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, the Federal Motor Carrier Safety Administration (FMCSA) requires Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders to carry proof of a current medical examination and certification, and provide such proof to the Washington State Department of Licensing, and the FMCSA waived that requirement through September 30, 2020, for holders who have proof of a valid medical certification that was issued for a period of 90 days or longer that expired on or after March 1, 2020; and

WHEREAS, most CDL/CLP holders must obtain a new medical certification every two years, and there are approximately 16,500 CDL/CLP holders in Washington State with medical certificates expiring through June 30, 2020; and

WHEREAS, the FMCSA requires a CDL holder to at all times be physically present in the vehicle with a CLP holder, and the FMCSA waived that requirement, through September 30, 2020; and

WHEREAS, the FMCSA states that a CLP holder must wait at least fourteen days after initial issuance of the person's CLP before

taking a CDL skills examination, and the FMCSA has waived that requirement through September 30, 2020; and

WHEREAS, the FMCSA requires that a state not make the CLP valid for more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests and the FMCSA waives the requirement through September 30, 2020; and

WHEREAS the FMCSA mandates that a state require that, prior to renewal, a hazardous materials endorsements be subject to a Transportation Security Administration (TSA) security screening requirement, and the TSA granted an extension for those requirements from April 2, 2020, until July 1, 2020, which was recently extended to September 30, 2020; and

WHEREAS, the Department of Licensing administers RCW 46.25, the Uniform Commercial Driver's License Act, including the requirements that commercial drivers maintain a current medical certification, skill testing, and other renewal requirements within specified time frames, the enforcement of which is anticipated to reduce the number of available commercial truck drivers operating in Washington State during the COVID-19 pandemic, and

WHEREAS, to assist the Department of Licensing in addressing these issues, it is necessary to waive and suspend the requirement to carry a valid medical certification and other skill testing and renewal requirements for CDL and CLP holders to conform to the FMCSA waiver and to ensure that essential commercial drivers are available to continue to transport commercial goods in the essential supply chain during the COVID-19 pandemic; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to CDL and CLP holders; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-48.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first and similarly extending the prohibitions therein, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID- 19 State of Emergency or June 17, 2020, in Proclamation 20-48.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-48.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48 et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-48 et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-49, et seq.**

**20-49.6
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20- 61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our

workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their inability to pay for basic household expenses, including groceries and rent; and

WHEREAS, garnishment of CARES Act stimulus payments and unemployment payments to collect judgments for consumer debt, as authorized under RCW 6.27, would further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, state unemployment compensation and federal pandemic unemployment compensation payments under the CARES Act may be deposited directly into workers' bank accounts and are entitled to exemption from garnishment by statute and should remain protected from garnishment; and

WHEREAS, judgment creditors, directly or through others acting on their behalf, may initiate and pursue garnishments to collect judgments for consumer debt pursuant to RCW 6.27, and RCW 6.01.060(2) defines "consumer debt" as: "[A]ny obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes. Consumer debt includes medical debt"; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49 on April 14, 2020, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or May 21, 2020, in Proclamation 20-49.1; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 27, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or May 27, 2020 in Proclamation 20-49.2; and

WHEREAS, on May 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or May 31, 2020 in Proclamation 20-49.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or June 17, 2020 in Proclamation 20-49.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or July 1, 2020 in Proclamation 20-49.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-49 et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health

of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

The intent of this amended proclamation is to continue to protect CARES Act stimulus payments, as well as state and federal unemployment payments, from bank account garnishments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51 et seq.**

20-51.5

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the Center for Disease Control and Prevention, and the Washington State Department of Health, I issued Proclamation 20-25 et seq., restricting Washington residents' movement outside their homes; and

WHEREAS, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship from the global COVID-19 pandemic, and in many cases their financial resources are becoming limited; and

WHEREAS, Washington State has approximately 2.1 million homeowners living in community associations, with many suffering economically from the COVID-19 pandemic, resulting in late payment of association assessments and incurring late fees or interest charges; and

WHEREAS, community associations are required by law to hold an annual meeting, and the governing documents of many community associations require annual, quarterly or monthly board of directors meetings, without the ability to hold meetings remotely through electronic or other means; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.3, which was amended to correct a technical error but otherwise unchanged by Proclamation 20-51.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of

Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51 et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52 et seq.**

20-52.4

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-06, 20-10, and 20-18, and 20-52 et seq. it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency

Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-56 et seq.**

20-56.2

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State;

and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, on June 26, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first and which I acknowledged and similarly extended the waivers and suspensions of provisions in contracts Office therein until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-56.1; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56 et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56 et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the

outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25 et seq.**

20-25.6

“Safe Start – Stay Healthy” County-By-County Phased Reopening

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*), and I subsequently issued Proclamation 20-25.4 (“*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*), wherein I amended and transitioned the previous proclamations’ prohibitions to the “*Safe Start – Stay Healthy*” prohibitions, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4 and according to the phase each county was subsequently assigned by the Secretary of Health; and on July 1, 2020, I issued Proclamation 20-25.5 (“*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*) wherein I amended the previous proclamations, and incorporated the prohibitions involving statewide face coverings in *Order of the Secretary of Health 20-03*; and prohibited, among other things, employers from failing to cooperate with public health authorities; and updated the Reopening Plan; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, when I issued the *Safe Start– Stay Healthy* order (Proclamation 20-25.4) on May 31, 2020, there were approximately 21,349 cases of COVID-19 in Washington State with 1,118 deaths; when I issued the *Safe Start–Stay Healthy* order (Proclamation 20-25.5) on July 1, 2020, there were approximately 32,824 cases and 1,332 deaths; and, now, as of July 7, 2020, the Department of Health indicated that there have been 37,420 cases and 1,384 deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, health professionals and epidemiological modeling experts predict that although Washington State has passed the peak of the first wave of COVID-19 and has made adequate progress to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based

approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase in the number of cases, which the country is currently experiencing in many states; and

WHEREAS, the United States Centers for Disease Control and Prevention recommends that, in addition to its recommendation to maintain six-feet of physical distance from non-household members and frequent hand washing with soap and water or alcohol-based hand sanitizer, people wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times, given the substantial increase in the numbers of cases of COVID-19 infection, these precautions must be mandatory; and

WHEREAS, the science also suggests that by ensuring safe social distancing hygiene practices, and the use of cloth face coverings, many business and recreational activities can be conducted with limited exposure to customers, which is important to revitalizing Washington State's economy, restoring jobs, and providing necessary goods and services; and

WHEREAS, the Washington State Department of Health's data and modeling demonstrate that many counties have significantly reduced or eliminated the number of new COVID-19 cases sufficiently to enable those counties to control and respond to virus outbreaks within the capacity of existing local and regional health care systems without significant increased risk of being overwhelmed, and this data continues to support providing all counties with an opportunity to lift some restrictions, subject to certain conditions and requirements, including the use of cloth face coverings; and

WHEREAS, on June 8, 2020, I ordered all employees to wear a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries' COVID-19 workplace safety and health requirements; and

WHEREAS, on June 24, 2020, the Secretary of Health issued Order 20-03, effective June 26, 2020, requiring all individuals in Washington state to wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting, except under certain circumstances, which provides a minimum level of protection for Washingtonians when they are not at work where the Department of Labor & Industries' face covering requirements apply; and

WHEREAS, due to a surge in COVID-19 infections in Yakima County, on June 24, 2020, I issued Proclamation 20-60, wherein I prohibited all employers in Yakima County from operating, allowing a customer to enter a business, or conducting in-person business with a customer unless the customer wore a face covering in compliance with Order of the Secretary of Health 20-03;

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., are amended to extend all of the prohibitions and each expiration date therein to 11:59 p.m. on August 6, 2020, and that except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health 20-03*, issued on June 24, 2020, found [here](#), and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.

FURTHERMORE, in addition to new prohibitions established in this Order and Reopening Plan, for the convenience of the reader, I repeat the language in Proclamation 20-25.5 below; and

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to continue to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore,

throughout all phases, individuals should (or must, as noted below) continue to engage in personal protective behaviors including:

- practicing physical distancing, staying at least six feet away from other people;
- wearing cloth face coverings in public settings (required, with some exceptions, pursuant to *Order of the Secretary of Health 20-03*);
- staying home if sick;
- avoiding others who are sick;
- washing hands frequently;
- covering coughs and sneezes;
- avoiding touching eyes, nose and mouth with unwashed hands; and
- disinfecting surfaces and objects regularly; and

FURTHERMORE, I hereby incorporate a reference to the previously issued order requiring face coverings in the work place and further order, in addition to other requirements detailed in the *Safe Start Washington Phased Reopening Plan*, that:

While at work:

- No employee may work unless that employee wears a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries' COVID-19 Workplace Safety and Health Requirements. These prohibitions involving the use of face coverings supersede the prohibitions involving the use of face coverings in *Order of the Secretary of Health 20-03* to the extent that they would apply to employees when working.

When not at work:

- As required by *Order of the Secretary of Health 20-03*, or as I otherwise direct, no individual who is not expressly exempted may appear in any indoor or outdoor public setting, including but not limited to, a business, without wearing a face covering.

Employers:

- No employer may operate, allow a customer to enter a business, conduct business, or employ employees unless the employer (a) cooperates with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19; (b) cooperates with the implementation of infection control measures, including but not limited to isolation and quarantine and following the cleaning guidelines set by the CDC to deep clean and sanitize; (c) complies with all public health authority orders and directives; and (d) complies with all Department of Labor & Industries interpretive guidance, regulations, and rules and Department of Labor & Industries-administered statutes. Cooperation and compliance requirements are listed in the Reopening Plan.
- No business may operate, allow a customer to enter a business, or conduct business with a customer inside any building that is open to the public or outdoors in a public place unless the customer is wearing a face covering, as required by *Order of the Secretary of Health 20-03*.
- No employer may operate, unless it notifies the employer's local health jurisdiction within 24 hours if the employer suspects COVID-19 is spreading in the employer's workplace, or if the employer is aware of 2 or more employees who develop confirmed or suspected COVID-19 within a 14-day period; and

FURTHERMORE, I continue to permit the low-risk activities previously permitted as reflected or clarified in formal guidance documents [here](#), and which may be updated or modified as the science and data support; and

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the *Safe Start Washington Phased Reopening Plan* accordingly. Such adjustments may include, if necessary based on the data and science, delaying progress of any or all counties to a subsequent phase, or returning any or all counties to a prior phase.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296- 800-14035](#), and Department of Labor &

- Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
 3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor's Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are reminded again that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order goes into effect immediately, and remains in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until 11:59 p.m. on August 6, 2020, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 7th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28 et seq.**

20-28.7

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-62, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, in Proclamation 20-28.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first; and

WHEREAS, on May 5, 2020, I issued Proclamation 20-28.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions, with the exception of RCW 42.56.520(1), which I extended to May 11, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020; however, the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically; and

WHEREAS, on May 12, 2020, I issued Proclamation 20-28.3 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and similarly extending its prohibitions to May 31, 2020, as authorized by the leadership of the Washington State Senate and House of Representatives; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020; and

WHEREAS, on May 29, 2020, I issued Proclamation 20-28.4 acknowledging the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and similarly extending its prohibitions until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first; and

WHEREAS on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.5; and

WHEREAS on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 7, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.6; and

WHEREAS on July 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28 et seq., are amended to recognize the extension of the statutory waiver and suspension of RCW 42.56.520(1) by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36 et seq.**

20-36.3

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-62, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 30, 2020, I issued Proclamation 20-36.1 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 8, 2020, whichever occurs first; and

WHEREAS, on May 11, 2020, I issued Proclamation 20-36.2 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 8, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on July 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36 et seq., it is also necessary for me to extend the waiver and suspension of rules and prohibitions in Proclamations 20-36 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36 et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-62

Department of Social and Health Services, Developmental Disabilities Administration –Assessments and Reviews

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State recognizes the capacity of all persons, including those with developmental disabilities, to be personally and socially productive, and recognizes the state's obligation to provide assistance to persons with developmental disabilities through a uniform, coordinated system of services to enable them to achieve a greater measure of independence and fulfillment and to enjoy all rights under law; and

WHEREAS, in accordance with statutory authority and adopted rules, the Department of Social and Health Services, Developmental Disabilities Administration provides assistance and protection to, and advocacy for, persons with developmental disabilities; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency has significantly impacted the Developmental Disabilities Administration's ability to conduct face-to-face meetings with persons with developmental disabilities who are receiving services by and through the Developmental Disabilities Administration, as currently mandated by statute; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency have significantly impacted the Developmental Disabilities Administration's ability to adequately staff various administrative and operational activities, including the ability to meet certain statutorily mandated time limits to conduct reviews, assessments, and notification of services being provided by the Developmental Disabilities Administration; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay necessary action by interfering with the Developmental Disabilities Administration's ability to provide services to clients and to meet certain statutory guidelines and requirements.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein, until 11:59 p.m. on August 7, 2020:

1. RCW 71A.12.250(2), the following language only: "every ninety days"
2. RCW 71A.12.310
3. RCW 71A.12.320(2)(b)

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-63

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53,

and 20-55 through 20-62, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease,

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-52 et seq., is amended to remove the extension of eligibility for benefits under the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-52 et seq., and to enact it herein as a stand-alone proclamation.

ACCORDINGLY, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), I authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until otherwise ordered or the end of the declared COVID-19 pandemic state of emergency.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 9th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22 et seq.**

**20-22.4
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, I have issued Proclamations 20-22 et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, maintaining a steady supply of livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19 continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22 et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the July 13, 2020, order of the Federal Motor Carrier Safety Administration, are extended until 11:59 p.m. on August 14, 2020.

FURTHERMORE, to again clarify application of the July 13, 2020, order of the Federal Motor Carrier Safety Administration, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the July 13, 2020, order of the Federal Motor Carrier Safety Administration, and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on August 14, 2020:

1. Livestock and livestock feed;
2. Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; and;
3. Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 14

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-33, et seq.**

20-33.8

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63 exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-

33.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.3; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.4; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.5; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.6; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 14, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.7; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing

incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58**

20-58.1

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, on June 19, 2020, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-59**

20-59.1

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, health professionals and epidemiological modeling experts indicate that the spread of COVID-19, if left unchecked, continues to threaten to overwhelm portions of Washington's public and private health-care system and healthcare workers are essential to meeting Washington State healthcare needs and critical in responding to the COVID-19 epidemic; and

WHEREAS, the COVID-19 epidemic has hindered the ability of recent graduates to obtain licenses and enter the health care workforce, which threatens Washingtonians' ability to promptly access care; and

WHEREAS, the Department of Health is responsible for administering the licensing statutes and rules relating to healthcare providers in the State of Washington; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to the issuance of Temporary Practice Permits (TPP) for healthcare workers who have recently graduated from professional health care programs in dentistry, pharmacy, and dental hygiene; and

WHEREAS, on June 19, 2020, I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the issuance of TTPs for healthcare workers; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59 are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 15th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until August 1

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING PROCLAMATIONS 20-05 AND 20-19, et seq.**

**20-19.3
Evictions and Related Housing Practices**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on May 29, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-626, and ordered that courts should begin to hear non-emergency civil matters. While appropriate and essential to the operation of our state justice system, the reopening of courts could lead to a wave of new eviction filings, hearings, and trials that

risk overwhelming courts and resulting in a surge in eviction orders and corresponding housing loss statewide; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;” and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who have lawfully occupied or resided in less traditional dwelling situations for 14 days or more, whether or not documented in a lease, including but not limited to roommates who share a home; long-term care facilities; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; and camping areas; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities, employment in essential business services, or otherwise engaged in permissible activities, and will promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, when I issued Proclamation 20-19.2 on June 2, 2020, the Department of Health indicated there were approximately 22,157 cases of COVID-19 in Washington State with 1,129 deaths; and now, as of July 23, 2020, there are 50,009 cases and 1,482 deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (Stay Home – Stay Healthy), and I subsequently issued Proclamation 20-25.4 (“Safe Start – Stay Healthy” County- By-County Phased Reopening), wherein I amended and transitioned the previous proclamations’ “Stay Home – Stay Healthy” requirements to “Safe Start – Stay Healthy” requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, when I issued Proclamation 20-25.4 on May 31, 2020, I ordered that, beginning on June 1, 2020, counties would be allowed to apply to the Department of Health to move forward to the next phase of reopening more business and other activities; and by July 2, 2020, a total of five counties were approved to move to a modified version of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3; and

WHEREAS, on July 2, 2020, due to increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place while I work with the Department of Health and other epidemiological experts to determine appropriate strategies to mitigate the recent increased spread of the virus, and those strategies may include dialing back business and other activities; and

WHEREAS, on July 23, 2020, in response to the statewide increased rates of infection, hospitalizations, and deaths, I announced an expansion of the Department of Health’s face covering requirements and several restrictions on activities where people tend to congregate; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19,

et seq., are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until 11:59 p.m. on October 15, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, effective immediately and until 11:59 p.m. on October 15, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager (a) attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) provides at least 60 days' written notice of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager (a) attaches an affidavit attesting that the action is necessary to respond

to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) shows that at least 60 days' written notice were provided of intent to

(i) personally occupy the premises as a primary residence, or (ii) sell the property.

- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that
 - (a) the individual(s) named in the eviction order is creating a significant and immediate risk to the health, safety, or property of others; or (b) at least 60 days' written notice were provided of intent to (i) personally occupy the premises as a primary residence, or (ii) sell the property. Local law enforcement may serve or otherwise act on eviction orders, including writs of restitution, that contain the findings required by this paragraph.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This

includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident; failure to provide a reasonable re-payment plan shall be a defense to any lawsuit or other attempts to collect.**

- Landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent for any dwelling or parcel of land occupied as a dwelling. Except as provided below, this prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential pursuant to Proclamation 20-25 or otherwise lost staff or customers

due to the COVID-19 outbreak. This prohibition does not apply to commercial rental property if rent increases were included in an existing lease agreement that was executed prior to February 29, 2020 (pre-COVID-19 state of emergency).

- Landlords, property owners, and property managers are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings. Nothing in this order prevents a landlord from seeking to engage in reasonable communications with tenants to explore re-payment plans in accordance with this order.
- The preceding prohibitions do not apply to operators of facilities licensed or certified by the Department of Social and Health Services to prevent them from taking action to transfer or discharge a resident for health or safety reasons in accordance with the laws and rules that apply to those facilities.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health, safety, or property of others created by the resident” (a) is one that is described with particularity, and cannot be established on the basis of the resident’s own health condition or disability; (b) excludes the situation in which a resident who may have been exposed to, or contracted, the COVID-19, or is following Department of Health guidelines regarding isolation or quarantine; and (c) excludes circumstances that are not urgent in nature, such as conditions that were known or knowable to the landlord, property owner, or property manager pre-COVID-19 but regarding which that entity took no action.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I want to thank the vast majority of tenants who have continued to pay what they can, as soon as they can, to help support the people and the system that are supporting them through this crisis. The intent of Proclamation 20-19, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. Landlords and tenants are expected to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions that all parties will need in order to overcome the severe challenges that COVID-19 has imposed for landlords and tenants alike. I strongly encourage landlords and tenants to avail themselves of the services offered at existing dispute resolution centers to come to agreement on payment and repayment solutions.

ADDITIONALLY, to inform any future changes to this order in the short-term and the long-term, if an additional extension is necessary, I direct my executive senior policy advisors who have expertise in housing issues to convene an informal workgroup with stakeholders and legislators no later than September 15, 2020. The workgroup will discuss a broad range of issues, including, but not limited to, potentially authorizing rent rate increases.

MOREOVER, as Washington State begins to emerge from the current public health and economic crises, I recognize that courts, tenants, landlords, property owners, and property managers may desire additional direction concerning the specific parameters for reasonable re-payment plans related to outstanding rent or fees. This is best addressed by legislation, and I invite the state Legislature to produce legislation as early as possible during their next session to address this issue. I stand ready to partner with our legislators as necessary and appropriate to ensure that the needed framework is passed into law.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-25 et seq.**

20-25.7

“Safe Start – Stay Healthy” County-By-County Phased Reopening

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (*Stay Home – Stay Healthy*), and I subsequently issued Proclamation 20-25.4 on May 31, 2020, (“*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*), wherein I amended and transitioned the previous proclamations’ prohibitions to the “*Safe Start – Stay Healthy*” framework, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, when I issued Proclamation 20-25.4 on May 31, 2020, I ordered that, beginning on June 1, 2020, counties would be allowed to apply to the Department of Health to move forward to the next phase of reopening more business and other activities; and by July 2, 2020, a total of five counties were approved to move to a modified version of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3; and

WHEREAS, when I issued the *Safe Start– Stay Healthy* order (Proclamation 20-25.4) on May 31, 2020, there were approximately 21,349 cases of COVID-19 in Washington State with 1,118 deaths ; and when I issued the *Safe Start–Stay Healthy* order (Proclamation 20-25.5) on July 1, 2020, there were approximately 32,824 cases and 1,332 deaths; and

WHEREAS, on July 1, 2020, when I issued Proclamation 20-25.5 (“*Safe Start – Stay Healthy*” *County-By-County Phased Reopening*), I amended the previous proclamations, and incorporated the prohibitions involving statewide face coverings in *Order of the Secretary of Health 20-03*; and prohibited, among other things, employers from failing to cooperate with public health authorities; and updated the Reopening Plan; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place today while I work with the Department of Health and other epidemiological experts to determine appropriate strategies to mitigate the recent increased spread of the virus and increased hospitalizations and deaths, and those strategies may include restricting some business and other activities; and

WHEREAS, when I last issued an extension of the *Safe Start– Stay Healthy* order (Proclamation 20- 25.6) on July 7, 2020, the Department of Health reported that there were 37,420 cases, 4,723 hospitalizations and 1,384 deaths; and just over 2 weeks later (16 days), on July 23, 2020, there were 50,009 cases, 5,276 hospitalizations and 1,482 deaths, demonstrating the ongoing present threat and a dangerous upward spread of this lethal disease, and an apparent disregard by many individuals for the health and safety measures recommended by the Washington State Department of Health and the Centers for Disease Control and Prevention to control its spread; and

WHEREAS, on July 7, 2020, I issued Proclamation 20-25.6 (“*Safe Start – Stay Healthy*” *County-By- County Phased Reopening*), wherein I amended the previous proclamations, and, among other things, prohibited all employers in Washington from operating,

allowing a customer to enter a business, or conducting business with a customer inside any building that is open to the public or outdoors in a public place unless the customer is wearing a face covering as required by *Order of the Secretary of Health 20-03*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, health professionals and epidemiological modeling experts advise that Washington is still in a state of COVID-19 outbreak, and pauses in phase reopening, restrictions on gathering size, and increased mask use may help prevent Washington from experiencing the crisis situation in Florida and Arizona; and

WHEREAS, the United States Centers for Disease Control and Prevention recommends that, in addition to its recommendation to maintain six-feet of physical distance from non-household members and frequent hand washing with soap and water or alcohol-based hand sanitizer, people wear cloth face coverings when they are in public settings where they cannot reliably maintain six feet of distance from others at all times, given the substantial increase in the numbers of cases of COVID-19 infection, these precautions must be mandatory; and

WHEREAS, the science also suggests that by ensuring safe social distancing hygiene practices, and the use of cloth face coverings, many business and recreational activities can be conducted with limited exposure to customers, which is important to revitalizing Washington State's economy, restoring jobs, and providing necessary goods and services; and

WHEREAS, on June 8, 2020, I ordered all employees to wear a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*, and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries' COVID-19 workplace safety and health requirements; and

WHEREAS, on June 24, 2020, the Secretary of Health issued Order 20-03, effective June 26, 2020, requiring all individuals in Washington State to wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting, except under certain circumstances, which provides a minimum level of protection for Washingtonians when they are not at work where the Department of Labor & Industries' face covering requirements apply; and

WHEREAS, due to a surge in COVID-19 infections in Yakima County, on June 24, 2020, I issued Proclamation 20-60, wherein I prohibited all employers in Yakima County from operating, allowing a customer to enter a business, or conducting in-person business with a customer unless the customer wore a face covering in compliance with *Order of the Secretary of Health 20-03*; and

WHEREAS, on July 24, 2020, the Secretary of Health issued Order 20-03.1, effective July 25, 2020, which expands the Secretary's prior face covering mandate to require all people in Washington State to wear a face covering when they are outside of their house, mobile home, apartment, condominium, hotel or motel room, bedroom in a congregate living setting, or other dwelling unit; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-25, et seq., are amended to extend all of the prohibitions described herein until this order is amended or rescinded. And except as otherwise provided in this order, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary*

of Health 20-03.1, issued on July 24, 2020, found [here](#), and all other provisions of Proclamations 20-25, et seq., shall remain in full force and effect.

FURTHERMORE, in addition to new prohibitions established in this Order and Reopening Plan, for the convenience of the reader, I repeat the language in Proclamation 20-25.6 below; and

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to continue to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery; and, therefore, throughout all phases, individuals should (or must, as noted below) continue to engage in personal protective behaviors including:

- practicing physical distancing, staying at least six feet away from other people;
- wearing face coverings in public settings (required, with some exceptions, pursuant to *Order of the Secretary of Health 20-03.1*);
- staying home if sick;
- avoiding others who are sick;
- washing hands frequently;
- covering coughs and sneezes;
- avoiding touching eyes, nose and mouth with unwashed hands; and
- disinfecting surfaces and objects regularly; and

FURTHERMORE, I hereby incorporate by reference the previously-issued order requiring face coverings in the work place and further order, in addition to other requirements detailed in the *Safe Start Washington Phased Reopening Plan*, that:

While at work:

- No employee may work unless that employee wears a face covering when working, except when working alone or when the job involves no in-person interaction, as detailed in the *Safe Start Washington Phased Reopening Plan*; and, further, that employers must provide cloth facial coverings to employees, unless their exposure dictates a higher level of protection as described in the Department of Labor & Industries' COVID-19 Workplace Safety and Health Requirements. These prohibitions involving the use of face coverings supersede the prohibitions involving the use of face coverings in *Order of the Secretary of Health 20-03.1* to the extent that they would apply to employees when working.

When not at work:

- As required by *Order of the Secretary of Health 20-03.1*, or as I otherwise direct, no individual may appear in any indoor or outdoor public or non-public setting outside of their house, mobile home, apartment, condominium, hotel or motel room, or other dwelling unit without wearing a face covering, unless the individual or activity is specifically exempted. Among other exemptions, an individual does not have to wear a face covering while in an outdoor area if they maintain a distance of at least six feet from non-household members.

Employers:

- No employer may operate, allow a customer to enter a business, conduct business, or employ employees unless the employer (a) cooperates with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19;
- (b) cooperates with the implementation of infection control measures, including but not limited to isolation and quarantine and following the cleaning guidelines set by the CDC to deep clean and sanitize; (c) complies with all public health authority orders and directives; and
- (d) complies with all Department of Labor & Industries interpretive guidance, regulations, and rules and Department of Labor & Industries-administered statutes. Cooperation and compliance requirements are listed in the Reopening Plan.
- No business may operate, allow a customer to enter a business, or conduct business with a customer inside any building that is open to the public or outdoors in a public place unless the customer is wearing a face covering, as required by *Order of the Secretary of Health 20-03.1*.
 - No employer may operate, unless it notifies the employer's local health jurisdiction within 24 hours if the employer suspects COVID-19 is spreading in the employer's workplace, or if the employer is aware of 2 or more employees who develop confirmed or suspected COVID-19 within a 14-day period; and

FURTHERMORE, I continue to permit the low-risk activities previously permitted as reflected or clarified in formal guidance

documents [here](#), and which may be updated or modified as the science and data support; and

FURTHERMORE, in collaboration with the Washington State Department of Health, in furtherance of the physical, mental, and economic well-being of all Washingtonians, I will continue to analyze the data and epidemiological modeling and adjust the *Safe Start Washington Phased Reopening Plan* accordingly. Such adjustments may include, if necessary based on the data and science, delaying progress of any or all counties to a subsequent phase, or returning any or all counties to a prior phase.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

1. *Order of the Secretary of Health 20-03.1*, issued on July 24, 2020, is incorporated by reference, may be amended as is necessary, and all such amendments are also incorporated by reference.
2. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296- 800-14035](#), and Department of Labor & Industries-administered statutes.
3. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
4. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03.1*, may be found at the Governor's Office [website](#), [COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

All persons are reminded again that no credentialing program or requirement applies to any activities or operations under this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Further, if people fail to comply with the required social distancing and other protective measures while engaging in this phased reopening, I may be forced to reinstate the prohibitions established in earlier proclamations.

This order goes into effect immediately, and remains in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded or until this order is amended or rescinded.

Signed and sealed with the official seal of the state of Washington on this 24th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-46, et seq.**

20-46.2

High-Risk Employees – Workers’ Rights

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout the state of Washington, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; and

WHEREAS, on April 14, 2020, I issued Proclamation 20-46 to protect our public and private sector workers in high-risk categories from the significant life, health and safety risks of the COVID-19 disease, requiring employers to seek any and all options for alternative work arrangements and to protect these workers from certain impacts to their employment and benefits; and

WHEREAS, on June 9, 2020, I issued Proclamation 20-46.1 extending the prohibitions in Proclamation 20-46 until August 1, 2020, or as further amended; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people, as well as the state economy, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect; and that Proclamations 20-05 and 20-46, et seq., are amended to extend all of the prohibitions therein through the duration of the current state of emergency initially proclaimed in Proclamation 20-05, or until otherwise rescinded or amended.

ADDITIONALLY, for clarification of the prohibitions contained in this proclamation:

“High-risk employees” is defined as described or defined in the guidance issued by the Centers for Disease Control and Prevention and as further clarified by guidance found [here](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 29th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-64

Public Records Act -- Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-63, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for "patients or clients" of "public health agencies," the courts have not interpreted the meaning of the term "client" or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an “other statute” in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related “other statutes” strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person’s personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-05, is amended to waive and suspend RCW 42.56.070(1) until 11:59 p.m. on August 29, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h) and 43.06.220(2)(g), I find that (a) chapter 42.56 RCW, as applied to all public agencies statewide, involves the conduct of state business; and (b) strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by preventing and hindering the collection of information to assist in the response to the COVID-19 State of Emergency. Accordingly, I hereby waive and suspend RCW 42.56.070(1) in its entirety, except as otherwise provided herein, pursuant to RCW 43.06.220(2)(g), until 11:59 p.m. on August 29, 2020.

ADDITIONALLY, pursuant to RCW 43.06.220(1)(h), I prohibit any public agency from applying this waiver and suspension to any record requested except to the records listed below and from disclosing any of the records below for any discretionary purposes not related to public health:

- The names, month, day, and year of birth, photographs, all telephone numbers, all street or mailing addresses or other location information, all email addresses, and any other contact information of any individual, including, but not limited to, any such information found in any customer, visitor, or employee log, that is used or intended to be used for contact tracing, case investigation, or other public health purposes related to the COVID-19 emergency; and,
- Any information that identifies or could be used to identify individuals that is obtained by public agencies and their employees and volunteers while doing contact tracing, case investigations, or related public health outreach in response to the COVID-19 emergency, including, but not limited to, names, month, day, and year of birth, photographs, all telephone numbers, all street or mailing addresses or other location information, all email addresses, any other contact information, and any information about physical characteristics.

ADDITIONALLY, nothing in this proclamation exempts from disclosure the name or location of a business or entity that is part of a contact tracing investigation.

ADDITIONALLY, in furtherance of these prohibitions and for general awareness:

- It is a crime to intimidate a public servant and violators may be subject to criminal penalties pursuant to RCW 9A.76.180.
- Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 30th day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-15, et seq.**

**20-15.6
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives, until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations

20-15, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19

State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, which I acknowledged in Proclamation 20-15.4; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and that Proclamation 20-15, et seq., is hereby extended until 11:59 p.m. on September 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, AND 20-20, et seq.**

20-20.6

Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the

COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-20.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020 in Proclamation 20-20.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020 in Proclamation 20-20.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020 in Proclamation 20-20.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20 were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-21, et seq.**

**20-21.6
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver of the rule therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-20.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly

extended the wavier and suspension of the rule therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-21.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the wavier and suspension of the rule therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-21.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the wavier and suspension of the rule therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-21.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the wavier and suspension of the rule therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-21.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing

incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-23, et seq.**

20-23.7

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, on April 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations

20-23, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-23.2; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-23.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-23.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-23.5, whichever occurs first; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-23.6, whichever occurs first; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, as described below.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

WHEREAS, many utilities have endeavored to adopt COVID-19 Customer Support Programs consistent with the attached guidance document, and they have posted information about their available programs on a public website. Additionally, the Utilities and Transportation Commission is taking steps to address COVID-19 Customer Support Programs for utilities under its jurisdiction. Further, several utilities have voluntarily extended commitments to suspend utility shut-offs for nonpayment.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 15, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-27, et seq.**

**20-27.6
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27 was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-27.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., was extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-27.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-27.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-27.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27, et seq., are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

**20-28.8
Open Public Meetings Act and Public Records Act**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness

or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, in Proclamation 20-28.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, in Proclamation 20-28.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020 (wherein the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically), and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, in Proclamation 20-28.3; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, in Proclamation 20-28.4; and

WHEREAS on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.5; and

WHEREAS on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 7, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 7, 2020, whichever occurs first, in Proclamation 20-28.6; and

WHEREAS on July 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, in Proclamation 20-28.7-corrected; and

WHEREAS on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on September 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on September 1, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

As an exception to the above prohibition, public agencies holding public meetings in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are met:

- a) Compliance with all provisions of the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering;
- b) Compliance with all provisions of Proclamation 20-25 et seq. *Safe Start- Stay Healthy*,
- c) Compliance with the *Order of the Secretary of Health* 20-03;
- d) Notice of the physical location shall be included as required by RCW Chapter 42.30;
- e) If an in-person component public meeting is offered, any person wishing to attend the public meeting in person must be able to do so at a physical location meeting all requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and If at any time during the public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then it must be adjourned, continued, or otherwise terminated.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016> Cloud Solutions (05116): <https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MRSC, www.mrsc.org).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on September 1, 2020:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on September 1, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.6
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-29.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-29.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-29.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-29.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-29.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and

health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

20-30.6

Unemployment Benefit – Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53

and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-30.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-30.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-30.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-30.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and which I acknowledged, similarly extended and waived and suspended additional portions of related statutes to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-30.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.6

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives denied extension of the statutory waivers and suspensions in Proclamations 20-31, et seq., and on May 9, 2020, I asked them to reconsider their denial and to extend the statutory waivers and suspensions in this Proclamation until 11:50 p.m. on May 31, 2020; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.2; and

WHEREAS, on May 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-31.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on July 1, 2020, and which I acknowledged in Proclamation 20-31.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on August 1, 2020, and which I acknowledged in Proclamation 20-31.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on September 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support

implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.6

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, in Proclamation 20-32.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-32.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-32.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32 et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first; and, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-32.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the rules waived and suspended therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-32.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-33, et seq.,**

20-33.9

Department of Child, Youth, and Families – Visitation and Remedial Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-33 waiving and suspending portions of statutes relating to visitation and the provision of remedial services requirements for foster children; and

WHEREAS, on April 22, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-33 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 18, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.3; and

WHEREAS, on May 18, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-

33.4; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.5; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.6; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 14, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.7; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-33.8; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-33, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-33, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing

the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.4

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in Proclamation 20-36.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 8, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in Proclamation 20-36.2; and

WHEREAS, on July 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in Proclamation 20-36.3; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-37, et seq.,**

20-37.6

Department of Social & Health Services – NAR Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, registered nursing assistant (NAR) training programs are significantly reduced and testing operations suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NARs to complete mandatory training and testing to become certified nursing assistants in the four month period during which nursing home facilities are allowed to utilize their services, resulting in nursing homes being required to terminate the employment of NARs after four months and lose valuable staff; and

WHEREAS, to prevent nursing home facilities from being required to terminate NARs after four months, I issued Proclamation 20-37 on March 30, 2020, to temporarily waive and suspend statutes and regulations requiring completion of nursing assistant training and testing to become certified nursing assistants within four months of nursing home employment; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-37, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waiver and suspension of rules therein in Proclamation 20-37.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-37, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-37, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-37, et seq., are amended to (1) recognize the extension of the statutory waiver and suspension therein by the

leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-38, et seq.**

**20-38.6
Department of Social & Health Services – Facilities**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings, such as long term care facilities; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-38, waiving and suspending statutes and rules necessary to increase the availability of long-term care facility beds to meet the demands of the COVID-19 pandemic; and

WHEREAS, on April 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or May 9, 2020, in Proclamation 20-38.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-38.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-38, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-38.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-38.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-38.5; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-38, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-38, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waivers and suspensions of rules therein until termination of the COVID- 19 State of Emergency or 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

**20-41.7
Department of Licensing – License and Permit Renewal Extension**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.1; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.2; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.3; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.4, which was amended to correct a technical error but otherwise unchanged in Proclamation 20-41.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-41.6; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.5

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address economic, social, and other hardships occurring during the COVID-19 pandemic; and

WHEREAS, to help ensure that state employees will be timely paid and will be available to respond to the COVID-19 pandemic, on April 10, 2020, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees' ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-43.4; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.5

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-64 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present,

and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID-19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-44.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-44.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-44.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-44.4; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20-44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATION
20-45, et seq.**

20-45.5

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, et seq., *Safe Start, Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic

violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and to mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety, making access to expedient court review, processing, and service of orders essential; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45 were reinstated and extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or June 15, 2020 in Proclamation 20-45.1, which was reissued to correct a technical issues but otherwise unchanged by Proclamation 20-45.2; and

WHEREAS, on June 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45, et seq., as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or July 1, 2020 in Proclamation 20-45.3; and

WHEREAS, on July 1, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45, et seq., as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or August 1, 2020 in Proclamation 20-45.4; and

WHEREAS, on July 30, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45, et seq., as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-45, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership

of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.5

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-48.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first and similarly extending the prohibitions therein, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, in Proclamation 20-48.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-48.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-48.4; and

WHEREAS, on July 30 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-48, et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting

necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

20-51.6

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-64 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on April 17, 2020, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.3, which was amended to correct a technical error but otherwise unchanged by Proclamation 20-51.4; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged in Proclamation 20-51.5, and

WHEREAS, on July 23, 2020, I requested that the leadership of the Washington State Senate and House of Representatives extend reduced statutory waivers and suspensions in Proclamation 20-51, et seq., to restore the ability for community associations to levy fines against homeowners who violate the association's bylaws/rules/regulations;

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the reduced statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, and as modified below, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first. The following statutes are now waived and suspended only as indicted below, all other statutory waivers and suspensions in Proclamation 20-51, et seq., remain in full force and effect:

RCW 64.34.304(1)(k)

(k) Impose and collect charges for late payment of assessments pursuant to RCW 64.34.364(13) and, after notice and an opportunity to be heard by the board of directors or by such representative designated by the board of directors and in accordance with such procedures as provided in the declaration or bylaws or rules and regulations adopted by the board of directors, levy, reasonable fines in accordance with a previously established schedule thereof adopted by the board of directors and furnished to the owners for violations of the declaration, bylaws, and rules and regulations of the association.

RCW 64.38.020(11)

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy, reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, et seq.**

20-52.5

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend the remaining elements of Proclamations 20-06, 20-10, 20-16, 20-18, and 20-52 et seq. it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (3) recognize that the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children has been removed from Proclamations 20-18 and 20-52 and is now contained in Proclamation 20-63.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56 et seq.**

20-56.3

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a

waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, on May 28, 2020, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, on June 26, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first and which I acknowledged and similarly extended the waivers and suspensions of provisions in contracts Office therein until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-56.1; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first and which I acknowledged and similarly extended the waivers and suspensions of provisions in contracts Office therein until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-56.2; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56 et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56 et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

**20-58.2
Employment Security Department– Shared Work Requirements**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, on June 19, 2020, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, which I acknowledged and similarly extended in Proclamation 20-58.1; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation

20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.2

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to the issuance of Temporary Practice Permits (TPP) for healthcare workers who have recently graduated from professional health care programs in dentistry, pharmacy, and dental hygiene; and

WHEREAS, on June 19, 2020, I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the issuance of TTPs for healthcare workers; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, and which I acknowledged and similarly extended the prohibitions and suspension and waiver of rules therein until the termination of the COVID-19 State of Emergency or June 15, 2020 in Proclamation 20-59.1; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or August 1, 2020 in Proclamation 20-59.1; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020; and

WHEREAS, to fully extend Proclamations 20-59, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease,

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-63**

20-63.1

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020; and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-63 are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-49, et seq.**

**20-49.7
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49 on April 14, 2020, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, on May 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 21, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.1; and

WHEREAS, on May 21, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 27, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.2; and

WHEREAS, on May 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.3; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.4; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.5; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and

House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein in Proclamation 20-49.6; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein as to the garnishment of bank accounts only and as further limited below, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, except as otherwise prohibited or limited by state or federal law, the statutory waivers and suspensions of Proclamations 20-49, et seq., which operate to prohibit garnishments for consumer debt in certain circumstances, (a) are not applicable to bank account funds other than CARES Act stimulus payments and state and federal unemployment payments; and (b) are not applicable to garnishments for continuing liens on earnings (wages), and have not been applicable to garnishments for continuing liens on earning since May 27, 2020.

ADDITIONALLY, whereas state law provides specific exemptions from execution, attachment and garnishment for certain personal property, including an exemption of \$2,000 in bank accounts from consumer debt garnishment, nothing in this proclamation may be construed to limit a consumer's right to claim those exemptions or to challenge any garnishment proceeding.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.3

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to immediately waive and suspend portions of the licensing and administrative statutes and rules relating to the issuance of Temporary Practice Permits (TPP) for healthcare workers who have recently graduated from professional health care programs in dentistry, pharmacy, and dental hygiene; and

WHEREAS, on June 19, 2020, I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the issuance of TTPs for healthcare workers; and

WHEREAS, on July 14, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, and which I acknowledged and similarly extended the prohibitions and suspension and waiver of rules therein until the termination of the COVID-19 State of Emergency or June 15, 2020 in Proclamation 20-59.1; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged and similarly extended the prohibitions and suspension and waiver of rules therein until the termination of the COVID-19 State of Emergency or September 1, 2020 in Proclamation 20-59.2; and

WHEREAS, to more fully remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response, it is necessary to add denturists to the professionals eligible to be covered by the waiver and suspensions of Proclamation 20-59, et seq.; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, and repeated from Proclamation 20-59 for ease of reference, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I find that strict compliance with the following statutory and regulatory obligations or limitations will prevent the Washington State healthcare system from meeting the demand for healthcare staffing to meet the demands of the COVID-19 State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended in its entirety, except as otherwise provided herein with specific language stricken (for example, “licensed”), until 11:59 p.m. on September 1, 2020:

1. RCW 18.130.075 (Temporary practice permits—Penalties), the following stricken language only:
 - (1) If an individual licensed in another state that has licensing standards substantially equivalent to Washington applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect statutory limitations on the scope of practice. The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits.
 - (2) Failure to surrender the temporary practice permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter.
 - (3) The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.
2. WAC 246-12-050
3. WAC 246-817-185
4. WAC 246-817-186
5. WAC 246-863-035

FURTHERMORE, and repeated with modifications from Proclamation 20-59 for ease of reference, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the waivers and suspensions listed above from applying except as follows:

1. Eligibility. The waivers set forth above shall be only for persons applying for Temporary Practice Permits to practice as dentists, pharmacists, dental hygienists, and denturists who meet all of the following eligibility criteria:
 - a. Graduated from an approved educational program, as required for the relevant profession, after January 1, 2020,

- b. Has not previously failed the state-level examination(s) required for licensure,
 - c. Is included on a list, submitted by the relevant educational program to the Department of Health, of eligible graduates who, in the opinion of the relevant educational program, are prepared and competent to enter practice,
 - d. Files an application on a form provided by or as otherwise directed by the Department of Health,
 - e. Pays the required license application fee to the Department of Health,
 - f. Completes any required background check, provided that a Temporary Practice Permit can be issued while the background check is completed, and
 - g. Meets all other requirements to qualify and apply for licensure other than the examination requirement.
2. Expiration. A Temporary Practice Permit issued hereunder shall expire at the earliest of any of the following:
- a. The declared end of the COVID-19 Emergency (Proclamation 20-05);
 - b. The Temporary Practice Permit holder fails to take the first examination available within a reasonable travel distance, unless unable to do so due to illness or other extenuating circumstances beyond their control;
 - c. A license is issued;
 - d. The Temporary Practice Permit holder receives a failing result on a required professional licensing examination;
 - e. The disciplining authority suspends or revokes the Temporary Practice Permit; or
 - f. 180 days after the Temporary Practice Permit is issued, provided, that this automatic expiration date can be extended for up to two 60-day increments during the declared COVID-19 pandemic emergency if the Temporary Practice Permit holder demonstrates an effort to schedule an exam that was unsuccessful due to extenuating circumstances such as continued limitations on testing capacity.
3. Limitations on Scope of Practice.
- a. Individuals issued Temporary Practice Permits under this proclamation are prohibited from prescribing or dispensing controlled substances (e.g., opioids) without a fully licensed co-prescriber; and
 - b. The disciplining authority may impose other limitations on the scope of practice when issuing a Temporary Practice Permit when the disciplining authority determines that such limitations are warranted for the protection of patient safety.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq.**

20-65

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37 et. seq., 20-38 et seq., and 20-52 et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., were extended with certain modifications by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, issuing new proclamations that divide the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents will assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-06, 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

FURTHERMORE, , the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health* 20-03, issued on June 24, 2020, found [here](#), and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to long term care contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq. The recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et. seq., and 20-52 et seq., remain in effect as stated in those enumerated proclamations or as otherwise extended.

ADDITIONALLY, based on the above situation, I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below continues to be waived and suspended, in its entirety unless otherwise indicated:

1. RCW 74.39A.074(1)(a)
2. RCW 74.39A.076(1) and (2)
3. RCW 74.39A.341
4. RCW 70.128.120(6)
5. RCW 70.128.230(2), (5), and (6)
6. RCW 70.128.250 (last paragraph)
7. RCW 18.20.270(2), (5), and (6)
8. RCW 18.88B.021(1) – waiver and suspension only of the following language as indicated by strikethrough:
“...within two hundred calendar days”
9. Chapter 388-112A WAC
10. WAC 388-107-0630
11. WAC 388-78A-2474(1), (2), (4) and (5)
12. WAC 388-76-10146
13. WAC 388-76-10135(4)
14. WAC 388-71-0540(13)
15. WAC 388-71-0523
16. WAC 388-71-0520
17. WAC 246-980-040(1)(a) and (c)
18. WAC 246-980-030(1) and (2)
19. WAC 246-980-010(2)
20. RCW 18.51.091
21. RCW 18.51.230
22. RCW 18.20.110 – waiver and suspension only of the following language as indicated by strikethrough:
“The department shall make or cause to be made, at least every eighteen months with an annual average of fifteen months, an inspection and investigation of all assisted living facilities. However, the department may delay an inspection to twenty four months if the assisted living facility has had three consecutive inspections with no written notice of violations

~~and has received no written notice of violations resulting from complaint investigation during that same time period....”~~

23. RCW 70.128.070(2)(b)
24. RCW 70.129.090(2)
25. RCW 70.97.160(1) – waiver and suspension only of the following language as indicated by strikethrough:
~~“...and an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.”~~
26. RCW 74.42.056
27. RCW 74.42.360(2),(3), and (4)
28. RCW 74.39A.056(1)(b)(i)
29. RCW 43.20A.710(2)
30. RCW 43.43.837(1) – waiver and suspension only of the following language as indicated by strikethrough:
~~“...but shall require a fingerprint based background check when the applicant or service provider has resided in the state less than three consecutive years before application”.~~
31. RCW 43.43.837(1) (a), (b), (c), and (d)
32. RCW 70.128.130(13)
33. WAC 388-71-0514
34. WAC 388-76-10161(2)(b)
35. WAC 388-76-10176
36. WAC 388-78A-2462(2)(b)
37. WAC 388-78A-24681
38. WAC 388-97-1080(3), (4), (5), (6), (7), and (8)
39. WAC 388-97-1090WAC 388-107-1210(2)(b)
40. WAC 388-107-1270
41. WAC 388-101D-0080
42. WAC 388-06-0500 through 0540
43. WAC 388-106-0360
44. RCW 18.88A.030(2)(a)
45. WAC 388-97-1660(3)(a)(i)

Nursing Homes

Pursuant to RCW 43.06.220(1)(h) the waivers and suspensions set forth in numbered paragraphs 46 through 52 do not apply except to temporary increases in bed capacity and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

46. RCW 70.38.105(4)(d)
47. RCW 18.51.091 – waiver and suspension only of the following language as indicated by strikethrough:
~~“The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.”~~
48. RCW 18.51.240
49. WAC 246-310-020(1)(f)
50. WAC 388-97-2060(1), (2), (3)
51. WAC 388-97-3400 through WAC 388-97-3480
52. WAC 388-97-3520

Assisted Living Facility – Construction Review Process

Pursuant to RCW 43.06.220(1)(h), the waivers and suspensions set forth in numbered paragraphs 53 through 63 shall not be applied to anything except to facilities opening to assist with the COVID-19 crisis and the surge capacity within the health care system.

53. RCW 18.20.110 – waiver and suspension only of the following language as indicated by strikethrough:
~~“The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized.”~~
54. WAC 388-78A-2810(1)
55. WAC 388-78A-2821(2)
56. WAC 388-78A-2850(1)
57. WAC 388-78A-2851(2)(a) and (6)

58. WAC 388-78A-2853(1)(a), (b)
59. WAC 388-78A-2853(2)(a) – waiver and suspension only of the following language as indicated by strikethrough:
~~“Construction review services has approved the construction, and”~~
60. WAC 388-78A-2853(2)(b) – waiver and suspension only of the following language as indicated by strikethrough:
~~“Construction review services has recommended approval, and”~~
61. WAC 388-78A-2853(2)(c) – waiver and suspension only of the following language as indicated by strikethrough:
~~“Construction review services has recommended approval,”~~
62. WAC 388-78A-2880
63. WAC 388-78A-2900

Pursuant to RCW 43.06.220(1)(h) the waivers and suspensions in paragraphs 53 through 63 do not apply except to temporary programs and projects undertaken to provide surge capacity for the COVID-19 response, for which certificates of need must be obtained after the expiration of this waiver in compliance with the waived statutory and regulatory provisions.

ADDITIONALLY, in furtherance of the prohibitions, waivers, and suspensions contained herein, and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.
3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor’s Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect at 12:01 a.m. on August 12, 2020, and the extension of statutory waivers and suspensions referenced herein by the leadership of the Washington State Senate and House of Representatives is recognized until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) the prohibitions and waivers and suspensions of rules herein are extended until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 7th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
 /s/
 Jay Inslee, Governor

BY THE GOVERNOR:
 /s/
 Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18 and 20-52 et seq.**

**20-66
Long-Term Care – Operations and Visitation**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-65, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25 et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et. seq., were extended with certain modifications by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52 et seq.; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, and issuing new proclamations that divide the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents will assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

FURTHERMORE, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health* 20-03, issued on June 24, 2020, found [here](#), and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to long term care contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. The recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq., remain in effect as stated in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq., or as otherwise extended.

ADDITIONALLY, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby order that operations of the facilities listed below (with statutory references) must comply with the guidance documents referenced here, and that operations within such facilities that are not consistent with the guidance documents are prohibited:

- Intermediate Care Facilities - 42 CFR 483 subpart I and WAC 388-835, WAC 388-837
- State Operated Living Alternatives – RCW 71A.12
- Nursing Facilities – RCW 18.51 and RCW 74.42
- Assisted Living Facilities – RCW 18.20
- Adult Family Homes – RCW 70.128
- Enhanced Service Facilities – RCW 70.97

ADDITIONALLY, based on the above situation, and to support implementation of the prohibitions stated above, I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below continues to be waived and suspended, in its entirety unless otherwise indicated:

1. RCW 70.129.090(1)(f)
2. RCW 70.129.090(2)
3. RCW 70.129.140(2)(b)
4. RCW 70.129.140(3)
5. RCW 70.129.140(4)
6. RCW 70.129.140(5)
7. WAC 388-97-0520(1)(g)
8. WAC 388-97-0520(1)(h)
9. WAC 388-76-10595(6)
10. WAC 388-76-10401

ADDITIONALLY, in furtherance of the prohibitions, waivers, and suspensions contained herein, and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296-800-14035](#), and Department of Labor & Industries- administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks,

and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.

3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor's Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect at 12:01 a.m. on August 12, 2020, and the extension of statutory waivers and suspensions referenced herein by the leadership of the Washington State Senate and House of Representatives is recognized until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first, and (2) the prohibitions and waivers and suspensions of rules herein are extended until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 7th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

**20-22.5
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-66, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to

the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, maintaining a steady supply of livestock feed, medical and pharmaceutical supplies related to COVID-19, community and personal protective equipment materials, and food, paper products and other groceries continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the August 11, 2020, order of the Federal Motor Carrier Safety Administration, are extended until 11:59 p.m. on September 14, 2020.

FURTHERMORE, to again clarify application of the August 11, 2020, order of the Federal Motor Carrier Safety Administration, motor carriers and drivers of commercial motor vehicles in Washington State collecting or delivering the following goods are providing emergency relief during an emergency under 49 CFR § 390.23 and are providing direct assistance under the August 11, 2020, order of the Federal Motor Carrier Safety Administration, and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010 until 11:59 p.m. on September 14, 2020:

1. Livestock and livestock feed;
2. Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; and;
3. Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; and
4. Emergency restocking of food, paper products and other groceries at distribution centers or stores.

The exemptions contained in this proclamation do not apply to routine commercial deliveries or to mixed loads with a nominal quantity of qualifying emergency relief added for the purpose of qualifying for such exemptions.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 12th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-25 et seq. and 20-57**

20-57.1

Concerning the Health of Agricultural Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-67, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25 et seq.; and

WHEREAS, under Proclamations 20-25 et seq. *Stay Home – Stay Healthy*, I deemed the agricultural industry, including fruit, vegetable, nut, flower, grain, dairy, and livestock production, essential; and

WHEREAS, Washington is the nation’s leading producer of hops, cherries, apples, and pears, including more than seventy percent of all hops and cherries, more than sixty percent of all apples, and nearly fifty percent of all pears; the nation’s second highest producer of grapes, apricots, potatoes, onions, raspberries, and blueberries; and a top-ten highest producer of many other crops; and

WHEREAS, Washington’s crops, produced by more than thirty thousand farms spanning nearly fifteen million acres, yield more than ten billion dollars in sales revenues each year and comprise twelve percent of Washington’s economy; and

WHEREAS, tens of thousands of Washingtonians work outdoors tending and harvesting crops and are joined by tens of thousands of other individuals who travel to Washington State to assist, and tens of thousands more work indoors packing and shipping the crops; and

WHEREAS, immigrants make up a significant majority of the agricultural workforce, many of whom labor, live, and travel together, and without proper precautions, are vulnerable to increased exposure to COVID-19, jeopardizing their health, the health of their families and communities, and Washingtonians’ access to an abundant supply of nutritious, locally grown foods; and

WHEREAS, Washington’s agricultural communities now comprise a disproportionate number of new cases of COVID-19, and an effective testing strategy is essential to combating an unchecked spread of the virus amongst the workers; and

WHEREAS, isolating agricultural workers at employer-owned or contracted housing units presents unique challenges for adequately ensuring the well-being of COVID-19-positive workers, requiring a higher level of care than that provided to healthy workers; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, on July 17, 2020, there were at least 45,067 cases of COVID-19 in Washington State, with 1,434 associated deaths; on August 1, 2020, there were at least 57,541 cases, with 1,592 associated deaths; and now, as of August 18, 2020, there are currently at least 68,264 cases of COVID- 19 in Washington State with 1,809 associated deaths; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, and that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), all provisions of Proclamations 20-25 et seq. shall remain in full force and effect, except for the specific conditions to such prohibitions set forth below.

FURTHERMORE, I hereby modify those provisions of Proclamation 20-25 et seq. applicable to essential workers and workplaces to prohibit any agricultural employer from continuing to operate beyond August 21, 2020, unless the employer complies with all provisions, including the amendments set forth by this Proclamation, of the Agriculture COVID-19 Requirements – Provisions for All Worksites and Work-Related Functions, that are incorporated by reference and [linked here](#), which prohibition shall remain in effect throughout the duration of the State of Emergency.

FURTHERMORE, all agricultural employers are prohibited from failing to comply with any additional orders issued by the Washington State Secretary of Health.

For purposes of this Proclamation, agricultural employers include orchards, fields, dairies, and all other operations expressly identified in WAC 296-307-006; all fruit- and vegetable-packing warehouses whether owned by the grower or producer or not; and employer- or operator-provided transportation and housing. These requirements do not apply to meat or other food processing operations.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5) in addition to enforcement actions taken by the Washington State Department of Health and the Washington State Department of Labor & Industries' Division of Occupational Health and Safety.

Signed and sealed with the official seal of the state of Washington on this 19th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-69

Residency for Tuition Waivers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, and 20-55 through 20-67 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 epidemic has hindered the ability of institutions of higher education in Washington State to safely provide in-person classes, resulting in most institutions opting to provide primarily remote instruction, and many current students are now living and participating in their higher education from locations outside of Washington State; and

WHEREAS, universities that have recently reopened their campuses for in-person classes have within the last week experienced new outbreaks of COVID-19 among students; and

WHEREAS, Washington State's six public universities employ graduate students to perform teaching and research functions, and tuition waivers are a part of the compensation provided by contract to these employees, and many graduate students come from outside the state and country and are working remotely within online learning environments; and

WHEREAS, RCW 28B.15.014 allows universities to grant tuition waivers, but requires waiver recipients to reside within Washington State. It is therefore necessary to waive a portion of this statute to allow waiver recipients to comply with the Proclamation 20-25, et seq., to assist in reducing the spread of COVID-19 by working remotely, and to continue providing teaching and research functions for the universities and their students; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend portions of RCW 28B 15.014, through 11:59 p.m. on September 25, 2020, because they prevent, hinder or delay necessary action to prevent the further spread of COVID-19, until 11:59 p.m. on September 25, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(1)(g), I also find that strict compliance with the following portions of RCW 28B.15.014 will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in the provision of educational services to Washington State higher education students and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on September 25, 2020:

- Sec. (1), the following words only: "who resides in the state of Washington and"; and
- Sec. (2), the following words only: "who resides in the state of Washington," Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).
-

Signed and sealed with the official seal of the state of Washington on this 26th day of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-70

Transportation and Remote Learning for K-12 Student Education

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on July 25, 2020, there were at least 51,849 cases of COVID-19 in Washington State with 1,494 associated deaths, and, as of August 25, 2020, there are currently at least 71,705 cases of COVID-19 in Washington State with 1,876 associated deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, to protect our people from its effects, and reduce the impact on our health care system, it became necessary to put in place stringent social distancing and sanitation requirements, restrictions on gatherings and personal interactions, and required the closure of our K-12 schools statewide; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, 20-09, and 20-09.1, I prohibited public school districts, charter schools, and private schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, I issued Proclamation 20-09.2, amending 20-08, 20-09, and 20-09.1 to extend all of the prohibitions and each expiration date therein until the state of emergency is rescinded, except to allow schools to re-open as provided in Proclamation 20-09.2 and subject to the requirements of the *Re-opening K-12 Fall 2020-2021 Guidance* document, found [here](#), that allows local health departments and school districts to decide if and how they will allow students to return to the classroom; and

WHEREAS, in order to protect the health and safety of students, as well as the health and safety of those who provide and support the education of students, public schools must provide for and support remote learning whenever possible, including providing the tools and services necessary for children to learn from their homes or other remote locations; and

WHEREAS, bus drivers are important members of the education system whose primary mission is to safely enable and support the education of children by acting as the bridge between students and the education system; and

WHEREAS, prior to the COVID-19 outbreak, bus drivers achieved their mission by safely transporting children to and from school; and

WHEREAS, during this unprecedented pandemic, the primary mission of bus drivers remains the same, but it must now also be achieved through alternative means of bringing school, and the tools and services necessary to foster a meaningful and successful education, to students in their remote learning locations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, and all amendments thereto, remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), is amended to prohibit certain interpretations or applications of RCW 28A.160 (Student Transportation), as set out below.

FURTHERMORE, I hereby prohibit the interpretation or application of the provisions of RCW 28A.160 (Student Transportation) related to permissible transportation activities in a manner that would restrict a school district's ability to use its current transportation allocations to support the following transportation-related services as necessary to provide students with the opportunity to equitably access educational services in a remote learning environment:

- (a) the use of bus drivers, and the corresponding use of school buses, to deliver one or more of the following education tools and services to students in their remote learning locations on a schedule to be determined by school districts:
 - (i) learning materials, including but not limited to workbooks, homework packets, paper assignments, and other tangible instructional materials;
 - (ii) meals; and
 - (iii) any hardware, WiFi hotspots, or other technology solutions that increase student access to remote learning online curriculum; and
- (b) the transportation of students to and from learning centers or other public or private agencies where educational and support services are provided to students.

FURTHERMORE, school districts are prohibited from any interpretation of the Office of Superintendent of Public Instruction's accountability measures in its rules that would cause them to fail to track and document the specific time and uses of school bus drivers and buses to deliver the tools and services listed in this order.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

This order shall take effect immediately, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-15, et seq.**

**20-15.7
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and that Proclamation 20-15, et seq., is hereby extended until 11:59 p.m. on October 1, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, AND 20-20, et seq.**

**20-20.7
Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-21, et seq.**

20-21.7

Unemployment Benefit – 1 Week Waiver

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the waiver of the rule therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05, 20-23, et seq.**

20-23.8

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them

suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, as described below.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 15, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-27, et seq.**

**20-27.7
Electronic Notary**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-27, waiving and suspending a portion of a law in order to implement the new electronic notary services provisions authorized by Senate Bill (SB) 5641 (Chapter 154, Laws of 2019), and codified within RCW 42.45, relating to electronic notarial acts by remotely located individuals, to prevent further spread of the virus; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension in Proclamation 20-27, et seq., has been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-27, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 30, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-27, et seq., are amended to recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 30, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until September 30

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-28, et seq.**

**20-28.9
Open Public Meetings Act and Public Records Act**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70,, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on October 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.7
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

**20-30.7
Unemployment Benefit – Job Search Requirements**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness

or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating to job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency

Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.7

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on October 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency

Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.7

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have

acknowledged and similarly extended the rules waived and suspended therein in subsequent proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.5

Department of Health— Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., has been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

**20-41.8
Department of Licensing – License and Permit Renewal Extension**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-4, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.6

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread

throughout Washington State, significantly increasing the threat of serious associated health risks statewide and is causing a sustained economic slowdown throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address the COVID-19 pandemic, and to ensure that state employees will be timely paid and available, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees' ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.6

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20- 44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on October 1, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATION
20-45, et seq.**

20-45.6

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amandatory Proclamations 20-25, et seq., *Safe Start, Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic violence reports, and domestic violence survivors must rely on protection orders, making access to emergency protection orders, access to expedient court review, processing, and service of orders vital to public safety; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal service and in-person hearings that may not be necessary or appropriate for the individual case to will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45 have been periodically reinstated and extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-45, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-45, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty

at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.6

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, 20-48, et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, and 20-49, et seq.**

**20-49.8
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49 have been periodically extended by the leadership of the Washington State Senate and House of and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein as to the garnishment of bank accounts only and as further limited below, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, except as otherwise prohibited or limited by state or federal law, the statutory waivers and suspensions of Proclamations 20-49, et seq., which operate to prohibit garnishments for consumer debt in certain circumstances, (a) are not applicable to bank account funds other than CARES Act stimulus payments and state and federal unemployment payments; and (b) are not applicable to garnishments for continuing liens on earnings (wages), and have not been applicable to garnishments for continuing liens on earning since May 27, 2020.

ADDITIONALLY, whereas state law provides specific exemptions from execution, attachment and garnishment for certain personal property, including an exemption of \$2,000 in bank accounts from consumer debt garnishment, nothing in this proclamation may be construed to limit a consumer's right to claim those exemptions or to challenge any garnishment proceeding.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

20-51.7

Community Associations Meetings and Late Fees

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51 have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department

of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, 20-52, et seq.**

20-52.6

Statewide Proclamations Relating to Long-Term Care

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings,

such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency

Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until September 1, 2020, unless that date is further extended, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or September 1, 2020, in Proclamation 20-52.5;

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamation 20-52, et seq., to include waivers, suspensions and prohibitions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18 that are incorporated therein, address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, on August 7, 2020, I issued Proclamations 20-65 and 20-66 dividing waivers, suspensions and prohibitions relating to certain programs into their topical areas and cross referencing applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, certain waivers, suspensions, and prohibitions relating to programs not included in Proclamations 20-65 and 20-66, remain incorporated within Proclamation 20-52, et seq.; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until October 1, 2020, unless that date is further extended; and

WHEREAS, to fully extend the remaining elements of Proclamations 20-06, 20-10, 20-16, 20-18, incorporated into and extended only by Proclamation 20-52, et seq., it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-52, et seq., to include the incorporated provisions of Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18, is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, unless that date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.**

20-56.4

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56 have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until

the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

20-58.3

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58 have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.4

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the licensing of workers in the healthcare industry; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have

acknowledged and similarly extended the prohibitions and suspension and waiver of rules in subsequent sequentially numbered proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-63**

20-63.2

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4); and

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in

coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 p.m. on October 1, 2020, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05 AND 20-64

20-64.1

Public Records Act – Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and

personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for "patients or clients" of "public health agencies," the courts have not interpreted the meaning of the term "client" or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an "other statute" in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related "other statutes" strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person's personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, on August 27, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-64 are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m.

on October 1, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-65**

20-65.1

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et. seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66, dividing some of the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents, to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-65, which incorporates all or portions of Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., remains in effect and is amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

FURTHERMORE, by way of clarification, numbered paragraph 30 of Proclamation 20-65 waives and suspends only that specific language of RCW 43.43.837(1) indicated by strikethrough; numbered paragraph 31 of Proclamation 20-65 contains a separate waiver and suspension of RCW 43.43.837(1) subsections (a), (b), (c), and (d), rendering the extension of paragraph 30 duplicative and unnecessary.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-66**

20-66.1

Long-Term Care – Operations and Visitation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the

high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et. seq., were extended with certain modifications by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, on August 31, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, including all of the prior proclamations' statutory waivers and suspensions contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, which incorporates portions or all of the waivers and suspensions contained in Proclamations 20-06, 20-10, 20-16, 20-18, and 20-52, et seq., are amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on October 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until October 1

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-71

Department of Natural Resources – In-Person Meetings

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 70, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, since it is necessary to curtail the spread of the COVID-19 pandemic in Washington State, it is necessary to limit person-to-person contact through social distancing and limiting in-person interactions. I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes

except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, while transparency and participation in state government is an important state policy, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend and comment or testify in public meetings and hearings remotely; and

WHEREAS, because Title 79 RCW (Public Lands) requires the Department of Natural Resources to hold certain public meetings in specific places and to take public testimony in certain transactions or designations of public land, to prevent further spread of the virus, it is therefore necessary to immediately waive and suspend requirements in Title 79 RCW that necessitate an in-person meetings; and

WHEREAS, on, I issued Proclamation 20-28, et seq., waiving and suspending similar laws and rules concerning Chapter 42.30 RCW, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-25, et seq., is amended to waive and suspend portions of Title 79 RCW that require in-person meetings or contact until the end of the emergency or 11:59 p.m. on October 4, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until the end of the emergency or 11:59 p.m. on October 4, 2020, whichever is first:

- RCW 79.17.050 – only of the following language as indicated by strikethrough:

Before a proposed exchange is presented to the board involving an exchange of any lands under the administrative control of the department, the department shall hold a public hearing on the proposal in the county where the state-owned land or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news

release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state-owned land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared

for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

- RCW 79.70.100 – only of the following language as indicated by strikethrough:

The department shall hold a public hearing in the county where the majority of the land in a proposed natural area preserve is located prior to establishing the boundary.

- RCW 79.71.060 – only of the following language as indicated by strikethrough:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with characteristics identified in RCW 79.71.020.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, to prohibit the Department of Natural Resources as follows, until the end of the emergency or 11:59 p.m. on October 4, 2020, whichever is first:

from conducting a public meeting subject to Title 79 RCW unless (a) the meeting is not conducted in-person and instead provides an option(s) and notice of the option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

As an exception to the above prohibition, if the Department of Natural Resources is holding a public meeting related to land in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, it may include an in-person component to a public meeting if all of the following requirements are met:

- a) Compliance with all provisions of the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering;
- b) Compliance with all provisions of Proclamation 20-25 et seq. *Safe Start-Stay Healthy*,
- c) Compliance with the *Order of the Secretary of Health* 20-03, et seq.;
- d) Notice of the physical location shall be included as normally required by RCW 79;
- e) If an in-person component public meeting is offered, any person wishing to attend the public meeting in-person must be able to do so at a physical location meeting all requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
- f) If at any time during the public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then it must be adjourned, continued, or otherwise terminated.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 4th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-22, et seq.**

**20-22.6
Truck Driver Hours**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67 and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 13, 2020, in response to a Presidential Emergency Declaration issued to address the nationwide COVID-19 pandemic and pursuant to 49 CFR 390.23(a)(1)(i), the Federal Motor Carrier Safety Administration issued Emergency Declaration 2020-002, granting relief to motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks from 49 CFR Parts 390 through 399 until April 12, 2020, to include relief from 49 CFR § 395, which was adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010; and

WHEREAS, on March 18, 2020, the Federal Motor Carrier Safety Administration expanded Emergency Declaration 2020-002, providing hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide outbreak, by adding fuel and raw materials needed to manufacture essential supplies to the list of direct assistance in support of relief efforts related to the COVID-19 outbreaks; and

WHEREAS, on April 8, 2020, the Federal Motor Carrier Safety Administration extended the exemptions granted in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through May 15, 2020, and expanded its application to include liquefied gases to be used in refrigeration or cooling systems, while also placing specific restrictions and limitations on its application; and

WHEREAS, on May 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through June 14, 2020, including its expanded applications and limitations; and

WHEREAS, on June 8, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through July 14, 2020, while reducing the categories of transportation covered by the exemptions to livestock feed, medical and pharmaceutical supplies related to COVID-19, and community and personal protective equipment materials related to COVID-19; and

WHEREAS, on July 13, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through August 14, 2020; and

WHEREAS, on August 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 from 49 CFR Parts 390 through 399 through September 14, 2020, and because of current conditions, reinstated emergency relief for emergency restocking of food, paper products and other groceries at distribution centers or stores; and

WHEREAS, on September 11, 2020, the Federal Motor Carrier Safety Administration again extended the exemptions in Emergency Declaration 2020-002 (as modified) from 49 CFR Parts 390 through 399 through the earlier of December 31, 2020 or the revocation of the federally-declared COVID-19 national emergency; and

WHEREAS, I have issued Proclamations 20-22, et seq., providing and modifying exemptions from Washington state regulations and rules as necessary to maintain consistency between federal and state regulations affecting commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19); and

WHEREAS, maintaining a steady supply of livestock feed, medical and pharmaceutical supplies related to COVID-19, community

and personal protective equipment materials, and food, paper products and other groceries continues to be essential to COVID-19 emergency relief efforts and public health and safety throughout the State; and

WHEREAS, the transportation industry continues to experience driver shortages, related in varying degrees to the closure of schools, continued virus exposures and infections, and the unavailability of childcare, and the significant increase in the demand for and shortages of many essential services and supplies throughout Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting State agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across State government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-22, et seq., to include those exemptions from and limitations on the driver hours of service rules set forth in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, and as provided in the September 11, 2020, order of the Federal Motor Carrier Safety Administration, are extended until the earlier of 11:59 p.m. on December 31, 2020, or the end of the COVID-19 pandemic emergency.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Drivers operating under these exemptions and limitations should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-68, and 20-28, et seq.**

20-28.10

Wildfire-Related Exemptions to Open Public Meetings Act Proclamations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the continued high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-64 and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions, I issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions, the most recent of which is Proclamation 20-28.9, issued on September 2, 2020; and

WHEREAS, as a result of multiple large on-going wildfires, abnormally dry weather conditions, and periods of exceptionally high temperatures throughout the state of Washington creating widespread high-risk fuel conditions, on August 19, 2020, I issued Proclamation 20-68, proclaiming a State of Emergency for all counties throughout the state of Washington; and

WHEREAS, since I issued Proclamation 20-68, Washington State has experienced new wildfires which were caused or exacerbated by an historic wind event that brought high winds and low humidity from the east to the west, and conditions that will increase the difficulty in containing current wildfires and the risk of new wildfires starting and spreading are predicted to continue through September 2020; and

WHEREAS, in addition to being a fundamental part of open government, open public meetings are essential to provide the people of Washington with timely and accurate information regarding wildfires and COVID-19, to provide them with answers to their questions, to enable public bodies to conduct business in response to the ongoing emergencies, and to dispel misinformation that may be spread through social media or otherwise; and

WHEREAS, in addition to damaging homes, public facilities, businesses, public utilities, infrastructure, agriculture, and natural resources, ongoing wildfires have also interrupted or degraded telecommunications (to include internet) services necessary to hold public meetings remotely as envisioned in Proclamation 20-28, et. seq.; and

WHEREAS, to enable necessary public meetings in areas where telecommunications services have been interrupted or degraded, a modification of the prohibitions and guidance set forth in Proclamations 20-28, et seq. (most recently restated in Proclamation 20-28.8), is necessary; and

WHEREAS, the ongoing wildfires and the COVID-19 pandemic are emergencies that continue to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, and are therefore public disasters that affects life, health, property, or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the

emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments, and Proclamation 20-68 and all amendments, remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended as described below to allow, with conditions, in-person public meetings to take place in communities where the ongoing wildfires have interrupted or degraded telecommunications services to a degree that remote meetings as envisioned by Proclamation 20-28, et. seq., are not feasible.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and the ongoing wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

The prohibitions contained in Proclamations 20-28, et. seq., relating to public meetings held in areas where telecommunications services (to include internet services) have been interrupted or degraded by wildfires occurring in the summer and fall of 2020, are modified as set forth in the exceptions below (*Note: This Proclamation 20-28.10 is excluded from references herein to "Proclamations 20-28, et. seq."*):

Applies only When Telecommunications Services are Interrupted or Degraded and No Alternative Meeting Site is Available.
The exceptions to the prohibitions of Proclamations 20-28, et. seq., contained herein are applicable only if the following conditions are met:

1. Telecommunications services in the area where the public meeting takes place and/or the area where the substantial majority of the persons affected by the public meeting live have been substantially interrupted or degraded to the extent it is impractical to hold the public meeting consistent with the provisions of Proclamation 20-28, et seq.
2. No alternative meeting site is available, in or outside of the jurisdiction, that: (a) is reasonably accessible to persons affected by the actions to be considered at the public meeting, (b) meets the social distancing requirements in Proclamation 20-28, et seq., and attached guidance for those physically at the alternative meeting location, and (c) has sufficient telecommunications service to conduct a remote meeting in accordance with Proclamation 20-28, et. seq., and attached guidance.
3. The presiding official of the public meeting certifies on the record or in writing that the conditions of paragraphs 1 and 2, above, have been met.
- 4.

Applies only to Emergency Actions and Necessary and Routine Actions.

The exemptions contained herein apply only to those "actions," as defined in RCW 42.30.020, that are necessary and routine, or are matters necessary to respond to impacts (direct or indirect) from or related to the COVID-19 outbreak and/or wildfires occurring in the summer and fall of 2020. All other "actions" must be taken at meetings that comply with the requirements of Proclamation 20-28, et seq.

Exemptions from Prohibitions.

In circumstances in which this Proclamation 20-28.10 applies, public meetings are exempt from all prohibitions and restrictions on in-person public meetings contained in Proclamations 20-28, et seq., and accompanying guidance documents, subject to the following conditions:

1. To the extent practicable, the public meeting shall comply with all provisions of Proclamation 20-25, et seq., and the *Safe Start Washington Phased Reopening County-by-County Plan* found here, including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a

face covering (*Note: If no indoor space is available that meets applicable distancing requirements, the public meeting can and should be held outdoors*);

2. To the extent practicable, notice of the meeting shall comply with the requirements of Proclamation 20-28 et seq., and shall, in all cases, be given in such a way as to provide as much actual notice as reasonably possible given the circumstances to those affected by the action(s) to be considered at the public meeting. (*Note: RCW 42.30.080 (4) waives notice requirements “in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.”*); and
3. To the extent practicable, those wishing to participate and/or attend the public meeting (to include the press) shall be allowed to do so, to include allowing persons to attend the meeting by listening and speaking through operable telecommunications devices (examples include using an attendee’s cell phone with service to connect to a conference calling service, or allowing persons to call in using the cell phone of an audience member whose phone has service).
4. A recording or transcript of the meeting shall be made available, as soon as is practicable, through the public agency’s website or through other means readily available to the public.

Ratification of Actions. All “actions” taken by a public agency under the exemptions granted herein that do not comply with the provisions of Proclamation 20-28, et. seq., with attached guidance, must be ratified by the public agency at its first regularly-scheduled meeting occurring after the expiration of this Proclamation 20-28.10, using procedures that comply with the provisions of Proclamation 20-28, et. seq.

Expiration. The exemptions contained herein shall expire on the earlier of (1) the date when telecommunications services have resumed to a degree that holding public meetings consistent with the prohibitions set forth in Proclamation 20-28, et seq. (excepting this Proclamation 20-28.10), is no longer impractical; or (2) rescission of this Proclamation 20-28.10; or (3) 11:59 p.m. on October 1, 2020, unless extended by subsequent proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND 20-69**

20-69.1

Residency for Tuition Waivers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25 as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations;

and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the COVID-19 epidemic has hindered the ability of institutions of higher education in Washington State to safely provide in-person classes, resulting in most institutions opting to provide primarily remote instruction, and many current students are now living and participating in their higher education from locations outside of Washington State; and

WHEREAS, universities that have recently reopened their campuses for in-person classes have within the last week experienced new outbreaks of COVID-19 among students; and

WHEREAS, Washington State's six public universities employ graduate students to perform teaching and research functions, and tuition waivers are a part of the compensation provided by contract to these employees, and many graduate students come from outside the state and country and are working remotely within online learning environments; and

WHEREAS, to assist in reducing the spread of COVID-19 by enabling persons to work remotely, and to continue providing teaching and research functions for the universities and their students, while remaining eligible for tuition waivers, on August 26, 2020, I issued Proclamation 20-69 waiving and suspending a portion of RCW 28B.15.014 to allow universities to grant tuition waivers to persons not residing within Washington State; and

WHEREAS, on September 24, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-69 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-69 is amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 25th of September, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-15, et seq.**

**20-15.8
DEPARTMENT OF LICENSING**

WHEREAS, on March 16, 2020, I issued Proclamation 20-15, waiving and suspending statutes relating to in-person Department of Licensing eye examinations and renewals of driver's licenses and identification cards; and

WHEREAS, on under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-15, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-15, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020; and

NOW THEREFORE, I, Jay Inslee, Governor of the state of Washington, do hereby proclaim that the statutory waivers and suspensions in Proclamation 20-15, et seq., have been extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and that Proclamation 20-15, et seq., is hereby extended until 11:59 p.m. on November 9, 2020.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, AND 20-20, et seq.**

**20-20.8
Department of Revenue -- Relief from Penalties, Fees, Interest, Due Dates**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued numerous amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and

regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and taxpayers continue to suffer significant economic hardship, and in many cases their financial resources have become limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-20, waiving and suspending laws and rules relating to tax penalties, fees, interest, and due dates in order to provide tax relief through the Department of Revenue; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I subsequently acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-20, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-20, et seq. it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-20, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 AND 20-21, et seq.**

**20-21.8
Unemployment Benefit – 1 Week Waiver**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and in many cases their financial resources are becoming limited; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-21, waiving and suspending statutes and rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the waiver of the rule therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-21, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-21, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-21, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to a one-week waiting period to collect unemployment insurance through the Employment Security Department to 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-23, et seq.**

20-23.9

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 15, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-68, and 20-28, et seq.**

20-28.11

Open Public Meetings Act and Public Records Act Proclamations

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the continued high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions, I issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, to enable public meetings to occur while maintaining the social distancing and limitations on in-person interactions necessary to curtail the spread of COVID-19, on March 24, 2020, I issued Proclamation 20-28, prohibiting in-person meetings and waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act that hindered conducting public meetings remotely; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations, which proclamations also contained modifications and guidance regarding the waivers, suspensions, and prohibitions; and

WHEREAS, open public meetings are a fundamental part of open government and are essential to provide the people of Washington with timely and accurate information regarding wildfires and COVID-19, to provide them with answers to their questions, to enable public bodies to conduct business in response to the ongoing emergencies, and to dispel misinformation that may be spread through social media or otherwise; and

WHEREAS, to enable necessary public meetings in areas where telecommunications services were interrupted or degraded due to wildfires, on September 16, 2020, I issued Proclamation 20-28.10 modifying the prohibitions and guidance set forth in Proclamations 20-28 and prior amendments; but today, those telecommunication interruptions due to wildfires are no longer present, so those modifications to 20-28 initially outlined in 20-28.10 are not necessary at this time and are not further extended here; and

WHEREAS on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect, and that the prohibitions in Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein, with the exception of the new prohibitions included in 20-28.10 as a result of telecommunication disruptions caused by wildfires, until the termination of the

COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-29, et seq.**

**20-29.8
Telemedicine**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-29, waiving and suspending laws to implement Engrossed Substitute Senate Bill (ESSB) 5385, Section 1 (Chapter 92, Laws of 2020), providing health care provider payment parity in providing telemedicine services to prevent further spread of the virus and related prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-29, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-29, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-29, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-29, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein to 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-30, et seq.**

20-30.8

Unemployment Benefit – Job Search Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the

state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a sustained economic slowdown for Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, as a result of the global COVID-19 pandemic, a large percentage of Washington State businesses and members of our workforce continue to suffer significant economic hardship, and the number of available jobs has significantly reduced; and

WHEREAS, on March 25, 2020, I issued Proclamation 20-30, waiving and suspending statutes relating to job search requirements to collect unemployment insurance through the Employment Security Department; and

WHEREAS, Congress passed the Families First Coronavirus Response Act, which gives states the freedom and flexibility to adjust or waive work search requirements for their state unemployment programs, including the work search requirements for extended benefits; and

WHEREAS, it is necessary to waive portions of state statutes pertaining to extended benefits requirements in order to align state job search and extended benefit job search requirement waivers, thus enabling Washington State to flexibly administer unemployment programs, maintain the health and safety of Washingtonians and assist the state in recovering from the economic losses caused by the COVID-19 pandemic; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-30, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-30, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-30, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented

throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-31, et seq.,**

20-31.8

Division of Child, Youth, and Families – Child Care and Background Checks

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-31 waiving and suspending statutes relating to the administrative requirements to license child care providers and foster and adoptive parents and related programs administered by the Department of Child, Youth, and Families, to increase the availability of these services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-31, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-31 et seq., were extended by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on November 9, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-31, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-32, et seq.,**

20-32.8

Department of Health– Health Care Workers

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws and rules; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 26, 2020, I issued Proclamation 20-32 waiving and suspending statutes and rules relating to the administrative requirements to license health care providers to increase the availability of health care workers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-32, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the rules waived and suspended therein in subsequent proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-32, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-32, et seq., it is also necessary for me to extend the waiver and suspension of rules as provided in Proclamation 20-32, et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-32, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the waiver and suspension of rules relating to the licensing of health care workers until 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-36, et seq.**

20-36.6

Department of Health– Health Care Facilities and Hand Sanitizer

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 30, 2020, I issued Proclamation 20-36 waiving and suspending statutes and rules relating to the administrative requirements to license health care facilities and the production of hand sanitizer to increase the availability of health care facilities and hand sanitizer, and imposing certain prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-36, et seq., has been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and waivers and suspension of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-36, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-36, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules in Proclamations 20-36 et seq.; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-36, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist

affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-41, et seq.**

**20-41.9
Department of Licensing – License and Permit Renewal Extension**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state agencies continues to significantly impact their ability to adequately staff and supply various administrative and operational activities, including the ability of the Washington State Department of Licensing to meet the demand for driver license and driver instruction permit renewal and application; and

WHEREAS, to reduce the risk of disease transmission to Department of Licensing employees and members of the public visiting its offices, on April 3, 2020, I issued Proclamation 20-41 waiving and suspending statutes necessary to temporarily extend the renewal date of personal and commercial driver licenses; and

WHEREAS, on April 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-41, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public

peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-41, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State

Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-43, et seq.**

20-43.7

Office of Financial Management, State Human Resources Division – Annual Leave and Pay Procedures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by waiving and suspending specified laws; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread

throughout Washington State, significantly increasing the threat of serious associated health risks statewide and is causing a sustained economic slowdown throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, Washington State government agencies and employees provide services essential to address the COVID-19 pandemic, and to ensure that state employees will be timely paid and available, I issued Proclamation 20-43 waiving and suspending statutes related to payment of wages, employees' ability to share leave with persons affected by the COVID-19 pandemic, and limits on leave accrual; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-43, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-43, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamations 20-43, et seq., are amended to recognize the extension of the statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05 and 20-44, et seq.**

20-44.7

Nursing Home Transfer or Discharge for COVID-19 Cohorting Purposes

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic has placed unprecedented demands on our health care system, requiring that certain transfers or discharges of nursing home residents be expedited to allow grouping or cohorting residents in other long-term care facilities to reduce the spread of COVID-19 and relieve stress on health care system capacity; and

WHEREAS, on March 31, 2020, the U.S. Centers for Medicare and Medicaid Services issued a retroactive addition to waivers granted under Section 1135 of the Social Security Act, waiving specific federal regulations that will allow nursing homes to transfer or discharge residents to another long-term care facility for certain COVID-19 related cohorting purposes; and

WHEREAS, to protect the life, health and safety of those members of our most vulnerable populations who are nursing home residents, it is necessary to temporarily waive and suspend certain statutory and regulatory provisions limiting the ability to expedite their transfer or discharge to another long-term care facility for specific COVID19 related cohorting purposes; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-44 waiving and suspending statutes and rules relating to the administrative requirements relating to nursing home transfers and discharges; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-44, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of rules therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-44, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-44, et seq. it is also necessary for me to extend the waivers and suspensions of rules therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05, and 20- 44, et seq., are hereby amended to (1) recognize the extension of the statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of rules therein to 11:59 p.m. on November 9, 2020.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND AMENDING, REINSTATING, AND EXTENDING PROCLAMATION
20-45, et seq.**

20-45.7

Protection Orders and Personal Service

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25, et seq., *Safe Start, Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally continue to report an increase in domestic violence reports, and domestic violence survivors must rely on protection orders, making access to emergency protection orders, access to expedient court review, processing, and service of orders vital to public safety; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutory requirements for personal service and in-person hearings that may not be necessary or appropriate for the individual case to will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45, et seq., have been periodically reinstated and extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-45, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING 20-05 and 20-48, et seq.**

20-48.7

Department of Licensing – CDL Health Certificates and Other Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the number of cases of COVID-19 and associated deaths continues to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the response to and impacts of the COVID-19 State of Emergency on many state and local government agencies and offices has significantly impacted their ability to adequately staff and supply various administrative and operational activities, resulting in many agencies, including the Washington State Department of Licensing, conducting limited operations; and

WHEREAS, commercial drivers are critical to the transportation of essential goods in the supply chain throughout Washington State and are subject to federal and state regulations in obtaining, renewing, and retaining commercial driver licenses and permits;

WHEREAS, on April 14, 2020, I issued Proclamation 20-48, waiving and suspending statutes and prohibiting certain activities relating to Commercial Driver License and Commercial Learner Permit holders; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-48, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-48, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-48, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health

in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-48, et seq., are amended to (1) recognize the extension of statutory waiver and suspension therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, and 20-49, et seq.**

**20-49.9
Garnishments**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the number of cases of COVID-19 in Washington State and the associated deaths continue to increase, demonstrating the ongoing, present, and persistent threat of this lethal disease; and

WHEREAS, the COVID-19 pandemic continues to cause a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our

workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, to prevent or reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic, I issued Proclamation 20-49, to temporarily waive and suspend statutes and regulations related to the collection of judgments for consumer debt; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives and which I acknowledged and similarly extended the prohibitions therein in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-49, et seq., were extended as to the garnishment of bank accounts only by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the COVID-19 emergency; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-49, et seq., are amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05 and 20-51, et seq.**

**20-51.8
Community Associations Meetings and Late Fees**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamation 20-51, suspending statutes to allow community associations to hold remote meetings and waiving deadlines for filing of annual assessments; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-51, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-51, et seq., are amended to recognize the extension of statutory waivers and suspensions, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATIONS 20-05, 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq.**

**20-52.7
Statewide Proclamations Relating to Long-Term Care**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid transmission and spread of COVID-19 among those living in congregate settings, such as long term care facilities, and most residents of long term care or treatment facilities are at increased risk for COVID-19; and

WHEREAS, infected facility staff and visitors can introduce a virus such as COVID-19 into the population of a long term care facility and start an outbreak threatening the life, health and safety of residents; and

WHEREAS, the threat of COVID-19 to our most vulnerable populations remains significant, especially for those receiving long-term care services in their homes and congregate settings such as long term care facilities; and

WHEREAS, an adequate number of long term care workers remains necessary to provide essential services to some of Washington's most vulnerable adults and the COVID-19 pandemic has reduced the availability of long term care workers in the State, necessitating the waiver of certain fingerprint requirements to address delays resulting from interruptions in operations by third party vendors; and

WHEREAS, the COVID-19 pandemic has resulted other disruptions to our long term care system impacting adequate staffing, the ability to safely conduct inspections, and obtaining resident assessments prior to admission; and

WHEREAS, on March 10, 2020, I issued Proclamation 20-06 prohibiting visitors access to nursing homes and assisted living facilities and waiving related statutes; on March 13, 2020, I issued Proclamation 20-10 expanding the prohibitions and waivers of Proclamation 20-06 to adult family homes and addressing a long term care worker shortage; on March 16, 2020, I issued Proclamation 20-16 expanding the prohibitions and waivers of Proclamations 20-06 and 20-10 to additional long term care facilities and prohibiting all visitors; on March 17, 2020, I issued Proclamation 20-17 amending Proclamations 20-06, 20-10 and 20-16 further expanding their prohibitions and waivers to additional long term care facilities; and on March 18, 2020, I issued Proclamation 20-18 authorizing expansion of eligibility for the Family Emergency Assistance Program and waiving certain statutory provisions to address a long term care worker shortage and other disruptions to the long term care system; and

WHEREAS, on April 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17 and 20-18 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first; and

WHEREAS, on April 23, 2020, I issued Proclamation 20-52 acknowledging the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 9, 2020, whichever occurs first, and similarly extending the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, on May 9, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.1; and

WHEREAS, on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, in Proclamation 20-52.2; and

WHEREAS, on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, in Proclamation 20-52.3; and

WHEREAS, on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, in Proclamation 20-52.4; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63 removing the expansion of eligibility for the Family Emergency Assistance Program to include individuals and families without children from Proclamations 20-18 and 20-52, placing the extension in its own proclamation; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamations 20-06, 20-10, 20-17, 20-18, and 20-52 et seq. were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until September 1, 2020, unless that date is further extended, and which I acknowledged and similarly extended the prohibitions and waivers and suspensions of rules therein to until the termination of the COVID-19 State of Emergency or September 1, 2020, in Proclamation 20-52.5;

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamation 20-52, et seq., to include waivers, suspensions and prohibitions in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18 that are incorporated therein, address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, on August 7, 2020, I issued Proclamations 20-65 and 20-66 dividing waivers, suspensions and prohibitions relating to certain programs into their topical areas and cross referencing applicable orders and guidance documents to assist in the understanding, administration and implementation

of those waivers, suspensions and prohibitions; and

WHEREAS, certain waivers, suspensions, and prohibitions relating to programs not included in Proclamations 20-65 and 20-66, remain incorporated within Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives, and which I recognized and similarly extended the prohibitions and waiver and suspension of rules in subsequent sequentially-numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-52, et seq., to include the statutory waivers and suspensions incorporated and contained therein, were extended by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or until November 9, 2020, unless that date is further extended; and

WHEREAS, to fully extend the remaining elements of Proclamations 20-06, 20-10, 20-16, and 20-18, incorporated into and extended only by Proclamation 20-52, et seq., it is also necessary for me to extend the prohibitions and waivers and suspensions of rules therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-52, et seq., to include the incorporated provisions of Proclamations 20-05, 20-06, 20-10, 20-16, 20-17, and 20-18, is amended to (1) recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, unless that date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules therein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.**

20-56.5

Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on September 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-58, et seq.**

20-58.4

Employment Security Department– Shared Work Requirements

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious

illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship, and in some cases their financial resources are becoming severely limited; and

WHEREAS, the Employment Security Department is responsible for administering the unemployment insurance program in Washington State, and on May 3, 2020, the U.S. Department of Labor issued Unemployment Insurance Program Letter No. 21-20, which states that, although shared work benefits are being fully paid for by the federal government, states may choose to charge or not charge employers on a state level for the shared work benefits paid, but this choice must be permissible under the state's law; and

WHEREAS, to remove barriers to partial employment of those members of our workforce whose lives have been impacted by layoffs resulting from the economic downturn and the closure of businesses caused by the COVID-19 pandemic, it is necessary to waive certain statutory provisions related to shared work to provide financial relief to encourage employers to provide shared work programs; and

WHEREAS, the Department of Health indicates that the number of cases of COVID-19 and associated deaths continues to increase in Washington State demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, I issued Proclamation 20-58, waiving and suspending statutes and prohibiting certain activities relating to shared work and unemployment insurance; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-58, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamations 20-05 and 20-58, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military

Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 and 20-59, et seq.**

20-59.5

Department of Health – Temporary Practice Permits

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, to remove barriers to adding health care staffing capacity to meet the demands of the COVID-19 response I issued Proclamation 20-59, waiving and suspending statutes and prohibiting certain activities relating to the licensing of workers in the healthcare industry; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions and suspension and waiver of rules in subsequent sequentially numbered proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-59, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020; and

WHEREAS, the Department of Health indicates that cases of COVID-19 in Washington State and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects

of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-59, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend and amend the prohibitions and the waiver and suspension of rules therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATIONS 20-05 AND 20-63

20-63.3

Department of Social and Health Services - Family Emergency Assistance Program

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID- 19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations;

and

WHEREAS, as a result of the global COVID-19 pandemic and its impacts on Washington State, many members of our workforce are suffering significant economic hardship and in some cases family financial resources are becoming severely limited; and

WHEREAS, as a result of the economic impacts of the global COVID-19 pandemic on Washington State, many families with children are receiving benefits under the Family Emergency Assistance Program, established by the Department of Social and Health Services pursuant to RCW 74.04.660; and

WHEREAS, Washington State individuals and families without children are also suffering significant economic hardship caused by the COVID-19 pandemic and require assistance, but individuals and families without children normally are not eligible to receive benefits under the Family Emergency Assistance Program; and

WHEREAS, under RCW 74.04.660(6), during a state of emergency the Governor is authorized to extend eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-18 which, among other things, expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, the extension under Proclamation 20-18 of eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children, subsequently has been incorporated into and extended by Proclamations 20-52 et seq.; and

WHEREAS, on July 9, 2020, I issued Proclamation 20-63, removing from 20-18 and 20-52 et seq., the specific provisions relating to expanded eligibility for benefits under the Family Emergency Assistance Program to individuals and families without children; and

WHEREAS, on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or September 1, 2020, and which I acknowledged in Proclamation 20-63.1; and

WHEREAS, on August 27, 2020, leadership in three of the four legislative caucuses determined that the contents of this order do not require legislative approval under the provisions of RCW 43.06.220(4), which I acknowledged when extending the provisions therein in Proclamation 20-63.2; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-63, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020,

WHEREAS, the Department of Health indicates that as of the date of this Proclamation, COVID-19 cases and associated deaths continue to increase, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, pursuant to RCW 43.06.220(2)(c) and RCW 74.04.660(6), continue to authorize and direct the Secretary of the Department of Social and Health Services to expand eligibility for the Family Emergency Assistance Program to include individuals and families without children. This authorization and order is in effect until 11:59 on November 9, 2020, or the end of the declared COVID-19 pandemic state of emergency, whichever comes first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND 20-64**

20-64.2

Public Records Act – Contact Tracing -- Personal Information

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, an effective response to the COVID-19 epidemic requires public health professionals and others working with them to interview those infected with COVID-19 and trace their close contacts in order to provide guidance to, quarantine, and test those individuals for infection to prevent further spread of the COVID-19 disease, and this must be done by collecting the names and personal information of these individuals; and

WHEREAS, the success of the response to the COVID-19 epidemic depends in large part on the free flow of information and individuals' willingness to share information and cooperate with public health authorities, which would be significantly hindered if this personal information was required to be disclosed to the general public; and

WHEREAS, under RCW 42.56.360(2) and RCW 70.02.050(2)(a), any health care information that health care providers are required to report to the government, including information about individuals with confirmed or suspected COVID-19, is plainly exempt from disclosure; and

WHEREAS, while there are specific express exemptions for other case investigation and contact tracing information, including RCW 70.02.220(7) and RCW 70.24.022(3), which specifically, and broadly, exempt all information gathered in the course of a contact investigation related to sexually transmitted diseases that are reported to public health agencies, there is no express

exemption from disclosure for case investigation and contact tracing information generally; and

WHEREAS, while RCW 42.56.230(1) provides reasonable grounds for withholding from disclosure case investigation, contact tracing, and visitor and customer log information as personal information in files maintained for “patients or clients” of “public health agencies,” the courts have not interpreted the meaning of the term “client” or ruled on the application of this exemption to case investigation, contact tracing, or visitor, customer log, and employee log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, RCW 42.56.270(1), and, as an “other statute” in RCW 42.56.070(1), chapter 19.108 RCW, the Uniform Trade Secrets Act, provide reasonable grounds for withholding from disclosure visitor and customer log information that is collected by businesses and provided to a public health agency for contact tracing following a new case of infection as proprietary information and research data, the courts have not ruled on the application of these exemptions to visitor and customer log information, and the Public Records Act is liberally construed in favor of disclosure, and its exemptions are narrowly construed, to promote open government policies; and

WHEREAS, although the Public Records Act and related “other statutes” strongly suggest the intent to exempt the personally identifying information of persons contacted by COVID-19 case investigators and contact tracers, and also exempt visitor or customer log information that a business might share with contact tracers, whether this information is exempt remains uncertain in the absence of specific statutory definitions or exemptions; and

WHEREAS, while there are arguments that support the position that COVID-19 case investigation and contact tracing information, and the personally identifiable information that is gathered as a part of that work, is already exempt under the Public Records Act, ensuring the protection of a person’s personally identifiable information may determine whether that person will fully cooperate with COVID-19 case investigators and contact tracers; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the prohibitions therein in subsequent sequentially-numbered proclamations; and

WHEREAS, on October 1, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-64, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52 and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-05 and 20-64, et seq., are amended to (1) continue to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prohibitions therein until termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State

Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-65**

20-65.2

Long Term Care – Workers, Facilities, and Resources

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents and workers at long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to mitigate the increased risk of rapid spread of COVID-19 among residents and workers, congregate living facilities have increased physical distancing protocols, heightened screening upon entrance and exit, instituted more intensive cleaning protocols, and taken a variety of other measures; and

WHEREAS, the measures taken in congregate settings to respond to the COVID-19 pandemic have resulted in unprecedented demands on the resources and caregivers necessary to provide essential services in Washington State's congregate living facilities; and

WHEREAS, as an added challenge to meeting the resource and workforce needs of our congregate living facilities, the outbreak of COVID-19 has significantly reduced the availability of long-term care workers in the state in recent weeks; and

WHEREAS, long-term care workers are required to complete specific training, testing and certification requirements by dates certain, yet necessary class offerings, testing opportunities, and certification processing have been disrupted and cancelled because of the COVID-19 pandemic, exacerbating the long-term care worker shortage throughout Washington State; and

WHEREAS, due to physical distancing and group size requirements, training class sizes held during early phases of reopening must be smaller, and it will take significant time for workers to receive training and testing to fully meet licensing and certification requirements and resume their positions with long-term care facilities or as individual providers to clients in the community; and

WHEREAS, if the existing waivers for fingerprint background check requirements for Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities, and in-home providers are not extended, staff who have been or are unable to obtain fingerprint background checks as a result of the COVID-19 pandemic cannot provide services while they wait for fingerprint test sites to become fully operational and address the backlog of customers; and

WHEREAS, long-term care facilities are required to meet specific construction reviews, at times, certificate of need requirements, and inspections by dates certain or at specified intervals, yet necessary personnel and resources to process those requirements are unavailable or cannot be utilized due to restrictions implemented in response to the COVID-19 pandemic; and

WHEREAS, restrictions and staff shortages related to the COVID-19 pandemic, to include possible quarantine of residential long-term care facilities such as nursing homes, may hinder safe reviews, certificate issuance, and inspection and survey activities; and

WHEREAS, to maintain availability of facilities, staffing, and resources in our congregate living system at levels necessary to safely provide essential services during the current COVID-19 pandemic, agencies and other entities operating congregate living facilities have utilized a variety of interim licenses, waiver of certain certification, inspection, administrative requirements, and other programs that are temporary in nature; and

WHEREAS, to prevent expiration of these temporary programs and the resulting loss of necessary facilities, staffing, and resources, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., waiving and suspending specified statutes and rules relating to facilities, staffing, and resources at congregate living and care facilities and other related subjects; and

WHEREAS, because the waivers, suspensions and prohibitions contained in Proclamations 20-10, 20-18, 20-37, et seq., 20-38, et seq., and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66, dividing some of the waivers, suspensions and prohibitions into their topical areas and cross-reference applicable orders and guidance documents, to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions contained in Proclamations 20-10, 20-18, 20-37 et seq., 20-38 et seq., and 20-52 et seq., had been periodically extended with certain modifications, by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modifications in subsequent proclamations; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, except numbered paragraph 30 (at my request), were extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-65, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-65, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-65, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

FURTHERMORE, by way of clarification, numbered paragraph 30 of Proclamation 20-65 waives and suspends only that specific language of RCW 43.43.837(1) indicated by strikethrough; numbered paragraph 31 of Proclamation 20-65 contains a separate waiver and suspension of RCW 43.43.837(1) subsections (a), (b), (c), and (d), rendering the extension of paragraph 30 duplicative and unnecessary.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic. I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-66**

20-66.2

Long-Term Care – Operations and Visitation

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher in those members of our population who are 60 years of age and older and those with chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into the facility and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06, 20-10, 20-16, 20-17, and 20-18 waiving and suspending specified statutes and rules and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the waivers, suspensions and prohibitions contained in Proclamations 20-06, 20-10, 20-16, 20-17, 20-18, and 20-52, et seq., address a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-65 and 20-66 dividing some of the waivers, suspensions and prohibitions into their topical areas and cross reference applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., including all of the prior proclamations' statutory waivers and suspensions contained therein, have been extended by the leadership of the Washington State Senate and House of Representatives and which I have acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein in subsequent proclamations; and

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamation 20-66, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamation 20-66, et seq., it is also necessary for me to extend the prohibitions and the waiver and suspension of rules provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamation 20-66, et seq., is amended to (1) recognize the extensions of statutory waivers and suspensions by the leadership of the Washington State Senate and House of Representatives until the earlier of the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, unless this date is further extended, and (2) similarly extend the prohibitions and waiver and suspension of rules until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak.

Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-23, et seq.**

20-23.10

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.

- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on October 15, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-06, 20-16, and 20-52 et seq.**

20-74

**Behavioral Health Association, Children's Long-Term Inpatient Program and Residential Treatment Facilities –
Operations and Visitation**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-71, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who live and work in congregate settings, and many residents, patients and staff are at increased risk for severe COVID-19, including individuals in facilities administered by the Department of Social and Health Services Behavioral Health Administration (BHA), those facilities operated for the Children's Long-Term Inpatient Program (CLIP) as contracted by the Health Care Authority (HCA), and Residential Treatment Facilities (RTF) as licensed by the Department of Health (DOH); and

WHEREAS, facility residents, staff, vendors, and visitors can introduce COVID-19 into a BHA, CLIP, or RTF and start an outbreak or spread an existing outbreak into a new population; and

WHEREAS, congregate settings have experienced both the earliest and some of the most severe outbreaks of COVID-19 in Washington State; and

WHEREAS, I previously issued Proclamations 20-06 and 20-16, waiving and suspending specified statutes and rules, and prohibiting specified activities related to congregate living and care facilities and other subjects; and

WHEREAS, I previously issued Proclamation 20-25 et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased reopening of counties in accordance with specific guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, the statutory waivers and suspensions in Proclamations 20-06 and 20-16 and other proclamations related to congregate care, such as long term health care facilities, were consolidated into Proclamation 20-52, et seq.; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in the proclamations consolidated into Proclamation 20-52, et seq., have been, with certain modifications by the leadership of the Washington State Senate and House of Representatives, extended until the termination of the COVID-19 State of Emergency or October 1, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions and the waiver and suspension of rules therein with certain modification in Proclamation 20-52, et seq.; and

WHEREAS, the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., addressed a variety of topics some of which are also addressed by other proclamations, orders and guidance documents, I issued Proclamations 20-63, 20-65, and 20-66 that divided some of the waivers, suspensions and prohibitions consolidated into Proclamation 20-52, et seq., into their topical areas and cross referenced applicable orders and guidance documents to assist in the understanding, administration and implementation of those waivers, suspensions and prohibitions; and

WHEREAS, separating the waivers, suspensions and prohibitions specifically applicable to BHA, CLIP and RTF from the consolidated provisions of Proclamation 20-52, et seq., and issuing them as part of a standalone proclamation will assist in the understanding, administration and implementation of those waivers, suspensions, and prohibitions; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-06, 20-16, and 20-52, et seq., are amended to (1) recognize the prior extensions of statutory waivers and suspensions listed below by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first, and (2) similarly extend the prior prohibitions and waiver and suspension of rules listed below until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

FURTHERMORE, the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), the *Order of the Secretary of Health* 20-03, et seq., initially issued on June 24, 2020, found [here](#), and all provisions of Proclamations 20-25 et seq., shall remain in full force and effect.

FURTHERMORE, the recognition and extension of waivers, suspensions, and prohibitions related to BHA, CLIP and RTF contained herein supersede the recognition and extension of waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq. The recognition and extension of current waivers, suspensions, and prohibitions contained in Proclamations 20-06, 20-16, and 20-52, et seq., remain in effect as stated in Proclamations 20-06, 20-16, and 20-52, et seq., or as otherwise extended.

ADDITIONALLY, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby order as follows:

BHA Facilities. Operations of the BHA facilities listed below (with statutory references) must comply with the BHA-issued guidance documents found [here](#), and operations within such facilities that are not consistent with the guidance documents are prohibited.

- State-operated adult psychiatric facilities including Western State Hospital, Eastern State Hospital, and the Child and Study Treatment Center – RCW 72.23.020, RCW 72.23.010(9).
- The Special Commitment Center on McNeil Island – RCW 71.09.020(19)
- The King County Secure Community Transition Facility - RCW 71.09.020(15)
- The Pierce County Secure Community Transition Facility on McNeil Island – RCW 71.09.020(15)
- The Fort Steilacoom Competency Restoration Program, Residential Treatment Facility – RCW 10.77
- Maple Lane Competency Restoration Program, Residential Treatment Facility – RCW 10.77
- Yakima Competency Restoration Program, Residential Treatment Facility – RCW 10.77

CLIP Facilities. Operations of the CLIP facilities listed below (with statutory references) must comply with the HCA-issued guidance documents found [here](#), and operations within such facilities that are not consistent with the guidance documents are prohibited:

- All facilities operated for CLIP pursuant to RCW 71.34.760(1).

Residential Treatment Facilities (RTF). Operations of the RTF listed below (with statutory references) must comply with the DOH-issued guidance documents found [here](#), and operations within such facilities that are not consistent with the guidance documents are prohibited:

- All residential evaluation and treatment facilities and group care facilities licensed by DOH as an RTF pursuant to RCW 71.12.455(7); or WAC Chapter 246-337.

ADDITIONALLY, based on the above situation, and to support implementation of the prohibitions stated above, I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action in coping with the COVID-19 State of Emergency under Proclamation 20-05, and that the language of each statutory and regulatory provision specified below continues to be waived and suspended, in its entirety unless otherwise indicated:

BHA and CLIP Facilities

1. RCW 71.05.217(4), in its entirety as shown: “(4) To have visitors at reasonable times;”
2. RCW 71.34.355(4), in its entirety as shown: “(4) To have visitors at reasonable times;”

ADDITIONALLY, in furtherance of the prohibitions, waivers, and suspensions contained herein, and for general awareness:

1. Employers must comply with all conditions for operation required by the state Department of Labor & Industries, including interpretive guidance, regulations and rules, such as [WAC 296-800-14035](#), and Department of Labor & Industries-administered statutes.
2. Everyone is required to cooperate with public health authorities in the investigation of cases, suspected cases, outbreaks, and suspected outbreaks of COVID-19 and with the implementation of infection control measures pursuant to State Board of Health rule in WAC 246-101-425.

3. All mandatory guidelines for businesses and activities, which remain in effect except as modified by this Proclamation and the *Order of the Secretary of Health 20-03*, may be found at the Governor's Office [website, COVID-19 Resources and Information](#), and at [COVID-19 Reopening Guidance for Businesses and Workers](#).

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 8th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
EXTENDING AND AMENDING 20-05, 20-19, et seq.**

**20-19.4
Evictions and Related Housing Practices**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our State's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord-Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on May 29, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-626, and ordered that courts should begin to hear non-emergency civil matters. While appropriate and essential to the operation of our state justice system, the reopening of courts could lead to a wave of new eviction filings, hearings, and trials that risk overwhelming courts and resulting in a surge in eviction orders and corresponding housing loss statewide; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;” and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who have lawfully occupied or resided in less traditional dwelling situations for 14 days or more, whether or not documented in a lease, including but not limited to roommates who share a home; long-term care facilities; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; and camping areas; and

WHEREAS, due to the impacts of the pandemic, individuals and families have had to move in with friends or family, and college students have had to return to their parents’ home, for example, and such residents should be protected from eviction even though they are not documented in a lease. However, this order is not intended to permit occupants introduced into a dwelling who are not listed on the lease to remain or hold over after the tenant(s) of record permanently vacate the dwelling (“holdover occupant”), unless the landlord, property owner, or property manager (collectively, “landlord”) has accepted partial or full payment of rent, including payment in the form of labor, from the holdover occupant, or has formally or informally acknowledged the existence of a landlord-tenant relationship with the holdover occupant; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, hundreds of thousands of tenants in Washington are unable to pay their rent, reflecting the continued financial precariousness of many in the state. According to the unemployment information from the Washington State Employment Security Department website as of October 7, 2020, current data show there are more than six times as many people claiming unemployment benefits in Washington than there were a year ago, and almost 100,000 more people claiming unemployment benefits than at the peak of the Great Recession; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities, employment in essential business services, or otherwise engaged in permissible activities, and will promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, I issued Proclamations 20-25, 20-25.1, 20-25.2, and 20-25.3 (Stay Home – Stay Healthy), and I subsequently issued Proclamation 20-25.4 (“Safe Start – Stay Healthy” County- By-County Phased Reopening), wherein I amended and transitioned the previous proclamations’ “Stay Home – Stay Healthy” requirements to “Safe Start – Stay Healthy” requirements, prohibiting all people in Washington State from leaving their homes except under certain circumstances and limitations based on a phased reopening of counties as established in Proclamation 20-25.4, et seq., and according to the phase each county was subsequently assigned by the Secretary of Health; and

WHEREAS, when I issued Proclamation 20-25.4 on May 31, 2020, I ordered that, beginning on June 1, 2020, counties would be allowed to apply to the Department of Health to move forward to the next phase of reopening more business and other activities; and by July 2, 2020, a total of five counties were approved to move to a modified version of Phase 1, 17 counties were in Phase 2, and 17 counties were in Phase 3; and

WHEREAS, on July 2, 2020, due to the increased COVID-19 infection rates across the state, I ordered a freeze on all counties moving forward to a subsequent phase, and that freeze remains in place while I work with the Department of Health and other epidemiological experts to determine appropriate strategies to mitigate the recent increased spread of the virus, and those strategies

may include dialing back business and other activities; and

WHEREAS, on July 23, 2020, in response to the statewide increased rates of infection, hospitalizations, and deaths, I announced an expansion of the Department of Health's face covering requirements and several restrictions on activities where people tend to congregate; and

WHEREAS, when I issued Proclamation 20-19.3 on July 24, 2020, the Washington State Department of Health reported at least 51,849 confirmed cases of COVID-19 with 1,494 associated deaths; and today, as of October 11, 2020, there are at least 93,862 confirmed cases with 2,190 associated deaths; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19, et seq., are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until 11:59 p.m. on December 31, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, except where federal law requires otherwise, effective immediately and until 11:59 p.m. on December 31, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) provides at least 60 days' written notice of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury, and does not dispense landlords, property owners, or property managers from their notice obligations prior to entering the property, or from wearing face coverings, social distancing, and complying with all other COVID-19 safety measures upon entry, together with their guests and agents. Any eviction or termination of tenancy notice served under one of the above exceptions must independently comply with all applicable requirements under Washington law, and nothing in this paragraph waives those requirements.

- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager (a) attaches an affidavit to the eviction or termination of tenancy notice attesting that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (b) shows that at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Such a 60-day notice of intent to sell or personally occupy shall be in the form of an affidavit signed under penalty of perjury.
- (a) Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that (a) the individual(s) named in the eviction order is creating a significant and immediate risk to the health, safety, or property of others; or (b) at least 60 days' written notice were provided of the property owner's intent to (i) personally occupy the premises as the owner's primary residence, or (ii) sell the property. Local law enforcement may serve or otherwise act on eviction orders, including writs of restitution, that contain the findings required by this paragraph.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a repayment plan that was reasonable based on the individual financial, health, and other circumstances of that resident; failure to provide a reasonable re- payment plan shall be a defense to any lawsuit or other attempts to collect.**
- Nothing in this order precludes a landlord, property owner, or property manager from engaging in customary and routine communications with residents of a dwelling or parcel of land occupied as a dwelling. "Customary and routine" means communication practices that were in place prior to the issuance of Proclamation 20-19 on March 18, 2020, but only to the extent that those communications reasonably notify a resident of upcoming rent that is due; provide notice of community events, news, or updates; document a lease violation without threatening eviction; or are otherwise consistent with this order. Within these communications and parameters, it is permissible for landlords, property owners and property managers to provide information to residents regarding financial resources, and to provide residents with information on how to engage with them in discussions regarding reasonable repayment plans as described in this order.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent for any dwelling or parcel of land occupied as a dwelling. This prohibition does not apply to a landlord, property owner, or property manager who provides (a) advance notice of a rent increase required by RCW 59.20.090(2) (Manufactured/Mobile Home Landlord-Tenant Act), or (b) notice of a rent increase specified by the terms of the existing lease, provided that (i) the noticed rent increase does not take effect until after the expiration of Proclamation 20- 19.4, and any modification or extension thereof, and (ii) the notice is restricted to its limited purpose and does not contain any threatening or coercive language, including any language threatening eviction or describing unpaid rent or other charges. Unless expressly permitted in this or a subsequent order, under no circumstances may a rent increase go into effect while this Proclamation, or any extension thereof, is in effect. Except as provided below, this prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was deemed non-essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak. This prohibition does not apply to commercial rental property if rent increases were included in an existing lease agreement that was executed prior to February 29, 2020 (pre-COVID-19 state of emergency).

- Landlords, property owners, and property managers are prohibited from retaliating against individuals for invoking their rights or protections under Proclamations 20-19 et seq., or any other state or federal law providing rights or protections for residential dwellings. Nothing in this order prevents a landlord from seeking to engage in reasonable communications with tenants to explore re-payment plans in accordance with this order.
- The preceding prohibitions do not apply to operators of long-term care facilities licensed or certified by the Department of Social and Health Services to prevent them from taking action to appropriately, safely, and lawfully transfer or discharge a resident for health or safety reasons, or a change in payer source that the facility is unable to accept, in accordance with the laws and rules that apply to those facilities. Additionally, the above prohibition against increasing, or threatening to increase, the rate of rent for any dwelling does not apply to customary changes in the charges or fees for cost of care (such as charges for personal care, utilities, and other reasonable and customary operating expenses), or reasonable charges or fees related to COVID-19 (such as the costs of PPE and testing), as long as these charges or fees are outlined in the long-term care facility's notice of services and are applied in accordance with the laws and rules that apply to those facilities, including any advance notice requirement.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a "significant and immediate risk to the health, safety, or property of others created by the resident" (a) is one that is described with particularity; (b) as it relates to "significant and immediate" risk to the health and safety of others, includes any behavior by a resident which is imminently hazardous to the physical safety of other persons on the premises (RCW 59.18.130 (8)(a)); (c) cannot be established on the basis of the resident's own health condition or disability; (d) excludes the situation in which a resident who may have been exposed to, or contracted, the COVID-19, or is following Department of Health guidelines regarding isolation or quarantine; and (e) excludes circumstances that are not urgent in nature, such as conditions that were known or knowable to the landlord, property owner, or property manager pre-COVID-19 but regarding which that entity took no action.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude to the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I want to thank the vast majority of tenants who have continued to pay what they can, as soon as they can, to help support the people and the system that are supporting them through this crisis. The intent of Proclamation 20-19, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. Landlords and tenants are expected to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions that all parties will need in order to overcome the severe challenges that COVID-19 has imposed for landlords and tenants alike. I strongly encourage landlords and tenants to avail themselves of the services offered at existing dispute resolution centers to come to agreement on payment and repayment solutions.

ADDITIONALLY, I want to thank the stakeholders and legislators who participated in the eviction moratorium workgroup with my executive senior policy advisors. The workgroup discussed a broad range of issues, and that discussion informed the modifications reflected in this order. I am directing my policy advisors to continue to work with stakeholders over the next 30 days to consider additional amendments to the moratorium to ensure that the moratorium's protections for non-payment of rent apply narrowly to those persons whose ability to pay has been directly or indirectly materially impacted by the COVID-19 virus.

MOREOVER, as Washington State begins to emerge from the current public health and economic crises, I recognize that courts, tenants, landlords, property owners, and property managers may desire additional direction concerning the specific parameters for reasonable re- payment plans related to outstanding rent or fees. This is best addressed by legislation, and I invite the state Legislature to produce legislation as early as possible during their next session to address this issue. I stand ready to partner with our legislators as necessary and appropriate to ensure that the needed framework is passed into law.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATIONS 20-05 AND 20-23, et seq.**

20-23.11

Ratepayer Assistance and Preservation of Essential Services

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn in Washington State, resulting in layoffs and reduced work hours for a significant percentage of our workforce and significant reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, the available financial resources of many of our people and businesses are becoming limited with many of them suffering considerable economic hardship as a result of the economic impacts of the COVID-19 pandemic on our economy, resulting in a significant threat of utility services being disconnected and late payment fees being imposed; and

WHEREAS, maintaining provision of utility services during this crisis is an essential tool in sustaining and protecting the health and welfare of our people and businesses as a critical part of the overall response to the COVID-19 pandemic; and

WHEREAS, the Washington State Utilities and Transportation Commission regulates the rates and services of investor-owned utilities in Washington State and is coordinating with utilities throughout the State to protect the availability and affordability of essential utility services for those economically impacted by the COVID-19 pandemic through a variety of measures, including: suspending disconnection of utilities for nonpayment, waiving late fees, working with affected utility customers to establish payment arrangements, and improving access to energy assistance for affected customers; and

WHEREAS, on March 18, 2020, I issued Proclamation 20-23, waiving and suspending statutes and prohibiting certain activities relating to utility services; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-23.1, amending and continuing the waivers and suspension of statutes and the prohibitions of certain activities relating to utility services; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions in Proclamations 20-23, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I acknowledged and similarly extended the prohibitions therein

WHEREAS, on October 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-23, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-23, et seq., it is also necessary for me to extend the prohibitions therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, hundreds of thousands of Washingtonians are struggling to pay for necessities, reflecting the continued financial precariousness of many in the state. According to unemployment information from the Washington State Employment Security Department website as of October 7, 2020, current data show there are more than six times as many people claiming unemployment benefits in Washington than there were a year ago, and almost 100,000 more people claiming unemployment benefits than at the peak of the Great Recession; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-23, et seq., are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on November 9, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit all energy, telecommunications, and water providers in Washington State from conducting the following activities:

- (1) Disconnecting any residential customers from energy, telecommunications, or water service due to nonpayment on an active account, except at the request of the customer.
- (2) Refusing to reconnect any residential customer who has been disconnected due to nonpayment;
- (3) Charging fees for late payment or reconnection of energy, telecommunications, or water service; and
- (4) Disconnecting service to any residential customer who has contacted the utility to request assistance from the utility's COVID-19 Customer Support Program.

These prohibitions on disconnecting, refusing to reconnect, and charging late fees in this proclamation, as amended, are extended until termination of the COVID-19 State of Emergency or 11:59 p.m. on December 31, 2020, whichever comes first.

FURTHERMORE, it is the intent of this order to ensure that vulnerable populations and households retain access to essential services while they are experiencing financial hardship caused by layoffs, reduced hours, or other circumstances caused by the COVID-19 pandemic. Access to these services is critical to ensure the safety and health of our communities during this crisis. This order therefore acknowledges the role that the public and private utilities subject to this order play in protecting the health and well-being of our communities and families; and expresses gratitude for their voluntary efforts to support customers during this crisis.

ADDITIONALLY, I want to thank the vast majority of utility customers who have continued to pay what they can, as soon as they can, to help support the people and the systems that are supporting them through this crisis. The intent of Proclamation 20-23, et seq., is to provide relief to those individuals who have been impacted by the COVID-19 crisis. This Proclamation does not relieve customer from the obligation to pay for utility services. Customers and utilities are expected to continue to communicate in good faith with one another, and to work together, on the timing and terms of payment and repayment solutions. I strongly encourage utilities and customers to be as proactive as possible in this regard, in order to help avoid large arrearage balances and credit and

collections issues.

MOREOVER, as additional federal funding may become available for utility bill assistance, I hereby direct the Office of Financial Management to allocate appropriate funding for this purpose.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 14th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

* Subject to Legislative Approval – Four corners extension granted until November 9

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-12**

**20-12.2
Higher Education**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which prohibited all people in Washington State from leaving their homes except to participate in certain permitted activities, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person, which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, health professionals and epidemiological modeling experts indicated that continued normal operation of public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, many public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs recognized the risk of continued in-person classes and unilaterally moved to remote instruction or implemented alternative learning options to address physical distancing recommendations; and

WHEREAS, on March 13, 2020, I issued Proclamation 20-12 prohibiting public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs from conducting in-person classroom instruction and lectures related to all educational and apprenticeship related programs; and

WHEREAS, the prohibitions in Proclamation 20-12 expired on April 24, 2020, but public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have remained in modified operation, including remote learning and certain programs for essential workers; and

WHEREAS, Washington's public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs are an important part of our economy and are vital to the educational, social, and economic needs of Washingtonians; and

WHEREAS, using remote learning to replace most classroom instruction creates challenges to access for many Washingtonians; and

WHEREAS, the progression of COVID-19 in Washington State shows ethnic disparities in health impacts which are likely to increase ethnic disparities in access and success in post-secondary education requiring the State and all of our campuses and programs to understand how these challenges affect our students and to work to minimize these impacts; and

WHEREAS, although public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs have made tremendous efforts to continue to function through remote learning, returning to campus and these facilities as soon as can be safely accomplished will benefit Washington; and

WHEREAS, although the Department of Health indicates that COVID-19 is an ongoing, present threat in Washington State, health professionals predict that we can safely return to campus at our public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs in fall 2020 if appropriate safety measure are in place and if both students and personnel adhere to those measures; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to physically return to campus and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs only through a science-based approach the incorporates safety, sanitation, and physical distancing guidelines; and

WHEREAS, during the initial return to campus in the fall of 2020, there have been more than 35 COVID-19 outbreaks linked to public and private institutions of higher education, and some higher education institutions have seen a substantial increase in COVID-19 positive cases that are tied to both congregate living arrangements, including fraternities and sororities, and also large social gatherings of students, thereby triggering the need to increase safety measures to address these outbreaks; and

WHEREAS, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs will continue to need to prepare to be flexible to pivot in whole or in part to remote learning if there is an increase of COVID-19 in their county or within their educational community, or to impose or enforce additional safety measures when causes of outbreaks are identified; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above- noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-05 and 20- 25, et seq., continue in effect except as amended herein, to allow for a physical return in fall 2020 to campuses and programs at public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs and continued housing in fraternities, sororities, and similar congregate student housing provided certain requirements are and continue to be satisfied.

FURTHERMORE, public and private universities, colleges, technical schools, apprenticeship programs, and similar schools and programs, in all phases of reopening, are prohibited from providing general instruction, to include in-person classroom instruction, lectures and similar educational gatherings, except when they implement, follow, and enforce the requirements specified below, subject to any directions, requirements, or exceptions issued by, in order of precedence, the Governor, the Secretary of Health, a

local health officer, or a delegate of thereof. **Higher education facilities in counties in Phase 1 or modified Phase 1 are further prohibited from operating except as allowed by local health departments in consultation with the state health department.**

CAMPUS SAFETY

- Adhere to all federal, state and local public health and workplace safety requirements;
- Develop comprehensive plans (“Safe Back to School Plan”) based on the [Campus Reopening Guide](#) prepared by the Higher Education Re-Opening Work Group. The plan must meet all standards for reopening in accordance with federal, state and local health requirements (to include *Safe Start* proclamations and guidance), and make available a copy of these plans at each location on campus;
- Follow state return to work guidance to include allowing work from home for operations able to be performed remotely;
- Maintain minimum physical distancing whenever possible of six feet between all on-campus personnel, including with visitors, and where physical distancing cannot be maintained, implement administrative or engineering controls to minimize exposure;
- Implement and maintain frequent and adequate hand washing policies and include adequate maintenance of supplies;
- Use disposable gloves and other Personal Protective Equipment (PPE) where safe and applicable to prevent transmission on shared items;
- Implement and maintain adequate sanitization of high-touch surfaces and shared resources (e.g., doorknobs, elevators, vending machines, points of sales);
- Implement and maintain a self-certification program through which students and personnel are asked to self-certify that they have experienced no COVID-19 symptoms since last visit to campus facility;
- If students or personnel are experiencing any known COVID-19 symptoms, require that they stay home in isolation or, as provided below, in isolation or quarantine housing provided by the institution, and safely seek COVID-19 testing or medical assessment, being careful to wear a face covering while seeking medical care and minimizing close contact with others;
- Require that students and personnel self-quarantine or isolate per local public health guidelines if they are confirmed to have COVID-19 or have been exposed to a confirmed case;
 - Refer to guidance from the Washington State Department of Health (DOH): <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/COVIDExposed.pdf>;
- Develop response protocols for students, personnel, and visitors reporting symptoms and/or confirmed to have COVID-19;
- Avoid non-essential travel by school personnel and require school personnel to self-quarantine per local public health and worker safety guidelines after any high-risk travel as defined by the Centers for Disease Control and Prevention (CDC) or DOH (e.g., international travel);
- Follow state reopening guidelines for travel;
- Follow state guidelines for logging onsite personnel by, to the extent feasible, implementing a program to log students, personnel, and visitors;
- Provide contact information to all students/personnel to report concerns and/or potential violations of the Safe Back-to-School Plan;
- Regularly self-monitor and update the Safe Back-to-School Plan;
- Communicate the Safe Back-to-School Plan to all students and personnel including any future modifications;
- For institutions that operate residential facilities:
 - Limit the occupancy of bedrooms to no more than two residents. This limit does not apply to family members residing together. For purposes of this proclamation, “family member” means an aunt, child, cousin, domestic partner, grandchild, grandparent, parent, sibling, spouse, or uncle, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship. Those sharing a bedroom are not required to wear face coverings when they are in their bedroom, unless a visitor is present, and they are not required to maintain physical distancing from one another in or out of their bedroom;
 - Limit gatherings in residential facilities as follows:
 - A gathering in a bedroom must be limited to the two people who reside in the room and one visitor at a time;
 - A gathering in a residential unit, outside of a bedroom, must be limited to five people at a time, and only one such gathering may occur in a residential unit at a time;
 - A gathering in a residential facility, outside of a residential unit, must be limited to five people at a time in any

- one room;
- A gathering in a residential facility, outside of a residential unit, may exceed the limit above if it is for educational purposes and is authorized by the institution, subject to any requirements imposed by the local health officer or DOH;
- All people gathered must wear face coverings and maintain physical distancing of at least six feet, except as otherwise provided herein or in [Order of the Secretary of Health 20-03.1, and any subsequent amendments thereto](#);
- Furniture must be moved, gathering spaces must be modified, and attendance must be limited to accommodate the required physical distancing of those gathered. If a gathering space cannot accommodate physical distancing, it must not be used;
- Family members who reside together are exempt from the above limits on gatherings in bedrooms, residential units, and residential facilities. Family members who reside together may gather anywhere in a residential facility with up to two visitors. Family members who reside together must maintain physical distancing of at least six feet from visitors, but not from one another, when gathered. They must also wear face coverings when gathered with visitors anywhere in a residential facility and when gathered outside the residential unit with or without visitors, except as otherwise provided in [Order of the Secretary of Health 20-03.1, and any subsequent amendments thereto](#);
- Provide isolation and quarantine housing and support services as follows:
 - The institution must provide isolation and quarantine housing and support services to any campus personnel who live in institution-provided housing, any residential student, and any non-residential student who lives in shared housing in proximity to campus who needs to be isolated or quarantined pursuant to this proclamation and cannot be safely isolated or quarantined in their usual place of residence;
 - The institution must provide prompt access to isolation or quarantine housing and support services when informed by personnel or a student that they meet the above criteria for such housing;
 - The institution may charge students and personnel for the costs of providing housing and support services consistent with its policies on institutional aid for students demonstrating financial need and policies on fee waivers;
 - Isolation housing must be sufficiently separated from quarantine housing so that isolated individuals and quarantined individuals can avoid coming into close contact or using the same spaces or facilities in the housing. Isolation housing must not share a ventilation system with quarantine housing;
 - Support services are those services required to meet the individual's daily needs, including, but not limited to, food and drink, basic supplies, health monitoring, and internet access and other appropriate means of communication;
 - The institution must inform all personnel and students of the availability of and directions for obtaining needed access to isolation and quarantine housing;
- Make diligent efforts to monitor and enforce compliance with the requirements of this proclamation by students and personnel within the institution's disciplinary authority and procedures and any other applicable authority;
- Make diligent efforts to arrange for local law enforcement agencies with appropriate jurisdiction to patrol the areas surrounding the campus and enforce the legal requirements imposed by state and local officials limiting the size of gatherings, requiring the wearing of face coverings, requiring physical distancing, and imposing other obligations intended to control and prevent the spread of COVID-19;
- For institutions with police forces, undertake the patrol and enforcement activities described above in areas within the police force's jurisdiction; and
- For institutions that do not operate residential facilities, develop a plan with the relevant local health jurisdiction to address the isolation and quarantine needs of any personnel and students who have confirmed or suspected COVID-19 or exposure to an individual confirmed to have COVID-19 and are unable to isolate or quarantine in their usual place of residence.

STUDENT AND PERSONNEL SUPPORT

- Adhere to state and federal law for health and workplace safety during COVID-19 including state "Safe Start" guidance and State Department of Labor & Industries guidelines;
- Provide students and personnel with PPE such as gloves, goggles, face shields, and/or masks as appropriate or required for students/personnel not working alone (e.g. any public-facing job and/or those whose responsibility includes operating within physical distancing limits of six feet), and shut down or suspend any activity if PPE cannot be provided;
- Follow Washington State Department of Labor and Industries guidelines for masks: <https://www.lni.wa.gov/forms-publications/F414-168-000.pdf>;
- Require students, visitors, and other non-employees to wear face coverings on institution property as required by [Order of](#)

[the Secretary of Health 20-03.1](#) and any subsequent amendments thereto;

- Identify available alternative arrangements for students and personnel upon requests or refusals to work due to concerns related to campus safety. Priority should be given for students/personnel who are considered high-risk or vulnerable as defined by public health officials; following state guidelines (to include *Safe Start* guidance) for COVID-19 scenarios and benefits; and
- Educate students and personnel on symptom detection, sources of high risk to COVID-19, prevention measures, and leave benefits/policies (e.g., UI for personnel that need to self-quarantine); following any education requirements for employers per state COVID-19 *Safe Start* plan.

VISITOR EXPECTATIONS

- Limit or prohibit visitors; and
- Post visible entry point signage for students, personnel, and visitors describing shared on-campus responsibilities, to include guidance regarding proper hygiene and sanitization, physical distancing and PPE guidance, staying home if feeling sick, information on how and when to report concerns, and other information as appropriate or required.

FOOD SERVICES

- Follow Washington State reopening guidelines for restaurants, except as provided below;
- Limit capacity of the dining area to no more than fifty percent and enforce such limit (e.g., enforced at point of entry with clickers);
- Allow only those who share a bedroom and family members who reside together to be within six feet of one another while dining. For purposes of this proclamation, “family member” means an aunt, child, cousin, domestic partner, grandchild, grandparent, parent, sibling, spouse, or uncle, whether biological, adoptive, step, foster, de facto, in loco parentis, or by guardianship. For purposes of this proclamation, members of a fraternity, sorority, or similar organization are not family members by virtue of their membership in the organization. An institution may provide authorization to the members of a university-sanctioned cohort of up to five persons to be within six feet of one another while dining, provided that the members are separated by physical barriers to prevent droplet spread. Those who share a bedroom and family members who reside together are not required to be separated by physical barriers;
- Implement floor markings to promote physical distancing;
- Post signs to remind students/personnel of physical distancing, PPE requirements, and to use hand sanitizer;
- Complete routine sanitization of high-touch surfaces and shared resources (e.g., door handles, points of sales);
- Restrict cash payments; allow payments only by card or contactless payment; and
- Require all patrons to wear cloth face coverings except while eating.

FURTHERMORE, because higher education student congregate living settings have experienced multiple outbreaks of COVID-19 and present an ongoing serious risk of subsequent outbreaks, fraternities, sororities, and other organizations that provide higher education student congregate housing that is similarly organized and administered are prohibited from providing housing to higher education students or any other individuals unless they implement, follow, and enforce the requirements specified below inside their houses and, for fraternities and sororities, require any members who live together in live-out, annex, or alternate properties outside of their main houses to implement, follow, and enforce such requirements in such properties, subject to any directions, requirements, or exceptions issued by, in order of precedence, the Governor, the Secretary of Health, a local health officer, or a delegate thereof. Fraternities, sororities, and other organizations that provide higher education student congregate housing that is similarly organized and administered are exempt from the prohibition set out in Proclamation 20-19, et seq., including 20-19.4 *Evictions and Related Housing Practices*, to the extent it would preclude discontinuing providing housing to residents due to a violation of the requirements of this proclamation.

- Residents must always wear face coverings inside the house when they are outside their bedrooms and otherwise comply with *Order of the Secretary of Health 20-03.1*, and any subsequent amendments thereto;
- No more than five visitors may be on the premises, including in the house or on the outside grounds, at any given time, regardless of the Safe Start Phase of the county in which the residents are located. Subject to this limit of five visitors on the premises at a time, residents may gather with only the number of people per week authorized in the Safe Start Phase of the county in which they are located (currently five non-household members in Phase 2 and ten non-household members in Phase 3). A record of those visiting, including name, date, time in and out, and mobile phone number, must be maintained for 30 days from the date of visit, and is to be made available upon demand to public health officials for purposes of conducting outbreak investigations or case investigation and contact tracing. While on the premises, visitors must be required to wear face coverings in compliance with *Order of the Secretary of Health 20-03.1*, and any subsequent amendments thereto;
- Bedrooms or other sleeping quarters must be limited to an occupancy of no more than two residents of the house. Those sharing a bedroom or other sleeping quarters are not required to wear face coverings in their bedroom or other sleeping quarters, unless a visitor is present, and they are not required to maintain physical distancing from one another in or out of

- their bedroom or other sleeping quarters, but are required to wear a face covering, unless eating;
- No more than five people, whether residents, visitors, or a combination thereof, may gather in any one room in a house at a time. Groups of up to five people may gather in different rooms within a house. Gatherings in bedrooms or other sleeping quarters must be limited to the two people who reside in the room and one visitor. Those gathered must wear face coverings and maintain physical distancing of at least six feet;
- Sanitization of high-touch surfaces and shared resources must be completed daily;
- A person must always be on the premises who is responsible for actively monitoring compliance with and enforcing the requirements of this proclamation. The identity and contact information of this individual must be promptly and regularly reported to the associated higher education institution. The fraternity, sorority, organization, and higher education institution must promptly provide this person's information to public health officials upon demand;
- A disciplinary process must be implemented for those who refuse to comply or are repeat offenders; and
- Residents who are confirmed or suspected of being infected with COVID-19 or are close contacts of someone who is infected with COVID-19 must not be automatically required to leave the house. Plans must be made and implemented to safely quarantine those who are close contacts and safely isolate those who are confirmed or suspected of being infected with COVID-19. Residents must be isolated or quarantined in the house, unless it would be unsafe to do so. If safe quarantine or isolation is not possible in the house, the fraternity, sorority, or organization must make arrangements with the higher education institution with which it is associated to provide isolation and quarantine facilities and wraparound services for their residents.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5). A fraternity, sorority, or other organization that provides higher education student congregate housing that is similarly organized and administered that violates the requirements of this proclamation may be subject to adverse action by their governing body or associated higher education institution and may be ordered by a local health officer or the Secretary of Health to take corrective action or to close their house.

Signed and sealed with the official seal of the state of Washington on this 20th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:
/s/
Jay Inslee, Governor

BY THE GOVERNOR:
/s/
Secretary of State

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING PROCLAMATION 20-05**

**20-75
Stay Safe – Vote Safe**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and

regulations; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State by limiting person-to-person contact through social distancing and limiting in-person interactions. I issued Proclamation 20-25, et seq., which during the early stages of the COVID-19 pandemic prohibited all people in Washington State from leaving their homes except under certain circumstances and limitations, and then transitioned to a phased, metrics-based reopening in accordance with guidance issued by my office and by the Washington State Department of Health; and

WHEREAS, to curtail the spread of the COVID-19 pandemic on the campuses and facilities of colleges, universities, technical schools, apprenticeship and similar programs, I issued Proclamation 20-12, et seq., which established guidance for remote and in-person learning and residential housing at educational facilities; and

WHEREAS, the right to vote is fundamental to democracy; and

WHEREAS, under Washington's safe, secure, and successful voting system, eligible Washington residents may register to vote using either mail or the internet up to eight days before an election, and also may register to vote, obtain a ballot, and/or drop off a completed ballot in-person at county elections offices or voting centers and at student engagement HUBs throughout the state (collectively "voting centers") through 8:00 p.m. on an election day; and

WHEREAS, in order to access in-person registration and voting services for the upcoming general election, Washington voters will be visiting voting centers throughout the state through 8:00 p.m. on Election Day, November 3, 2020, to register, receive a ballot, and vote; and

WHEREAS, voting centers have been enhancing their facilities and operations to provide for safe, accessible services for those who choose to register to vote and/or return their ballot in-person, but many voting centers are located within buildings that are closed or have restricted access due to restrictions imposed in response to the COVID-19 pandemic; and

WHEREAS, Washington election officials are projecting up to 90 percent turnout for the general election and are anticipating a significant increase of in-person registration and voting; and

WHEREAS, to ensure that restrictions due to the COVID-19 pandemic on access to voting center locations, on public meetings, or on any other activity affecting in-person voter registration or voting do not deter Washingtonians from accessing and utilizing in-person voter registration and voting services, it is necessary to issue clarification, conditions, and exceptions to prohibitions potentially affecting such access and activities; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to address the impacts and long-term effects of the emergencies on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situations, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments remain in effect, and that the prohibitions in Proclamations 20-25, et seq., 20-12, et seq., and any other proclamation affecting the right to utilize in person voter registration and voting services are amended as follows: Under RCW 43.06.220(3), for the period from October 27, 2020, through 11:59 p.m. on November 4, 2020, I suspend any prohibition imposed by proclamation or by a government entity under my authority that restricts access to voting centers and student engagement HUBs by persons intending to register to vote, obtain a ballot, receive assistance with a ballot, deposit a ballot, or use other voting-related services, and that restricts access to voting centers and student engagement HUBs or election facilities by election officials. All voting centers, student engagement HUBs, and persons engaged in voting activities should practice physical distancing requirements (six-feet between persons) and use personal protective equipment, including facial coverings, as recommending by the Department of Health and the U.S. Centers for Disease Control and Prevention.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic and wildfires.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency

Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 27th day of October, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/

Jay Inslee, Governor

BY THE GOVERNOR:

/s/

Secretary of State

**MEMORANDUM BY THE GOVERNOR
PROCLAMATIONS 20-12 & 20-25**

TO: Interested Stakeholders

FROM: Governor Jay Inslee

DATE: October 27, 2020

SUBJECT: Elections, Voting Center, and Student Engagement HUB Operations Clarifications – Proclamation 20-25, “Stay Home – Stay Healthy” et seq. and Proclamation 20-12, “Higher Education” et seq.

This memorandum serves to clarify application of COVID-19 requirements for voters and for voting service operations, including county elections offices, county voting centers, and student engagement HUBs throughout the state.

Essential Workers, Services and Activities

Elections personnel, including volunteers, are essential workers. In addition, all county elections offices, county voting centers and student engagement HUBs, wherever located in the State, are essential services and businesses. Voting, whether by mail or in person, is an essential activity. Nothing in Proclamation 20-25, et seq., Proclamation 20-12, et seq., or in any order issued by other government entity under my authority, may be interpreted to limit the operations of, or access to, any voting office, voting center or student engagement HUB, or to hinder the ability of any voter to register to vote or to cast his or her vote by mail, ballot drop box, or in person delivery. All voting centers, student engagement HUBS, and persons engaged in voting activities should practice physical distancing requirements (six feet between persons) and use personal protective equipment, including facial coverings, as recommended by the Department of Health and the U.S. Centers for Disease Control and Prevention.

Gatherings

Voters who are in attendance at, or outside of, any voting office, voting center, or student HUB, and who are there for the purpose of registering to vote, casting their vote, or otherwise seeking the assistance of elections personnel, are not engaged in “gathering” for the purpose of *Safe Start* gathering restrictions. Each such voter is deemed to be engaged in an essential activity, regardless of the number of other voters and elections personnel present; as a result, gathering restrictions are not applicable, regardless of the *Safe Start* Phase in which the voter is located.

However, all face coverings and social distancing safety measure requirements are applicable and must be adhered to.

In-Person Voter Registration and Voting Shall Not be Impaired

The intent of this memorandum is to clarify that no proclamation or amendment issued under Proclamation 20-05 shall be interpreted or applied in such a way as to prevent or impair operations or staffing of election facilities or access to in-person voter registration, ballot issuance, and ballot deposit..

General questions about how to comply with Proclamations 20-25 et seq., can be submitted [here](#).

Violations related to Proclamations 20-25 et seq., can be reported [here](#).

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
ESSB 5006	On-premises endorsement	C 186 L 20		3/27/2020	6/11/2020
SSB 5097	Massage therapists/photo	C 295 L 20		4/2/2020	6/11/2020
2SSB 5144	Child support pass-through	C 349 L 20		4/3/2020	6/11/2020
ESSB 5147	Menstrual products sales tax	C 350 L 20		4/3/2020	7/1/2020
2SSB 5149	Monitoring w/ victim notif.	C 296 L 20		4/2/2020	6/11/2020
3SSB 5164	Public assist./crime victims	C 136 L 20		3/25/2020	2/1/2022
ESB 5165	Discrimination/immigration	C 52 L 20		3/18/2020	6/11/2020
SB 5197	National guard ed. grants	C 297 L 20		4/2/2020	6/11/2020
ESB 5282	Pelvic exam consent	C 187 L 20		3/27/2020	6/11/2020
E2SSB 5291	Confinement alts./children	C 137 L 20		3/25/2020	6/11/2020
ESSB 5323	Plastic bags	C 138 L 20		3/25/2020	6/11/2020*
ESSB 5385	Telemedicine reimbursement	C 92 L 20		3/19/2020	3/19/2020
ESSB 5395	Sexual health education	C 188 L 20		3/27/2020	6/11/2020
ESB 5402	Tax and licensing laws	C 139 L 20	PV	3/25/2020	6/11/2020*
ESSB 5434	Weapons in certain locations	C 189 L 20		3/27/2020	6/11/2020
ESB 5450	Adding superior court judges	C 53 L 20		3/18/2020	6/11/2020
ESB 5457	Naming of subcontractors	C 140 L 20		3/25/2020	6/11/2020
ESSB 5473	Unemployment benefits/cause	C 190 L 20		3/27/2020	6/11/2020
E2SSB 5481	Collective bargaining/WDFW	C 298 L 20		4/2/2020	6/11/2020
2SSB 5488	Youth sentencing guidelines	C 141 L 20		3/25/2020	6/11/2020
SB 5519	Mosquito control districts	C 54 L 20		3/18/2020	6/11/2020
ESSB 5522	City annexing/interlocal ag.	C 142 L 20		3/25/2020	6/11/2020
E2SSB 5549	Distillery marketing & sales	C 238 L 20		3/31/2020	6/11/2020*
2SSB 5572	School modernization grants	C 299 L 20		4/2/2020	6/11/2020
ESSB 5591	Stolen vehicle check fee	C 239 L 20		3/31/2020	7/1/2020
2SSB 5601	Health care benefit manage.	C 240 L 20	PV	3/31/2020	6/11/2020*
SB 5613	Road vacation/body of water	C 300 L 20		4/2/2020	6/11/2020
SSB 5628	Heavy equipment rental prop.	C 301 L 20		4/2/2020	6/11/2020
SSB 5640	Youth courts	C 191 L 20		3/27/2020	6/11/2020
2E2SSB 5720	Involuntary treatment act	C 302 L 20		4/2/2020	6/11/2020**
ESSB 5759	Remote technology/lens Rx	C 241 L 20	PV	3/31/2020	6/11/2020
SB 5792	Cultural access programs	C 192 L 20		3/27/2020	6/11/2020
SB 5811	Clean car standards & prog.	C 143 L 20		3/25/2020	6/11/2020
ESSB 5829	Vol. firefighter pensions	C 144 L 20		3/25/2020	1/1/2021**
SSB 5867	Drug offense resentencing	C 55 L 20		3/18/2020	6/11/2020
2ESB 5887	Prior authorization	C 193 L 20		3/27/2020	6/11/2020
SSB 5900	LGBTQ coordinator/veterans	C 56 L 20		3/18/2020	6/11/2020
2SSB 5947	Sustainable farms and fields	C 351 L 20		4/3/2020	6/11/2020
SSB 5976	Dentistry access/disability	C 242 L 20		3/31/2020	6/11/2020
2SSB 6027	Floating residences	Gov vetoed	V	4/3/2020	
ESSB 6028	Uniform electronic transact.	C 57 L 20		3/18/2020	6/11/2020
SSB 6029	Uniform directed trust act	C 303 L 20		4/2/2020	1/1/2021
ESB 6032	Apples special license plate	C 93 L 20		3/19/2020	7/1/2020
SB 6034	Pregnancy discrim complaints	C 145 L 20		3/25/2020	6/11/2020
SSB 6037	Business corporations	C 194 L 20		3/27/2020	6/11/2020
SB 6038	Acupuncture and Eastern med.	Gov vetoed	V	3/25/2020	
ESSB 6040	Dev. disability budgeting	C 352 L 20		4/3/2020	6/11/2020
SB 6045	Vulnerable public way users	C 146 L 20		3/25/2020	6/11/2020
SSB 6048	Insurance group supervision	C 243 L 20		3/31/2020	6/11/2020
SB 6049	Insurance fraud account	C 195 L 20		3/27/2020	7/1/2020
SSB 6051	Medicare part D supplement	C 196 L 20		3/27/2020	3/27/2020
SSB 6052	Life insurance/behavior	C 197 L 20		3/27/2020	7/1/2020
SSB 6058	Fire district health clinics	C 94 L 20		3/19/2020	6/11/2020
SSB 6061	Telemedicine training	C 147 L 20		3/25/2020	6/11/2020
ESSB 6063	DOC health care admin.	C 58 L 20		3/18/2020	6/11/2020
SSB 6065	Blockchain work group	Gov vetoed	V	4/3/2020	
SB 6066	Ethnic studies materials	C 59 L 20		3/18/2020	6/11/2020

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
SSB 6068	Private airplanes/sales tax	C 304 L 20		4/2/2020	6/11/2020*
SSB 6072	State wildlife account	C 148 L 20		3/25/2020	7/1/2021
SSB 6074	Financial fraud/theft crimes	C 60 L 20		3/18/2020	6/11/2020
SB 6078	Fire juris. reimbursement	C 198 L 20		3/27/2020	6/11/2020
SSB 6084	Circular intersections	C 199 L 20		3/27/2020	6/11/2020
SSB 6086	Opioid use/medications	C 244 L 20		3/31/2020	6/11/2020
E2SSB 6087	Insulin cost-sharing	C 245 L 20		3/31/2020	6/11/2020
SSB 6088	Rx drug affordability board	Gov vetoed	V	4/3/2020	
SB 6090	Detection device liability	C 149 L 20		3/25/2020	6/11/2020
SSB 6091	WA food policy forum	C 246 L 20		3/31/2020	6/11/2020
ESSB 6095	Liquor/common carriers	C 200 L 20		3/27/2020	6/11/2020
SB 6096	Labor unrest/state services	C 201 L 20		3/27/2020	6/11/2020
ESSB 6097	Health carrier surplus level	C 247 L 20		3/31/2020	6/11/2020
SB 6102	School bus stop signals	C 95 L 20		3/19/2020	6/11/2020
SB 6103	Educational reporting	C 61 L 20		3/18/2020	6/11/2020
SB 6119	Money laundering proceeds	C 62 L 20		3/18/2020	6/11/2020
SB 6120	Gambling/nonprofit orgs	C 150 L 20		3/25/2020	6/11/2020
SB 6123	Organ donation leave	C 305 L 20		4/2/2020	6/11/2020
E2SSB 6128	Postpartum period/Medicaid	Gov vetoed	V	4/3/2020	
SB 6131	Debenture company laws	C 151 L 20		3/25/2020	6/11/2020
SSB 6135	System reliability/energy	C 63 L 20		3/18/2020	6/11/2020
SB 6136	Electronic benefit cards	C 64 L 20		3/18/2020	6/11/2020
2SSB 6139	Aerospace tech. innovation	C 306 L 20		4/2/2020	6/11/2020
ESSB 6141	Higher education access	C 307 L 20		4/2/2020	6/11/2020
SSB 6142	Higher ed common application	Gov vetoed	V	4/3/2020	
SB 6143	Podiatric medical board	C 248 L 20		3/31/2020	6/11/2020
SSB 6152	Foreign national ownership	C 152 L 20		3/25/2020	6/11/2020
SSB 6158	Model sex. assault protocols	C 202 L 20		3/27/2020	6/11/2020
SB 6164	Resentencing discretion	C 203 L 20		3/27/2020	6/11/2020
ESSB 6168	Operating budget, supplement	C 357 L 20	PV	4/3/2020	4/3/2020
SB 6170	Plumbing	C 153 L 20		3/25/2020	6/11/2020*
ESB 6180	Juvenile sex offense regist.	C 249 L 20		3/31/2020	6/11/2020
2SSB 6181	Crime victims' compensation	C 308 L 20		4/2/2020	6/11/2020
SB 6187	Data breaches/SSN	C 65 L 20		3/18/2020	6/11/2020
ESSB 6189	SEBB coverage eligibility	C 8 L 20		3/17/2020	3/17/2020
SSB 6190	Dev. disabilities trust	C 250 L 20		3/31/2020	6/11/2020
SSB 6191	Adverse childhood experience	C 251 L 20		3/31/2020	6/11/2020
E2SSB 6205	Long-term care workers	C 309 L 20		4/2/2020	6/11/2020
SSB 6206	Marijuana compliance cert.	C 154 L 20		3/25/2020	6/11/2020
SSB 6208	Bicyclists/stop signs	C 66 L 20		3/18/2020	10/1/2020
SSB 6210	Antifouling paints	C 67 L 20		3/18/2020	6/11/2020
2SSB 6211	Drug offender sentencing	C 252 L 20		3/31/2020	1/1/2021
SB 6212	Affordable housing/prop. tax	C 253 L 20		3/31/2020	10/1/2020
ESSB 6217	Airport labor standards	C 96 L 20		3/19/2020	6/11/2020
SB 6218	WSP retirement/salary def.	C 97 L 20		3/19/2020	6/11/2020
SB 6229	Housing funds/quality award	C 155 L 20		3/25/2020	6/11/2020
2SSB 6231	Single-family dwellings	C 204 L 20		3/27/2020	6/11/2020
SB 6236	Noneconomic damage waivers	C 254 L 20		3/31/2020	6/11/2020
ESB 6239	Public works projects	C 255 L 20		3/31/2020	6/11/2020
ESSB 6248	Capital budget, supplemental	C 356 L 20		4/3/2020	4/3/2020
SSB 6256	Heating oil insurance	C 310 L 20		4/2/2020	6/11/2020
SSB 6257	Underground storage tanks	C 156 L 20		3/25/2020	6/11/2020
SSB 6259	Indian behavioral health sys	C 256 L 20		3/31/2020	6/11/2020*
ESSB 6261	Farm labor contractor system	C 205 L 20		3/27/2020	6/11/2020
SB 6263	Data sharing/schools, tribes	C 206 L 20		3/27/2020	6/11/2020
SSB 6267	Long-term services trust	C 98 L 20		3/19/2020	6/11/2020
ESSB 6268	Abusive litigation/partners	C 311 L 20		4/2/2020	1/1/2021

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
ESSB 6280	Facial recognition services	C 257 L 20	PV	3/31/2020	7/1/2021
SB 6286	Athlete agents/benefits	C 157 L 20		3/25/2020	6/11/2020
ESSB 6287	Guardianships, etc.	C 312 L 20		4/2/2020	1/1/2022*
ESSB 6288	Office of firearm safety	C 313 L 20		4/2/2020	6/11/2020
ESSB 6300	Animals	C 158 L 20		3/25/2020	6/11/2020
SB 6305	Library districts	C 207 L 20		3/27/2020	6/11/2020
SSB 6306	Soil health initiative	C 314 L 20		4/2/2020	6/11/2020
2SSB 6309	WIC fruit & veg. benefit	C 68 L 20		3/18/2020	6/11/2020
SB 6312	Nonprofit fund-raising/tax	C 159 L 20		3/25/2020	6/11/2020
ESB 6313	Young voters	C 208 L 20		3/27/2020	6/11/2020*
SSB 6319	Senior property tax admin.	C 209 L 20		3/27/2020	6/11/2020
SB 6326	Municipal conflicts	C 69 L 20		3/18/2020	6/11/2020
SB 6357	Pull-tab dollar limit	C 70 L 20		3/18/2020	6/11/2020
SB 6359	Home health shortage areas	C 258 L 20		3/31/2020	6/11/2020
SB 6374	Apprenticeship materials	C 259 L 20		3/31/2020	6/11/2020
ESSB 6378	Residential tenants	C 315 L 20		4/2/2020	6/11/2020*
SB 6383	Retirement strategy funds	C 160 L 20		3/25/2020	6/11/2020
SSB 6392	Local wine industry license	C 210 L 20		3/27/2020	6/11/2020
SSB 6397	Nonparticipating providers	C 260 L 20		3/31/2020	6/11/2020
ESSB 6404	Health plans/prior auth.	C 316 L 20		4/2/2020	6/11/2020
SSB 6409	Industrial equip./electrical	C 211 L 20		3/27/2020	6/11/2020
SSB 6415	Perm. fire district charge	C 99 L 20		3/19/2020	6/11/2020
SB 6417	Survivor option change	C 161 L 20		3/25/2020	6/11/2020
ESSB 6419	Habilitation center clients	C 317 L 20		4/2/2020	6/11/2020
SB 6420	Underground utilities/safety	C 162 L 20		3/25/2020	6/11/2020
ESB 6421	Farm internship program	C 212 L 20		3/27/2020	3/27/2020
SB 6423	Child abuse, neglect reports	C 71 L 20		3/18/2020	6/11/2020
SSB 6429	Medical condition desig.	C 261 L 20		3/31/2020	1/1/2022
SB 6430	Industrial waste program	Gov vetoed	V	4/3/2020	
ESSB 6440	Workers' comp medical exam	C 213 L 20		3/27/2020	6/11/2020*
ESSB 6442	Private detainment	C 318 L 20		4/2/2020	4/2/2020
ESSB 6473	Asbestos building materials	C 100 L 20		3/19/2020	6/11/2020
SSB 6476	Correctional services access	C 319 L 20		4/2/2020	6/11/2020
2SSB 6478	Economic assistance programs	C 320 L 20		4/2/2020	6/11/2020*
SSB 6483	Child care provider rating	C 321 L 20		4/2/2020	6/11/2020
ESSB 6492	B&O tax/workforce education	C 2 L 20		2/10/2020	2/10/2020*
SB 6493	Active transp safety council	C 72 L 20		3/18/2020	6/11/2020
SSB 6495	Essential needs & housing	C 322 L 20		4/2/2020	6/11/2020
SSB 6499	Health info./retirement	C 323 L 20		4/2/2020	6/11/2020
SSB 6500	Foster-family location move	C 73 L 20		3/18/2020	6/11/2020
SB 6507	DCYF program reporting	C 262 L 20		3/31/2020	6/11/2020
E2SSB 6515	Nursing facilities	C 263 L 20		3/31/2020	6/11/2020
E2SSB 6518	Pesticide, chlorpyrifos	Gov vetoed	V	4/3/2020	
SSB 6521	Innovative learning pilot	C 353 L 20		4/3/2020	4/3/2020
SSB 6526	Prescription drug reuse	C 264 L 20		3/31/2020	6/11/2020
2SSB 6528	Derelict vessel prevention	C 324 L 20	PV	4/1/2020	6/11/2020
ESSB 6534	Ambulance quality assur. fee	C 354 L 20		4/3/2020	4/3/2020
ESSB 6540	Working connect. payments	C 355 L 20		4/3/2020	1/1/2021
SB 6551	International medical grads	C 325 L 20		4/2/2020	6/11/2020
2SSB 6561	Undocumented student support	C 326 L 20		4/2/2020	7/1/2021
SB 6565	Motorcycle parking methods	C 163 L 20		3/25/2020	6/11/2020
SB 6567	Blood donor day	C 74 L 20		3/18/2020	6/11/2020
SSB 6570	Law enforce. mental health	C 327 L 20	PV	4/1/2020	6/11/2020
ESSB 6574	GMHB & ELUHO powers, duties	C 214 L 20		3/27/2020	6/11/2020
ESSB 6592	Tourism authorities	C 215 L 20		3/27/2020	6/11/2020
SSB 6613	Aquatic farming inspections	C 216 L 20		3/27/2020	6/11/2020

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFECTIVE DATE(S)
ESSB 6617	Accessory dwelling units	C 217 L 20		3/27/2020	6/11/2020
SB 6623	Host home funding	C 265 L 20		3/31/2020	6/11/2020
ESB 6626	Military spouse liaison	C 328 L 20		4/2/2020	6/11/2020
SSB 6632	Business licensing services	C 164 L 20		3/25/2020	7/1/2020
ESSB 6641	Sex offender treatment avail	C 266 L 20		3/31/2020	6/11/2020
SSB 6660	Four-year balanced budget	C 218 L 20		3/27/2020	7/1/2020
SSB 6663	Eating disorders & diabetes	C 267 L 20		3/31/2020	6/11/2020
SSB 6670	Discover pass/libraries	C 75 L 20		3/18/2020	6/11/2020
ESB 6690	Aerospace B&O taxes/WTO	C 165 L 20		3/25/2020	3/25/2020
SJM 8005	Biochar	S Filed Sec/St		4/23/2019	
SSJM 8017	Compacts of free association	S Filed Sec/St		3/11/2020	
SJR 8200	Catastrophic incidents	S Filed Sec/St		4/23/2019	
ESJR 8212	Investment of LTC funds	S Filed Sec/St		3/11/2020	
SCR 8400	Cutoff dates	S Filed Sec/St		2/5/2019	
SCR 8401	Joint session/state of jud.	S Filed Sec/St		1/16/2019	
SCR 8402	Joint session/John Horgan	S Filed Sec/St		2/14/2019	
SCR 8404	Legislators, deceased	S Filed Sec/St		3/5/2019	
SCR 8406	Bump-fire stock recs./cutoff	S Filed Sec/St		4/29/2019	
SCR 8409	Bills/to house of origin	S Filed Sec/St		5/1/2019	
SCR 8410	Adjourning SINE DIE	S Filed Sec/St		5/1/2019	
SCR 8413	Bills/to house of origin	S Filed Sec/St		3/12/2020	
SCR 8414	Adjourning SINE DIE	S Filed Sec/St		3/12/2020	

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFETIVE DATE
ESHB 1023	Adult family homes, 8 beds	C 220 L 20		3/31/2020	6/11/2020
2EHB 1056	Domestic violence/workplace	Gov vetoed	V	4/3/2020	
SHB 1154	Chehalis basin financing	C 221 L 20		3/31/2020	6/11/2020
HB 1165	Low-water landscaping	C 9 L 20		3/18/2020	6/11/2020
EHB 1187	Fish habitat projects	C 166 L 20		3/27/2020	6/11/2020
2SHB 1191	School notifications	C 167 L 20		3/27/2020	6/11/2020
SHB 1251	Election security breaches	C 101 L 20		3/25/2020	6/11/2020
ESHB 1261	Clean water act/discharges	C 10 L 20		3/18/2020	6/11/2020
SHB 1293	Discover pass penalty dist.	C 268 L 20		4/2/2020	6/11/2020
HB 1347	Vehicle reseller permits	C 11 L 20		3/18/2020	6/11/2020
HB 1368	Cooperative finance org. B&O	Gov vetoed	V	4/3/2020	
EHB 1390	PERS/TRS 1 benefit increase	C 329 L 20		4/3/2020	7/1/2020
3SHB 1504	Impaired driving	C 330 L 20		4/3/2020	6/11/2020*
ESHB 1520	Ballot envelope dates	C 12 L 20		3/18/2020	6/11/2020
E2SHB 1521	Government contracting	C 269 L 20		4/2/2020	6/11/2020
ESHB 1551	Communicable disease control	C 76 L 20		3/19/2020	6/11/2020
EHB 1552	Health carrier credentialing	C 4 L 20		3/17/2020	6/11/2020*
HB 1590	Housing tax/councilmanic	C 222 L 20		3/31/2020	6/11/2020
ESHB 1608	Patient care/health entities	C 102 L 20		3/25/2020	6/11/2020
ESHB 1622	Drought preparedness	C 168 L 20		3/27/2020	6/11/2020
2SHB 1645	Parental improvement	C 270 L 20		4/2/2020	1/1/2021
2SHB 1651	Dev. disability serv. rights	C 271 L 20		4/2/2020	6/11/2020
3SHB 1660	Extracurricular/low income	C 13 L 20		3/18/2020	6/11/2020
2SHB 1661	Higher education retirement	C 103 L 20		3/25/2020	7/1/2020
EHB 1687	Victim identity defenses	C 3 L 20		3/5/2020	6/11/2020
EHB 1694	Tenants/installment payments	C 169 L 20		3/27/2020	6/11/2020
HB 1702	Low-cost course material/CTC	C 104 L 20		3/25/2020	6/11/2020
HB 1750	County sheriff vacancies	C 14 L 20		3/18/2020	6/11/2020
ESHB 1754	Homeless hosting/religious	C 223 L 20		3/31/2020	6/11/2020
HB 1755	Education doctorate degrees	C 15 L 20		3/18/2020	6/11/2020
E3SHB 1775	Sexually exploited children	C 331 L 20		4/3/2020	6/11/2020*
E2SHB 1783	Office of equity	C 332 L 20	PV	4/3/2020	6/11/2020*
ESHB 1793	Auto. traffic safety cameras	C 224 L 20		3/31/2020	6/11/2020
HB 1841	Crew size on certain trains	C 170 L 20	PV	3/27/2020	6/11/2020
SHB 1847	Aircraft noise abatement	C 105 L 20		3/25/2020	6/11/2020
2SHB 1888	Employee info. disclosure	C 106 L 20		3/25/2020	6/11/2020
EHB 1948	Warehousing & manuf. jobs	Gov vetoed	V	4/3/2020	
SHB 2017	Admin. law judge bargaining	C 77 L 20		3/19/2020	3/19/2020
EHB 2040	Nonhigh school districts	C 225 L 20		3/31/2020	6/11/2020
HB 2051	Pension & disability boards	C 107 L 20		3/25/2020	6/11/2020
2SHB 2066	Driver's license restriction	C 16 L 20		3/18/2020	1/1/2022
ESHB 2099	Invol. treatment/video tech.	C 5 L 20		3/17/2020	6/11/2020*
HB 2109	Chehalis board membership	C 17 L 20		3/18/2020	6/11/2020
ESHB 2116	Institutional education	C 226 L 20		3/31/2020	3/31/2020
EHB 2188	Military veteran CDL waivers	C 78 L 20		3/19/2020	1/1/2021
HB 2189	PSERS/comp restoration work	C 108 L 20		3/25/2020	6/11/2020
SHB 2205	Technical corrections	C 18 L 20		3/18/2020	6/11/2020
HB 2217	Cottage food product labels	C 171 L 20		3/27/2020	6/11/2020
HB 2229	Land dev. & management/tax	C 109 L 20		3/25/2020	6/11/2020
HB 2230	Indian tribe-owned property	C 272 L 20		4/2/2020	6/11/2020
ESHB 2231	Bail jumping	C 19 L 20		3/18/2020	6/11/2020
HB 2242	Travel trailers	C 110 L 20		3/25/2020	6/11/2020
SHB 2246	Environment reorganization	C 20 L 20		3/18/2020	6/11/2020*
ESHB 2248	Community solar projects	Gov vetoed	V	4/3/2020	
SHB 2250	Coastal crab derelict gear	C 172 L 20		3/27/2020	6/11/2020
HB 2251	Biological product notice	C 21 L 20		3/18/2020	6/11/2020
HB 2259	Background checks/education	C 22 L 20		3/18/2020	6/11/2020

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFETIVE DATE
ESHB 2265	Firefighting foam	C 23 L 20		3/18/2020	6/11/2020
HB 2266	Expression of breast milk	C 111 L 20		3/25/2020	6/11/2020
HB 2271	Transp. bonds/budget ref.	C 24 L 20		3/18/2020	6/11/2020
2SHB 2277	Youth solitary confinement	C 333 L 20		4/3/2020	6/11/2020
SHB 2295	Small claims court judgments	C 25 L 20		3/18/2020	6/11/2020
SHB 2302	Child support	C 227 L 20		3/31/2020	6/11/2020*
SHB 2308	Job title reporting	C 334 L 20		4/3/2020	10/1/2021
E2SHB 2311	Greenhouse gas emissions	C 79 L 20		3/19/2020	6/11/2020
HB 2315	Mitigation equipment	C 112 L 20		3/25/2020	6/11/2020
ESHB 2318	Criminal investigation	C 26 L 20		3/18/2020	6/11/2020*
ESHB 2322	Transp. budget, supplemental	C 219 L 20	PV	3/31/2020	3/31/2020
ESHB 2327	Sexual misconduct/postsec.	C 335 L 20		4/3/2020	6/11/2020
SHB 2338	Mental health coverage	C 228 L 20		3/31/2020	6/11/2020
ESHB 2342	Comprehensive plan updates	C 113 L 20		3/25/2020	6/11/2020*
SHB 2343	Urban housing	C 173 L 20		3/27/2020	6/11/2020
SHB 2374	Auto dealer products	C 174 L 20		3/27/2020	6/11/2020
SHB 2378	Physician assistants	C 80 L 20		3/19/2020	6/11/2020*
HB 2380	Home care agencies	C 336 L 20		4/3/2020	6/11/2020*
SHB 2384	Nonprofit housing/prop. tax	C 273 L 20		4/2/2020	6/11/2020
HB 2390	Dev. disability language	C 274 L 20		4/2/2020	6/11/2020
SHB 2393	Community custody credit	C 275 L 20		4/2/2020	6/11/2020
SHB 2394	Community custody	C 276 L 20		4/2/2020	6/11/2020
HB 2402	Statutory committees	C 114 L 20		3/25/2020	7/1/2020
E2SHB 2405	Comm. property/clean energy	C 27 L 20		3/18/2020	6/11/2020
SHB 2409	Industrial insur./employers	C 277 L 20		4/2/2020	9/1/2020*
ESHB 2411	Suicide prevention/providers	C 229 L 20		3/31/2020	6/11/2020*
HB 2412	Domestic brewery retail	C 230 L 20		3/31/2020	6/11/2020
HB 2416	Forensic mental health info.	C 81 L 20		3/19/2020	6/11/2020
SHB 2417	Community custody terms	C 82 L 20		3/19/2020	6/11/2020
SHB 2419	Death with dignity barriers	Gov vetoed	V	4/3/2020	
ESHB 2421	Election cost reimbursement	C 337 L 20		4/3/2020	7/1/2021
SHB 2426	Psychiatric patient safety	C 115 L 20		3/25/2020	3/25/2020
SHB 2441	TANF access	C 338 L 20		4/3/2020	7/1/2021
SHB 2448	Enhanced services facilities	C 278 L 20		4/2/2020	6/11/2020
HB 2449	Commissioner compensation	C 83 L 20		3/19/2020	6/11/2020
ESHB 2455	High school/child care	C 339 L 20		4/3/2020	6/11/2020*
SHB 2456	Working connect. eligibility	C 279 L 20		4/2/2020	7/1/2020
2SHB 2457	Health care cost board	C 340 L 20		4/3/2020	6/11/2020
HB 2458	Optional benefits/schools	C 231 L 20		3/31/2020	6/11/2020
SHB 2464	Excess Rx medication charges	C 116 L 20		3/25/2020	6/11/2020
E2SHB 2467	Firearm background checks	C 28 L 20		3/18/2020	6/11/2020
SHB 2473	Domestic violence	C 29 L 20		3/18/2020	3/18/2020
HB 2474	Sales commissions	C 84 L 20		3/19/2020	6/11/2020
SHB 2476	Debt buyers	C 30 L 20		3/18/2020	6/11/2020
SHB 2483	DUI vehicle impoundment	C 117 L 20		3/25/2020	6/11/2020
SHB 2486	Electric marine batteries	C 341 L 20		4/3/2020	7/1/2020
HB 2491	Tribal vehicles compact	C 118 L 20		3/25/2020	6/11/2020
HB 2497	Affordable housing financing	C 280 L 20		4/2/2020	6/11/2020
2SHB 2499	Correction officer cert.	C 119 L 20		3/25/2020	6/11/2020
HB 2505	BPA ratepayer assist/B&O tax	Gov vetoed	V	4/3/2020	
HB 2508	City utility surplus	C 31 L 20		3/18/2020	6/11/2020
HB 2512	Mobile home delinquent taxes	C 175 L 20		3/27/2020	6/11/2020
2SHB 2513	Higher ed. debt collection	C 281 L 20		4/2/2020	6/11/2020
E2SHB 2518	Natural gas transmission	C 32 L 20		3/18/2020	6/11/2020
HB 2524	Ag. product negotiations	C 176 L 20		3/27/2020	6/11/2020
SHB 2525	Family connections program	C 33 L 20		3/18/2020	6/11/2020
SHB 2527	Census rights	C 34 L 20		3/18/2020	3/18/2020

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFETIVE DATE
E2SHB 2528	Forest products/climate	C 120 L 20		3/25/2020	6/11/2020
ESHB 2535	Past due rent grace period	C 177 L 20		3/27/2020	6/11/2020
SHB 2543	In-state residency/veterans	C 232 L 20		3/31/2020	6/11/2020
SHB 2544	Definition of veteran	C 178 L 20		3/27/2020	6/11/2020
HB 2545	Jail records/managed health	C 282 L 20		4/2/2020	6/11/2020
ESHB 2551	Tribal regalia/graduation	C 35 L 20		3/18/2020	3/18/2020
SHB 2554	Health plan exclusions	C 283 L 20		4/2/2020	6/11/2020
SHB 2555	Other firearms/background	C 36 L 20		3/18/2020	6/11/2020
SHB 2556	Early learning provider regs	C 342 L 20		4/3/2020	6/11/2020
ESHB 2565	Disposable wipe labeling	C 121 L 20		3/25/2020	7/1/2022
SHB 2567	Courts/arrests	C 37 L 20		3/18/2020	6/11/2020
ESHB 2571	Fish and wildlife violations	C 38 L 20		3/18/2020	6/11/2020
ESHB 2576	Private detention facilities	C 284 L 20		4/2/2020	6/11/2020
HB 2579	Horse program/Coyote Ridge	Gov vetoed	V	4/3/2020	
EHB 2584	Behavioral health rates	C 285 L 20		4/2/2020	6/11/2020
HB 2587	Scenic bikeways	C 286 L 20		4/2/2020	6/11/2020
ESHB 2588	Special purpose districts	C 179 L 20		3/27/2020	6/11/2020
SHB 2589	Suicide prevention/ID cards	C 39 L 20		3/18/2020	6/11/2020
HB 2599	Multiple handicaps, children	C 122 L 20		3/25/2020	6/11/2020
HB 2601	Parks & rec. comm'n leases	C 123 L 20		3/25/2020	6/11/2020
HB 2602	Hair discrimination	C 85 L 20		3/19/2020	6/11/2020
SHB 2607	Identicards/homelessness	C 124 L 20		3/25/2020	6/11/2020
SHB 2613	Unemployment benefits	C 86 L 20		3/19/2020	6/11/2020
SHB 2614	Paid family & medical leave	C 125 L 20		3/25/2020	6/11/2020*
HB 2617	Surplus school property	C 40 L 20		3/18/2020	6/11/2020
HB 2619	Early learning access	C 343 L 20	PV	4/3/2020	6/11/2020
SHB 2622	Firearm orders compliance	C 126 L 20		3/25/2020	6/11/2020
HB 2624	Dept. of ag./examinations	C 180 L 20		3/27/2020	6/11/2020
SHB 2632	False reporting	C 344 L 20		4/3/2020	6/11/2020
SHB 2634	Affordable housing/REET	Gov vetoed	V	4/3/2020	
ESHB 2638	Sports wagering/compacts	C 127 L 20		3/25/2020	3/25/2020
HB 2640	Private detention/GMA	C 128 L 20		3/25/2020	3/25/2020
HB 2641	Passenger-only ferry service	C 181 L 20		3/27/2020	6/11/2020
ESHB 2642	Sub. use disorder coverage	C 345 L 20		4/3/2020	6/11/2020
ESHB 2645	Photovoltaic modules	C 287 L 20	PV	4/2/2020	6/11/2020
ESHB 2660	School meals at no cost	C 288 L 20		4/2/2020	6/11/2020
E2SHB 2662	Total cost of insulin	C 346 L 20		4/3/2020	6/11/2020
HB 2669	Sports license plates	C 129 L 20		3/25/2020	10/1/2020
SHB 2673	Infill development	C 87 L 20		3/19/2020	6/11/2020
ESHB 2676	Autonomous vehicle testing	C 182 L 20		3/27/2020	6/11/2020*
HB 2677	Health insurance information	C 183 L 20		3/27/2020	6/11/2020
HB 2682	Out-of-home services	C 41 L 20		3/18/2020	6/11/2020
HB 2691	Language access providers	C 289 L 20		4/2/2020	6/11/2020
HB 2701	Fire & smoke control systems	C 88 L 20		3/19/2020	7/1/2021
SHB 2711	Educational outcomes	C 233 L 20		3/31/2020	6/11/2020
ESHB 2713	Compost procurement and use	C 290 L 20	PV	4/2/2020	6/11/2020
ESHB 2722	Minimum recycled content	Gov vetoed	V	4/3/2020	
ESHB 2723	Off-road vehicle enforcement	Gov vetoed	V	4/3/2020	
SHB 2728	Funding model/telehealth	C 291 L 20		4/2/2020	6/11/2020
ESHB 2731	Student concussion reports	C 347 L 20		4/3/2020	6/11/2020
2SHB 2737	Child. mental health wk grp	C 130 L 20		3/25/2020	6/11/2020
HB 2739	Shared leave program	C 6 L 20		3/17/2020	6/11/2020*
EHB 2755	Air ambulance cost transp.	C 131 L 20		3/25/2020	6/11/2020
SHB 2758	911 dispatch personnel/PTSD	C 234 L 20		3/31/2020	6/11/2020
HB 2762	Peer support privilege/DOC	C 42 L 20		3/18/2020	6/11/2020
HB 2763	DOC employee interest arb.	C 89 L 20		3/19/2020	6/11/2020
ESHB 2783	On-demand gasoline providers	C 43 L 20		3/18/2020	6/11/2020

BILL	TITLE	CHAPTER #	VETO	GOVERNOR SIGNED	EFFETIVE DATE
SHB 2785	CJTC membership	C 44 L 20		3/18/2020	6/11/2020
SHB 2787	Infants and toddlers program	C 90 L 20		3/19/2020	9/1/2020
EHB 2792	Missing & unident. persons	C 45 L 20		3/18/2020	6/11/2020
2SHB 2793	Criminal records/vacating	Gov vetoed	V	4/3/2020	
SHB 2794	Juvenile record sealing	C 184 L 20		3/27/2020	6/11/2020*
EHB 2797	Housing/sales & use tax	Gov vetoed	V	4/3/2020	
SHB 2803	Indian tribes compact/taxes	C 132 L 20		3/25/2020	6/11/2020
EHB 2811	Environmental education	C 292 L 20		4/2/2020	6/11/2020
ESHB 2816	School & classroom climates	C 235 L 20		3/31/2020	6/11/2020
EHB 2819	Pumped storage projects	C 46 L 20		3/18/2020	6/11/2020
HB 2826	Marijuana vapor products	C 133 L 20		3/25/2020	3/25/2020
HB 2833	Engineers and land surveyors	C 47 L 20		3/18/2020	6/11/2020
HB 2837	Historical societies, powers	C 48 L 20		3/18/2020	6/11/2020
HB 2848	Hog fuel sales tax exemption	Gov vetoed	V	4/3/2020	
HB 2853	Charter school commission	C 49 L 20		3/18/2020	6/11/2020
HB 2858	Assessment rolls filing	C 134 L 20		3/25/2020	6/11/2020
HB 2860	Plane coordinate system	C 50 L 20		3/18/2020	6/11/2020
2SHB 2864	Running start summer pilot	C 348 L 20		4/3/2020	6/11/2020
SHB 2868	Historic property valuation	C 91 L 20		3/19/2020	6/11/2020
E2SHB 2870	Marijuana retail licenses	C 236 L 20		3/31/2020	6/11/2020
SHB 2873	Families in conflict	C 51 L 20		3/18/2020	6/11/2020
SHB 2883	Adolescent behavioral health	C 185 L 20		3/27/2020	6/11/2020*
SHB 2889	Utility tax disclosures	C 135 L 20		3/25/2020	6/11/2020
HB 2903	Auto dealers/cash incentives	Gov vetoed	V	4/3/2020	
SHB 2905	Baby, child dentistry access	C 293 L 20		4/2/2020	6/11/2020
ESHB 2919	REET county fees	Gov vetoed	V	4/3/2020	
HB 2926	Critical incident stress	C 294 L 20		4/2/2020	6/11/2020
HB 2943	Behavioral health admin orgs	Gov vetoed	V	4/3/2020	
SHB 2950	Housing tax exemption	C 237 L 20	PV	3/31/2020	6/11/2020
EHB 2965	Coronavirus response	C 7 L 20		3/17/2020	3/17/2020
HCR 4402	Bill status for 2020 session	H Filed Sec/St		1/14/2020	
HCR 4403	State of the State Address	H Filed Sec/St		3/12/2020	

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5006			217			C186
5006-S			217			C186
5006-SE				217	949, 1244, 1320	C186
5008.E					24	
5011			382		24	
5011-S			382	382	1803	
5016					24, 574	
5022					31	C234PV
5024-SE				355	355, 1803	
5030-S					24	
5033		155			574	
5036					24	
5051-SE					24	
5053					24	
5054					32	C351PV
5059		145			24, 574	
5067-SE					24	
5076					24	
5077					574	
5078					574	
5093-S2				403	24, 402, 1803	
5096-S					574	
5097			219		24	C295
5097-S			219	220	639, 648(P), 716	C295
5113					24	
5120					24	
5125					24	
5128					24	
5133					24	
5134					24	
5137					574	
5139-SE					24	
5141-S2					24	
5144		94, 155, 315	378			C349
5144-S2			378	378	878, 890, 948	C349
5147		673	1074			C350
5147-S			1074			C350
5147-SE				1075	1307, 1532, 1534	C350
5149		94, 160	259			C296
5149-S2			259	260	1230, 1532, 1534	C296
5164-S		155, 309			24, 379, 379	C136
5164-S3			380	380	1270, 1272, 1534, 1784	C136
5165.E				124	124, 787, 803, 878	C52
5167-S			152		152	
5167-SE				153	1803	
5168			548		24	
5168-S			548	549	1803	
5182		249			24, 574	
5184					574	
5197				220	220, 1062, 1244, 1320	C297
5211-S					24	
5214					24	
5219					24, 574	
5221					24	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5224					574	
5228-SE					574	
5236-S2				355, 356	355, 1803	
5247-S				351	351, 1803	
5249					24, 574	
5263					574	
5267-S					24	
5270					24	
5274.E					31	C311PV
5275					24, 574	
5276					24	C158
5279					574	
5282			218		24	C187
5282.E				219	1272, 1274, 1534, 1784	C187
5285					24	
5287-S2					33	C456PV
5291-S2				435		C137
5291-S2E		262		435	24, 265, 435, 1274, 1280, 1281, 1534, 1784	C137
5292-S2					24	
5294.E				393, 394	393, 1803	
5295-SE					24	
5299		160, 291			24	
5299-S2			530			
5299-S2E				530	1803	
5303-S					24	
5304					574	
5308					574	
5315					24, 574	
5322-SE					24	
5323-SE				111, 112	111, 1134, 1137, 1532, 1534	C138
5327-S2E					24	
5338					24	
5339				259	259, 1803	
5351					24	
5354-S					574	
5360					32	C313PV
5363-S					24	
5366-S					574	
5367					24	
5375					24	
5376-S2					24	
5385-S			352		351	C92
5385-SE				355	1239, 1242, 1532, 1534	C92
5388-S					24	
5389-SE			150, 152		150	
5389-SE2				152	1803	
5393-S2E					24	
5395-SE				150	150, 1103, 1104, 1106, 1481	C188
5400		309	551		514, 551	
5400-S			551	552	1803	
5402			455		24	C139PV
5402.E				477	1281, 1305, 1534, 1784	C139PV
5407					24	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5418-SE					33	C434PV
5419					24	
5428-S					24	
5434-SE				351	351, 1138, 1532, 1534	C189
5435					24	
5441-S				340	340, 1803	
5443-S					24	
5447					24	
5450			113		24, 113	C53
5450.E				113	949, 1244, 1320	C53
5457			215, 216		24	C140
5457.E				216	949, 1244, 1320	C140
5467					24	
5473		273	359		277	C190
5473-S			360			C190
5473-SE				360	1305, 1306, 1534, 1784	C190
5478-SE					24	
5481		119, 315	407			C298
5481-S2			407			C298
5481-S2E				409	949, 1244, 1320	C298
5483-S2E					574	
5485					574	
5486					24, 574	
5488-S		155			24, 485, 485	C141
5488-S2			485	485	1306, 1307, 1534, 1784	C141
5489					574	
5493		94, 262	426			
5493-S2			426	426	1803	
5494		94, 282, 315			378, 574	
5496					574	
5501					24	
5503					30	C21PV
5504		253	405			
5504-S			405			
5504-SE				405	1803	
5518					24	
5519				260	260, 949, 1244, 1320	C54
5522			392		24	C142
5522-S			392			C142
5522-SE				393	787, 803, 878	C142
5523					574	
5525					574	
5532-S					24	
5533		249, 309	485		24	
5533-S4			485	486	1803	
5536-SE					574	
5537					24	
5544-SE		268			24	
5549-S2E				154	154, 1321, 1328, 1329, 1604, 1783	C238
5572-S2				328	328, 1062, 1245, 1320	C299
5573.E					34	Vetoed
5584					24	
5585					24	
5590					574	
5591-S			215		215	C239

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5591-SE				215	787, 803, 878	C239
5592					24, 574	
5593-S					24	
5601		273, 309	438			C240PV
5601-S2			438	438	438, 1139, 1146, 1146, 1532, 1534	C240PV
5603-S					24	
5607		268, 309				
5607-S2			523	523	1803	
5613				220	220, 1146, 1532, 1534	C300
5614			541		24	
5614-S			542			
5614-SE				546	1803	
5616.E					24	
5628		656, 660, 1246	1441			C301
5628-S			1441	1441	1783, 1802, 1803	C301
5633-S					574	
5635					574	
5636		221			24, 574	
5640		155	279		24	C191
5640-S			279	280	1242, 1244, 1532, 1534	C191
5643					574	
5653					24	
5662-S2E					24	
5672-S2					33	C466PV
5676		160			24, 574	
5679		231	505		24	
5679-S			505	505	1803	
5680		114, 160				
5687-S					24	
5694					574	
5710-S					30	C54PV
5716					24	
5717		114				
5720-S2E			166		166	C302
5720-S2E2				214	1329, 1387, 1388, 1604, 1783	C302
5731					574	
5735-S					24	
5739					574	
5740-S2E			125		125, 131	
5740-S2E2				131	1803	
5744		94, 249				
5746					574	
5749			360	360	24, 1803	
5755.E					24	
5759		282	435			C241PV
5759-S			435			C241PV
5759-SE				437	1388, 1389, 1390, 1604, 1783	C241PV
5765-SE					24	
5774-S2					24	
5779.E					24	
5782					1803	
5787					574	
5789		310	509			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5789-S			509	510	1803	
5792				154	153, 1229, 1532, 1534	C192
5811				111	111, 1233, 1234, 1532, 1534	C143
5812-SE					24	
5816					574	
5820-S2					24	
5822-S2					24	
5826					24	
5828					24	
5829-S			518		518	C144
5829-SE				520	1390, 1604, 1783	C144
5830					24, 574	
5834		227	326			
5834.E				326	1803	
5848					24	
5853-SE					24	
5862					24	
5867		291	505			C55
5867-S			506	506	878, 890, 948	C55
5872					24	
5873					574	
5876-S					24	
5887.E			112		112	C193
5887.E2				112	1232, 1233, 1532, 1534	C193
5900		282	340			C56
5900-S			340	341	949, 1244, 1320	C56
5908		301, 306	329		304	
5908-S			329			
5908-SE				329	1803	
5919-S					24	
5920					24, 574	
5930					24	
5936					574	
5939					24, 574	
5946-SE				215	215, 1803	
5947-S2				111	111, 1390, 1392, 1604, 1783	C351
5963					24	
5970					24	
5972					24	
5976		282	334			C242
5976-S			334	334	1062, 1245, 1320	C242
5984		253				
5984-S			523, 524			
5984-SE				524	1803	
5986					574	
5992					24	
6012			424			
6012-S			424, 425			
6012-SE				425	1803	
6022		253	427			
6022-S			427	427	1803	
6027		160, 301	332			Vetoed
6027-S2			332	332	1229, 1230, 1532, 1534	Vetoed
6028		119	340			C57

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6028-S			340			C57
6028-SE				340	787, 803, 878	C57
6029		119	260			C303
6029-S			260	260	787, 803, 878	C303
6032		227	362			C93
6032.E				363	1107, 1245, 1320	C93
6033		268			574	
6034		140	356	356	878, 890, 948	C145
6035		160	335			
6035-S			335	335	1803	
6037		119	217			C194
6037-S			217	217	787, 803, 878	C194
6038		140	281	281	787, 803, 878	Vetoed
6039		155			574	
6040		301	438			C352
6040-S			439			C352
6040-SE				439	1392, 1393, 1604, 1783	C352
6045		155	330	330	1062, 1245, 1320	C146
6046		145	334	334	1803	
6047		262	335	336	1803	
6048		119	333			C243
6048-S			333	333	787, 803, 878	C243
6049		221	518	518	1107, 1481	C195
6050		282, 315	415			
6050-S			415	415	1075, 1087, 1804	
6051		249	347			C196
6051-S			347	347	787, 803, 878	C196
6052		145	260			C197
6052-S			260	261	787, 803, 878	C197
6053		231				
6057		231	497	497	1803	
6058		253				C94
6058-S			522	522	1062, 1245, 1320	C94
6061		227	429			C147
6061-S			429	429	787, 803, 878	C147
6062		140	416			
6062-S			416			
6062-SE				416	1803	
6063		262	421			C58
6063-S			421			C58
6063-SE				422	787, 803, 878	C58
6064		282, 315				
6064-S2			525	525	1803	
6065		253	447			Vetoed
6065-S			447	448	1266, 1267, 1534, 1784	Vetoed
6066		262	326	326	1062, 1245, 1320	C59
6068		283	495			C304
6068-S			495	495	1534, 1603, 1783	C304
6069					95	
6070					95	
6071		160			574	
6072		221	329			C148
6072-S			329	330	949, 1244, 1320	C148
6073		268	548	548	548, 1803	
6074		119, 310	378			C60
6074-S			378	379	379, 1062, 1320	C60

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6077		161			574	
6078		145	382	382	949, 1244, 1320	C198
6079		268, 315			574	
6081		273	438			
6081-S			438	438	1803	
6083		227			574	
6084		310	425			C199
6084-S			425	425	1062, 1245, 1320	C199
6086		262	385		95	C244
6086-S			385	385	1062, 1245, 1320	C244
6087		156, 291	481			C245
6087-S2			481			C245
6087-S2E				484	1146, 1149, 1532, 1534	C245
6088		249, 316	415			Vetoed
6088-S			415	416	1149, 1151, 1532, 1534	Vetoed
6090		161	261	261	1230, 1231, 1532, 1534	C149
6091		161, 283	330		1245	C246
6091-S			330	330	1062, 1320	C246
6092		268	540			
6092-S			540			
6092-SE				541	1803	
6094		268			574	
6095		273	502			C200
6095-S			502			C200
6095-SE				504	1062, 1245, 1320	C200
6096		120	350	351	878, 890, 948	C201
6097		283	437			C247
6097-S			437		437	C247
6097-SE				438	1438, 1439, 1604, 1783	C247
6099		227	336	336	1803	
6100		273	336	336	1803	
6101		262	330	330	1803	
6102		156	333	334	949, 1244, 1320	C95
6103		227	347	347	949, 1244, 1320	C61
6105		269	348			
6105-S			348	348	1803	
6109					95	
6112		249, 316	415			
6112-S			415	415	1803	
6113		156, 291	484			
6113-S			484	484	1803	
6114		269			574	
6115		156	494	495	1803	
6117		273, 310	514		23	
6117-S2			514, 515	515	1803	
6119		161	280	280	949, 1244, 1320	C62
6120		274	337	337	949, 1244, 1320	C150
6121		262			574	
6121-SE					803	
6122		291	370			
6122-S			370			
6122-SE				371	1803	
6123		156, 291	382	382	1062, 1245, 1320	C305
6126		161			574	
6127		221	278			
6127-S			278	279	1803	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6128		227, 316	422		378	Vetoed
6128-S2			422			Vetoed
6128-S2E				423	1227, 1228, 1532, 1534	Vetoed
6131		145	280	280	787, 803, 878	C151
6132		263	327	327	1803	
6134		156, 316			574	
6135		292	404			C63
6135-S			404	404	1062, 1245, 1320	C63
6136		221	281	281	223, 787, 803, 878	C64
6137		249				
6138		274	328	328	1803	
6139		253, 292	449			C306
6139-S2			449	450	878, 890, 948	C306
6141		283, 316	446			C307
6141-S			446, 447			C307
6141-SE				447	1092, 1095, 1481	C307
6142		283, 316	454			Vetoed
6142-S			454	454	949, 1244, 1320	Vetoed
6143		140	280	280	949, 1244, 1320	C248
6144		274			277	
6147		161	411			
6147-S			411, 412		412	
6147-SE				412	1803	
6148		253			574	
6152		250	345			C152
6152-S			346	346	1116, 1124, 1125, 1448, 1449, 1604, 1783	C152
6153		94				
6155		161	333			
6155-S			333	333	1803	
6156		310	508			
6156-S			508		508	
6156-SE				509	1803	
6157		263			574	
6158		156	279			C202
6158-S			279	279	1269, 1270, 1534, 1784	C202
6162		161			23	
6163		254			574	
6164		254	522	523	1437, 1438, 1604, 1783	C203
6168		582	630			C357PV
6168-S			630, 631, 632, 633, 634, 635, 636, 637, 638		634, 637, 638	C357PV
6168-SE				639	636, 716, 716, 1307, 1607, 1782, 1782, 1798	C357PV
6169		140				
6170		120	259	259	878, 890, 948	C153
6172		292, 656				
6173		274			574	
6179		263, 317			574	
6180		161	338			C249
6180.E				339	1267, 1269, 1534, 1784	C249
6181		120, 306	379			C308
6181-S2			379	379	949, 1244, 1321	C308
6182		161	360			
6182-S			360	361	1803	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6183		301	507			
6183-S			507	508	1803	
6187		263	403	403	949, 1244, 1321	C65
6188		162				
6189		310				C8
6189-S			515, 516, 517			C8
6189-SE				517	1075, 1442, 1443, 1443, 1604, 1783	C8
6190		227, 283	507			C250
6190-S			507	507	1393, 1394, 1604, 1783	C250
6191		263	327			C251
6191-S			327	327	1095, 1481	C251
6203		263			574	
6204		162, 283			574	
6205		274, 317	417			C309
6205-S2			417			C309
6205-S2E				421	1270, 1534, 1784	C309
6206		274	497			C154
6206-S			497	497	949, 1244, 1321	C154
6207		269, 317			574	
6208		269	331			C66
6208-S			331	331	878, 890, 948	C66
6209		283			574	
6210		254, 292	404			C67
6210-S			404	405	878, 890, 948	C67
6211		292, 317	505			C252
6211-S2			505	505	1394, 1401, 1604, 1783	C252
6212		269, 310	522	522	378, 1062, 1245, 1321	C253
6213		254, 317	412			
6213-S2			412, 413			
6213-S2E				413	1803	
6214		254			574	
6215		254	332			
6215-S			332	332	1803	
6216		269			574	
6217		274	429			C96
6217-S			429			C96
6217-SE				430	878, 890, 948	C96
6218		221, 311	423	423	878, 890, 948	C97
6218-S2			422			C97
6219		222			574	
6220		162			23, 574	
6224		162, 317			574	
6228		228	549		574	
6228-S			549, 550, 552, 553		550, 551, 552, 554	
6229		140	380, 552	381	878, 890, 948	C155
6230		269			574	
6231		228, 660	1479			C204
6231-S2			1479	1480	1802, 1803	C204
6232		140				
6234		269				
6236		254	521	521	1062, 1245, 1321	C254
6237		145			574	
6238		263	504			
6238.E				504	1803	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6239		292	450			C255
6239.E				451	1401, 1402, 1604, 1783	C255
6242		274			574	
6247		292			574	
6248		570	586			C356
6248-S			586, 618, 619		618	C356
6248-SE				619	1535, 1574, 1603, 1783	C356
6251		228			574	
6252		254				
6253		228				
6254		275, 674	1583			
6254-S2			1583		1587	
6254-S2E				1588	1804	
6255		263, 317			574	
6256		222	541			C310
6256-S			541	541	949, 1244, 1321	C310
6257		222	541			C156
6257-S			541	541	949, 1244, 1321	C156
6258					120	
6259		293	349		120	C256
6259-S			349	349	1402, 1417, 1418, 1604, 1783	C256
6261		270	448			C205
6261-S			448		448	C205
6261-SE				448	787, 878	C205
6262		301	327			
6262-S			327	327	1803	
6263		301	350	350	1418, 1604, 1783	C206
6264		301, 318			574	
6265		275	358	358	1803	
6266		254			257	
6267		275, 318	421			C98
6267-S			421	421	878, 890, 948	C98
6268		255, 311	547			C311
6268-S			547			C311
6268-SE				547	1418, 1425, 1604, 1783	C311
6270		284			574	
6271		270			574	
6274		302			120	
6275		263, 318	422			
6275-S2			422	422	1803	
6278		293	409			
6278-S			410			
6278-SE				411	1803	
6280		162				C257PV
6280-S			525, 526			C257PV
6280-S.E				529	1087, 1092, 1449, 1577, 1583, 1597, 1794, 1797, 1798, 1802, 1803	C257PV
6281		222, 293	382			
6281-S2			383	384	1125, 1132, 1314	
6282		275	427			
6282-S			427			
6282-SE				428	1803	
6284		250			574	
6286		293	504	505	878, 890, 948	C157

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6287	103	255	451			C312
6287-S			451			C312
6287-SE				453	1151, 1217, 1532, 1534	C312
6288	103	162, 311	477			C313
6288-S			477, 479, 480, 481		477, 480, 481	C313
6288-SE				481	1307, 1308, 1309, 1534, 1784	C313
6289	103	293			574	
6290	103					
6291	103					
6292	103					
6293	103					
6294	103	162			574	
6295	104	293			574	
6296	104					
6297	104	302	335			
6297-S			335	335	1803	
6298	104					
6299	104				1245	
6300	104	255	430			C158
6300-S			430			C158
6300-SE				434	1218, 1222, 1532, 1534	C158
6301	104					
6302	104	270	386			
6302-S			386	386	1803	
6303	104					
6304	104					
6305	104	145	279	279	1231, 1232, 1532, 1534	C207
6306	104	162, 284	402			C314
6306-S			402	402	949, 1244, 1321	C314
6307	104	293			574	
6308	104					
6309	105	250, 318	378			C68
6309-S2			378	378	878, 890, 948	C68
6310	105					
6311	105	302, 318			120, 574	
6312	105	222	1070	1070	574, 1307, 1532, 1534	C159
6313	105	250	355, 363, 368, 369		355, 363	C208
6313.E				369	1095, 1101, 1481	C208
6313-S			355, 363			C208
6314	105	311			574	
6315	105					
6316	105	255			1803	
6317	105				111	
6318	105					
6319	105	311				C209
6319-S			524	524	1062, 1245, 1321	C209
6320	105					
6321	105					
6322	105					
6323	105	270			574	
6324	106	255	386			
6324-S			386, 387			
6324-SE				390	1803	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6325	106					
6326	106	146	333	333	787, 803, 878	C69
6327	106					
6328	106	270				
6329	106	293			574	
6330	106					
6331	106	294, 660	1071			
6331-S2			1071			
6331-S2E				1074	1804	
6332	106					
6333	106					
6334	106	284			574	
6335	106					
6336	106	284			574	
6337	106					
6338	106					
6339	107	302			304	
6340	107	294			574	
6341	107	294				
6342	107	255, 311	404			
6342-S2			404	404	1803	
6343	107					
6344	107					
6345	107					
6346	107	264, 318			574	
6347	107					
6348	107					
6349	107	231			574	
6350	107					
6351	107	228, 319			574	
6352	107					
6353	108					
6354	108	284, 319	522	522	1803	
6355	108	294, 319			574	
6356	108	294			574	
6357	108	163	362	362	1062, 1245, 1321	C70
6358	108	284	547		289	
6358-S			547	547	1803	
6359	108	284	339	339	1309, 1312, 1534, 1784,	C258
6360	108					
6361	108	250, 294			574	
6362	108	264			574	
6363	108	228	350	350	1803	
6364	108	284			574	
6365	108	284			574	
6366	108	270				
6367	108					
6368	109					
6369	109	294				
6370	109	285	339	339	1803	
6371	109	302				
6372	109					
6373	109					
6374	109	222, 294	447	447	787, 803, 878	C259
6375	109					
6376	109					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6377	109					
6378	109	228			110, 111	C315
6378-S			530, 531, 537		537	C315
6378-SE				537	787, 803, 878	C315
6379	109					
6380	109					
6381	109					
6382	109	255, 319				
6382-S2			517	518	1803	
6383	110	250	356	356	949, 1244, 1321	C160
6384	110					
6385	110	285, 319			378, 574	
6386	110	270			574	
6387	110					
6388	110					
6389	114					
6390	114					
6391	114					
6392	114	275	331		277	C210
6392-S			331	331	949, 1244, 1321	C210
6393	114	294				
6394	114	295			299	
6395	114					
6396	114					
6397	115	156, 285	385			C260
6397-S			385	385	1312, 1314, 1535, 1784	C260
6398	115					
6399	115					
6400	115	285, 319			574	
6401	115	295				
6402	115	255			574	
6403	115	270	336	336	1803	
6404	115	285, 319	498			C316
6404-S			498, 500			C316
6404-SE				501	1132, 1133, 1443, 1444, 1444, 1604, 1783	C316
6405	115	222, 320			574	
6406	115	163			574	
6407	115	285			574	
6408	115	136, 255, 295	540			
6408-S			540	540	1803	
6409	115	275	337			C211
6409-S			337	337	787, 803, 878	C211
6410	115					
6411	115	285, 320			574	
6412	116					
6413	116	275				
6414	116	275			574	
6415	116	275	449			C99
6415-S			449	449	1062, 1245, 1321	C99
6416	116	276				
6417	116	311	496	496	1425, 1432, 1433, 1604, 1783	C161
6418	116	250			574	
6419	116	285, 320				C317
6419-S			520		520	C317

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6419-SE				521	1062, 1245, 1321	C317
6420	116	163	337	337	1433, 1434, 1435, 1604, 1783	C162
6421	116	271	346			C212
6421.E				346	878, 890, 948	C212
6422	116	250, 320			574	
6423	116	264	547	548	949, 1244, 1321	C71
6424	116					
6425	116	286, 320			574	
6426	117					
6427	117					
6428	117	286				
6429	117	312	385			C261
6429-S			385	385	1237, 1238, 1239, 1532, 1534	C261
6430	117	256, 320	411	411	1062, 1321	Vetoed
6431	117					
6432	117	256	406			
6432-S			406			
6432-SE				406	1803	
6433	117					
6434	117					
6435	117					
6436	117					
6437	117					
6438	117					
6439	117					
6440	118	295	390		299	C213
6440-S			390			C213
6440-SE				392	1101, 1102, 1481	C213
6441	118					
6442	118	295	497			C318
6442-S			497			C318
6442-SE				498	1314, 1316, 1535, 1784	C318
6443	118	286				
6444	118	286			574	
6445	118				118	
6446	118					
6447	118	302			136	
6448	118					
6449	120	286			574	
6450	120	256, 295			257, 574	
6451	121					
6452	121					
6453	121					
6454	121					
6455	121	251	361			
6455-S			361, 362	362	361, 1803	
6456	121					
6457	121	271				
6458	121				136	
6459	121					
6460	121					
6461	121					
6462	121					
6463	121					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6464	121	136, 231			574	
6465	121					
6466	122	312			574	
6467	122					
6468	122	222	281	281	1803	
6469	122				136	
6470	122	295			574	
6471	122					
6472	122	286				
6473	122	228	381			C100
6473-S			381			C100
6473-SE				381	1102, 1481	C100
6474	122					
6475	122	146, 312			574	
6476	122	296, 321	454			C319
6476-S			454	454	949, 1244, 1321	C319
6477	122					
6478	122	264, 321				C320
64782			496			C320
6478-S2			496	497	1265, 1487, 1488, 1604, 1783	C320
6479	122	286			123, 574	
6480	122	302	328	328	1803	
6481	123	231			574	
6482	123	302				
6483	123	302	548			C321
6483-S			548	548	878, 890, 948	C321
6484	123	146				
6485	123	256			574	
6486	123	276				
6487	123	264			574	
6488	123	296, 321	409			
6488-S			409	409	1803	
6489	123	163, 296			574	
6490	123					
6491	123					
6492	136	222	236			C2
6492-S			236, 242, 243, 244, 245, 246, 247			C2
6492-SE				252	248, 252, 299, 300(P), 304	C2
6493	136	312	425	426	878, 890, 948	C72
6494	136	296			574	
6495	137	286, 321	379		289	C322
6495-S			379	379	878, 890, 948	C322
6496	137					
6497	137	640				
6498	137					
6499	137	302	350			C323
6499-S			350	350	1062, 1245, 1321	C323
6500	137	286	357			C73
6500-S			357	357	787, 803, 878	C73
6501	137	296	495			
6501-S			495	496	1803	
6502	137					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6503	137					
6504	137	276			574	
6505	137	303			574	
6506	137					
6507	137	287	334	335	1440, 1604, 1783	C262
6508	138					
6509	138					
6510	138					
6511	138	303, 321			574	
6512	138	287				
6513	138	303			574	
6514	138	156, 276			574	
6515	138	276, 321	416, 813		417, 551, 813	C263
6515-S2			813			C263
6515-S2E				818	1788, 1789, 1802, 1803	C263
6516	138					
6517	138					
6518	138	296, 322	413			Vetoed
6518-S2			413, 414			Vetoed
6518-S2E				415	1439, 1604, 1783	Vetoed
6519	138					
6520	138					
6521	138	287, 322	380			C353
6521-S			380	380	949, 1244, 1321	C353
6522	138					
6523	143	276			574	
6524	143					
6525	143					
6526	143	287	386			C264
6526-S			386	386	787, 803, 878	C264
6527	143	296				
6528	143	296, 322	495			C324PV
6528-S2			495	495	949, 1244, 1321	C324PV
6529	143					
6530	143					
6531	143	276	546			
6531-S			546	546	1803	
6532	143					
6533	143					
6534	143	264, 322	756			C354
6534-S			756			C354
6534-SE				761	1789, 1793, 1794, 1802, 1803	C354
6535	143					
6536	144	163, 287			574	
6537	144	296	331	331	1803	
6538	144					
6539	144					
6540	147	303, 322	403			C355
6540-S			403			C355
6540-SE				404	949, 1244, 1321	C355
6541	147					
6542	147	287				
6543	147					
6544	147					
6545	147	276, 322			574	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6546	147					
6547	147	303				
6548	147					
6549	147					
6550	147					
6551	147	287, 322	509	509	509, 787, 803, 878	C325
6552	147	271			574	
6553	147	163, 264, 312			163, 574	
6554	148	264				
6555	148					
6556	148	287, 323	380	380	1803	
6557	148	287			289, 574	
6558	148					
6559	148	288				
6560	148	297, 312			574	
6561	148	288, 323	446			C326
6561-S2			446	446	1234, 1235, 1532, 1534	C326
6562	148					
6563	148	303			574	
6564	148	288				
6565	148	312	426	426	1228, 1229, 1532, 1534	C163
6566	148	276			574	
6567	148	288	357	357	1062, 1245, 1321	C74
6568	157					
6569	157					
6570	157	303, 323			229	C327PV
6570-S					1235, 1237, 1532, 1534	C327PV
6571	157					
6572	157					
6573	157					
6574	157	277, 312	501			C214
6574-S			501			C214
6574-SE				501	1316, 1318, 1535, 1784	C214
6575	157					
6576	157					
6577	157	288			574	
6578	157	297			574	
6579	157					
6580	158	312	426	426	1803	
6581	158					
6582	158	231	530	530	1803	
6583	158					
6584	158	297			574	
6585	158	297				
6586	158	313				
6587	158	323				
6588	158				229	
6589	158					
6590	158					
6591	158	297, 323			229	
6591-S2					1803	
6592	158	232, 277				C215
6592-S			524			C215
6592-SE				525	1222, 1532, 1534	C215
6593	158					
6594	158					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6595	158					
6596	164					
6597	164					
6598	164					
6599	164	297			574	
6600	164				229	
6601	164	323				
6601-S					1108	
6602	164					
6603	164					
6604	164					
6605	164	297	356			
6605-S			356	356	1803	
6606	164	313				
6606-S					1108	
6607	165	304			574	
6608	165					
6609	165					
6610	165	304			574	
6611	223	297				
6612	223					
6613	223	297	428			C216
6613-S			428	429	1307, 1532, 1534	C216
6614	223					
6615	223					
6616	223					
6617	224	288				C217
6617-S			529			C217
6617-SE				530	1318, 1319, 1320, 1535, 1784	C217
6618	224					
6619	224					
6620	224					
6621	224					
6622	224	298				
6623	224	271	329	329	271, 1435, 1437, 1437, 1604, 1783	C265
6624	224					
6625	224					
6626	224	288, 324	506			C328
6626.E				507	1437, 1604, 1783	C328
6627	224					
6628	229	298				
6628-S			477, 479, 480		619	
6629	229					
6630	229	288			574	
6631	229	288				
6632	229	313	496			C164
6632-S			496	496	1107, 1481	C164
6633	229					
6634	229				251	
6635	232	298			574	
6636	232					
6637	232					
6638	232	298, 324	486			
6638-S			486, 492			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6638-SE				494	1803	
6639	232	264				
6640	232					
6641	232	298	538			C266
6641-S			538			C266
6641-SE				540	1262, 1265, 1488, 1490, 1490, 1604, 1784	C266
6642	232					
6643	233	277	357	357	1803	
6644	233					
6645	233					
6646	233	304, 306			251, 574	
6647	233					
6648	233	304			251	
6649	233	288				
6650	233					
6651	233	298			574	
6652	233					
6653	251					
6654	251	656				
6655	251					
6656	251	277, 324			574	
6657	251					
6658	257					
6659	257					
6660	257	298	394			C218
6660-S			394	394	1223, 1226, 1227, 1532, 1534	C218
6661	257					
6662	257					
6663	265	289, 324	484			C267
6663-S			484	485	878, 890, 948	C267
6664	265					
6665	265					
6666	265					
6667	265					
6668	266	298, 324			574	
6669	266					
6670	266	299	358			C75
6670-S			358	358	787, 803, 878	C75
6671	266	299				
6672	271					
6673	272					
6674	272					
6675	272					
6676	277	313	434		277	
6676-S			434	434	1803	
6677	289					
6678	289					
6679	289					
6680	289					
6681	300					
6682	307					
6683	307					
6684	307					
6685	307					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6686	307					
6687	314					
6688	342					
6689	372					
6690	556	660	1454, 1459, 1464		1463, 1464	C165
6690.E				1464	1575, 1576, 1603, 1783	C165
6691	556					
6692	572					
6693	585					
6694	658					
6695	658					
6696	677					
6697	787					
6698	787					
6699	944					
6700	1440					
6701	1440					
6702	1440					
6703	1801					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8001					574
8002		264			24, 574
8006		304			24, 574
8008					24
8014			113	113	1803
8016		232			574
8017	110	304	501		
8017-S			501	501	1062, 1245, 1321
8018	118	256			574
8019	149	304			574
8020	224				
8021	300				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8206					24
8211		313			
8212			521		
8212.E				521	949, 1244, 1321
8215	110				
8216	257				
8217	272				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8218	289				
8219	944				

HISTORY OF SENATE CONCURRENT RESOLUTIONS BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8403					24
8405					574
8411			24		23, 24, 120
8412	397				
8413	1801		1802		1802
8414	1802		1802		1802

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8656	Senate organized, ready	8
8657	Senate rules	8
8658	Military spouses, caregivers	110
8659	Amending Senate Rule 49	136
8660	Dr. Martin Luther King, Jr.	135
8661	Lunar New Year	149
8662	Year of the periodic table	159
8663	Holocaust remembrance day	225
8664	Indian Americans	226
8665	Resolution Washington	230
8666	Washington FFA	568
8667	Navy day	234
8668	Human trafficking awareness	252
8669	Dave Boyer	258
8670	Womens' right to vote	344
8671	Dairy industry	278
8672	Building Industry Assoc.	300
8673	Ronald Reagan	290
8674	George R. Nethercutt, Jr.	314
8675	Keith Cotton	308
8676	Liberia	626
8677	15th Amendment	325
8678	Japanese American internment	514
8679	Washington Farm Bureau	586
8680	Congressman Dennis Heck	396
8681	League of Women Voters	376
8682	Commercial fishing fleet	561
8683	Children's day	395
8684	Chinese Americans	446
8685	Apple blossom festival	580
8686	Civic education day	569
8687	Agricultural producers	628
8688	Daffodil festival	575
8689	Tahoma HS/We the People	585
8690	ADA anniversary	581
8691	Schools/performance	575
8692	David Earling	581
8693	Ronald J. Shurer II	627
8694	Nikki Kuhnhausen	851
8695	Poland/United States	628
8696	Sikh American community	648
8697	Women in Cloud Initiative	626
8698	Motorcycle safety awareness	627
8699	Don Kardong	659
8700	Claire Beach	629
8701	Marshall Islands testing	630
8702	Healthy practices/flu	660
8703	Indian Boarding Schools	659
8704	Ken Jennings	678
8705	Justice Rosselle Pekelis	788
8706	Deputy Cooper Dyson	945
8707	National Donate Life Month	788
8708	James R. Ellis	1061
8709	Ronald Main	1108
8710	Hunter Goodman/blood drive	1465
8711	Senate business/interim	1801

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1009-S	372	621			348, 1108, 1804	
1010-S	224	562			164, 1804	
1023-S.E	144	577	824, 825	825	120, 1248, 1481, 1532	C220
1056.E2	144	582	717	717	120, 949, 1001	Vetoed
1058.E	233				229, 1804	
1061	563				555, 1804	
1079	372	621			348, 1804	
1110-S2.E	257	582			251, 1804	
1154-S	440	660	1052, 1597	1052, 1599	397, 1052, 1597, 1599, 1794, 1802	C221
1165	233	648	717	717	229, 949, 1001	C9
1182-S2	511	648	801	802	448, 802, 1250	
1187.E	372	570	721	721	349, 949, 1001	C166
1191-S2	511	648	803, 804, 807	808	448, 808, 1248, 1481, 1532	C167
1201	397	621, 660			377, 1804	
1242	397	582			377, 1804	
1251-S	266	570	845, 846	847	257, 847, 1107, 1248, 1425	C101
1255-S	372	661			348, 1108, 1804	
1256-S	556	661			555, 1804	
1261-S.E	372	582	858, 859	859	349, 1060, 1106	C10
1264-S.E	144	648			120, 1804	
1272-S2.E	144	649, 661			120, 1108, 1804	
1278	372				348, 1804	
1293-S	372	570, 661	1067	1068	348, 1248, 1425	C268
1304-S2.E	165				157, 1804	
1332-S.E2	233	583			229, 1108, 1804	
1347	372	656	872	872	348, 1060, 1106	C11
1368	266	640, 674	1109	1110	257, 1110, 1480, 1590, 1783	Vetoed
1390.E	572	661	1014	1014	563, 1014, 1133, 1320, 1534, 1588	C329
1422-S.E	159	640, 661			143, 1804	
1503-S2.E	556	640			454, 1804	
1504-S3	556	640	721	737	555, 1440, 1534, 1588	C330
1520-S.E	233	570	721	721	229, 949, 1001	C12
1521-S2.E	300	570, 674	890, 893	894	289, 893, 1248, 1481, 1532	C269
1540-S3			721		737	
1551-S.E	372	577	748	749	349, 949, 1001	C76
1552.E	556	649	1050, 1051	1051	454, 1248, 1481, 1532	C4
1565-S.E2	144				120, 1804	
1590	563	640	959	960	555, 960, 1248, 1481, 1532	C222
1598-S.E	398				377, 1804	
1608-S.E	556	577	808	808	454, 1060, 1106	C102
1622-S.E	257	570, 661	873	876	251, 876, 1107, 1248, 1425	C168
1633-S2	398				377, 1804	
1645-S2	511	621, 656	1024	1025	448, 1249, 1425	C270

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1651-S2	511	649	823	823	448, 1060, 1106	C271
1659-S2	556				555, 1804	
1660-S3	373	649	763	763	348, 1060, 1106	C13
1661-S2	398	662	1036, 1481	1041, 1487	377, 1041, 1481, 1486, 1590, 1783, 1783	C103
1674	266				257, 1804	
1687.E	373	562	619	619	349, 716, 717	C3
1694.E	556	640	777, 779, 780	780	454, 780, 1107, 1248, 1425	C169
1702	165	622	888	888	157, 1107, 1425	C104
1715-S	234	649			229, 1804	
1733-S2	563				555, 1804	
1750	373	562	619	620	348, 716, 717	C14
1754-S.E	556	649	749, 755	755	454, 755, 1107, 1248, 1425	C223
1755	165	622	786	786	157, 1060, 1106	C15
1775-S3.E	557	622, 662	960, 961, 964, 970	971	555, 964, 1320, 1534, 1588	C331
1783-S2.E	159	622, 662	894, 897, 900, 901	902	143, 897, 1248, 1481, 1532	C332PV
1793-S.E	266	662	1063	1066	257, 1066, 1248, 1481, 1532	C224
1808-S	1218	1246	1449	1450	1107, 1450	
1813-S.E	266	649, 662			257, 1108, 1804	
1826-S	144	641			120, 1804	
1829	165	232			157, 1804	
1841	266	583	1056, 1057, 1058, 1059	1060	257, 1025, 1057, 1058, 1320, 1534, 1588	C170PV
1847-S	266	277	1052	1052	257, 1249, 1425	C105
1853-S2	440	641			397, 1804	
1860-S2.E	572				563, 1804	
1888-S2	440	622, 662	840, 841	842	394, 842, 1248, 1481, 1532	C106
1894.E	440	649			439, 1804	
1948.E	165	662	1066	1067	157, 1067, 1320, 1534, 1588	Vetoed
1952	266				257, 1804	
1983	373	650			348, 1108, 1480, 1804	
2008.E	373	622	871		349, 716, 871, 1108, 1804	
2013	563	663			555, 1804	
2013: 1108						
2017-S	398	577, 663	829	829	377, 1060, 1106	C77
2032-S	658	1246			639, 1804	
2033	234				229, 1804	
2036-S.E	557	650			454, 1804	
2040.E	557	650	755	756	555, 756, 1107, 1248, 1425	C225
2050-S2.E	573	663			563, 1108, 1804	
2051	165	656	1029	1036	157, 1036, 1248, 1481, 1532	C107
2066-S2	557	641, 663	824	824	555, 1060, 1106	C16

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2085-S.E	573	663			563, 1804	
2092	557				555, 1804	
2099-S.E	144		912	917	120, 917, 1107, 1248, 1425	C5
2109	373	650	717	717	348, 949, 1001	C17
2110	511	650			448, 1108, 1804	
2116-S.E	573	641, 663	876, 877, 1445	878, 1446	563, 878, 1444, 1445, 1446, 1534, 1783, 1783	C226
2138-S.E	557				555, 1804	
2155-S	563				555, 1804	
2166.E	573	663			563, 1108, 1804	
2187-S	563	663			555, 1804	
2188.E	440	664	993	993	439, 1249, 1425	C78
2189	373	657	1450	1450	348, 1534, 1588	C108
2197	440	664			397, 1804	
2200-S	398				377, 1804	
2205-S	564	641	738	738	555, 949, 1001	C18
2216	573					
2216.E					563, 1804	
2217	373	650	903	903	348, 1107, 1425	C171
2218	373				348, 1804	
2220-S.E	573	650			563, 655, 1804	
2228.E	557	562, 622, 664			555, 1804	
2229	373	622	945	946	348, 1249, 1425	C109
2230	398	571, 664	871	872	377, 1248, 1481, 1532	C272
2231-S.E	398	641	810, 811	811	377, 811, 1107, 1248, 1425	C19
2242	373	664	1588	1588	348, 1108, 1480, 1783, 1783	C110
2244-S	557	664			555, 1108, 1804	
2246-S	564	641	954	954	555, 1249, 1425	C20
2248-S.E	658	1246	1466, 1478	1479	648, 1478, 1590, 1783, 1783	Vetoed
2250-S	373	650	1054	1054	348, 1249, 1425	C172
2251	566	650	719	719	555, 949, 1001	C21
2252	440	622			397, 1804	
2259	511	577	739	739	448, 949, 1001	C22
2265-S.E	440	583	872	873	439, 1060, 1106	C23
2266	373	577	738	739	348, 949, 1001	C111
2271	373	664	994	994	348, 1249, 1425	C24
2277-S2	398	622, 664	917	918	377, 1107, 1425	C333
2287-S	374	665			348, 1108, 1804	
2295-S	567	642	821	821	555, 1060, 1106	C25
2302-S	398	642, 665	971	983	377, 983, 1248, 1481, 1532	C227
2305	440	642			394, 1108, 1804	
2306-S	441				397, 1804	
2308-S	511	583, 665	930	931	448, 1107, 1425	C334
2310-S2	441				397, 1804	
2311-S2.E	441	583, 665	887	888	439, 1107, 1425	C79
2315	374	562	821	822	348, 822, 1107, 1248, 1425	C112
2318-S.E	398	642	789	796	377, 795, 1107, 1248, 1425	C26

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2319	557	583			555, 1804	
2320-S	374	642	1049	1050	348, 1050, 1794,	
2322-S.E			678, 714, 715	715	657, 715, 1229, 1531, 1532, 1534, 1783, 1783	C219PV
2326-S	441	623			394, 1804	
2327-S.E	398	623, 665	983	986	377, 986, 1248, 1481, 1532	C335
2338-S	512	650	1056	1056	448, 1249, 1425	C228
2340	374	657			348, 1804	
2342-S.E	573	642, 665	1001	1001	563, 1248, 1481, 1532	C113
2343-S	441	651	780, 785	785	397, 785, 1107, 1248, 1425	C173
2345	441				394, 1804	
2347	441				397, 1804	
2348	374				349, 1804	
2352	557	666			555, 1804	
2353-S	557	666			555, 1108, 1804	
2356-S	567				555, 1804	
2359-S	512				448, 1804	
2374-S	374	623	949	950	349, 950, 1248, 1481, 1532	C174
2378-S	441	577	720	720	397, 949, 1001	C80
2380	441	571, 666	1036	1036	394, 1249, 1425	C336
2384-S	512	623, 666	919	921	448, 921, 1107, 1248, 1425	C273
2386-S					555	
2386-S2	441	642, 666			394, 1804	
2388-S	441	623			397, 1804	
2390	512	642	745, 747	747	448, 745, 747, 949, 1001	C274
2393-S	399	642	798, 799, 800	800	377, 800, 1248, 1481, 1576	C275
2394-S	399	623	796, 798	798	377, 798, 1248, 1481, 1576	C276
2396	512	642			448, 647, 1804	
2400-S	442	643			397, 445, 1804	
2402	374	623	764, 770	771	349, 625, 771, 1107, 1248, 1425	C114
2405-S2.E	557	643, 666	854, 858	858	555, 858, 1107, 1248, 1425	C27
2409-S	557	643	879	880	555, 879, 880, 1248, 1481, 1576	C277
2411-S.E	374	578	739	739	349, 949, 1001	C229
2412	557	583	955, 956	958	555, 1248, 1481, 1576	C230
2416	558	643	720	720	555, 949, 1001	C81
2417-S	399	623	820	820	377, 820, 1060, 1106	C82
2419-S	442	623, 666	934	935	394, 1107, 1425	Vetoed
2421-S.E	399	667	847	849	377, 401, 849, 1440, 1534, 1588	C337
2426-S	442	643, 667	990, 993	993	394, 555, 993, 1248, 1481, 1576	C115
2427-S.E	442				439, 1804	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2440.E	573	667			563, 1804	
2441-S	442	624, 667	918	919	394, 918, 1534, 1783, 1783	C338
2442	558	643, 667			555, 1804	
2443-S.E	442	578			1804	
2448-S	442	643	808	809	394, 555, 1060, 1106	C278
2449	374	643	832, 833	840	349, 840, 1107, 1248, 1425	C83
2455-S.E	399	651, 667	902	902	377, 1107, 1425	C339
2456-S	399	571, 668	902	903, 1250	377, 902, 1250, 1481, 1576	C279
2457-S2	512	651, 668	1008, 1010	1010	448, 1010, 1248, 1481, 1576	C340
2458	512	668	1042, 1044	1044	448, 1044, 1320, 1534, 1588	C231
2461.E	558				454, 1804	
2464-S	512	651	1055	1056	448, 1056, 1248, 1481, 1576	C116
2467-S2.E	399	644, 668	933, 934	934	377, 1107, 1425	C28
2471-S.E	442				1804	
2473-S	374	644	745	745	349, 949, 1001	C29
2474	442	583	746	747	397, 949, 1001	C84
2476-S	374	562	738	738	349, 376, 949, 1001	C30
2477	567				555, 1804	
2483-S	558	644	822	822	555, 1060, 1106	C117
2484	399				377, 1804	
2486-S	1440	1533	1595	1597	1307, 1597, 1794, 1802	C341
2491	442	668	1029	1029	397, 1249, 1425	C118
2497	442	651	771	776	397, 776, 1107, 1248, 1425	C280
2498-S	512				448, 1804	
2499-S2	558	644, 668	1019, 1024	1024	555, 1024, 1320, 1534, 1588	C119
2501.E	558	668			555, 1108, 1804	
2505	1218	1247	1450	1450	1107, 1534, 1588	Vetoed
2508	374	562	746	746	349, 949, 1001	C31
2511-S	558	644	925, 929, 930	930	555, 647, 930	
2512	442	624	716	716	397, 949, 1001	C175
2513-S2	512	651, 674	999, 1000	1000	448, 1000, 1320, 1534, 1588	C281
2518-S2.E	443	583	883	883	439, 1107, 1425	C32
2524	567	651	811, 812	813	556, 813, 1107, 1248, 1425	C176
2525-S	399	571, 669	822	823	377, 1060, 1106	C33
2527-S	374	624	762	762	349, 762, 1107, 1248, 1425	C34
2528-S2		571				C120
2528-S2.E	443	669	883	885	439, 885, 1248, 1481, 1576	C120
2535-S.E	443	644	718	718	439, 718, 1107, 1248, 1425	C177
2540	558				555, 1804	
2542	399	624, 657			377, 1108, 1804	
2543-S	399	651, 674	997	999	377, 999, 1248,	C232

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					1481, 1576	
2544-S	399	669	1007	1007	377, 1249, 1425	C178
2545	375	624	1053	1053	349, 1248, 1481, 1576	C282
2551-S.E	375	571	761	762	349, 1060, 1106	C35
2554-S	512	578, 669	932	933	448, 933, 1320, 1534, 1588	C283
2555-S	558	644, 669	1046	1046	555, 1249, 1425	C36
2556-S	400	652, 674	947	947	377, 1249, 1425	C342
2565-S.E	443	624	852, 854	854	439, 852, 854, 1107, 1248, 1425	C121
2567-S	512	644	800	801	448, 1060, 1106	C37
2571-S.E	443	571	747	747	439, 949, 1001	C38
2575-S.E	573	652			563, 1804	
2576-S.E	558	624	763	763	454, 1060, 1106	C284
2579	375	624	946	946	349, 1249, 1425	Vetoed
2580	558	644			555, 1804	
2584.E	443	571, 669	931	932	931, 1248, 1481, 1576	C285
2587	375	578, 652, 669	1044, 1045	1046	349, 1046, 1248, 1481, 1576	C286
2588-S.E	573	645	869	871	563, 871, 1107, 1248, 1425	C179
2589-S	375	571	739	740	349, 949, 1001	C39
2596	558	645, 674			555, 1108, 1804	
2599	558	645	745	745	555, 949, 1001	C122
2601	558	584, 670	885	886	555, 886, 1248, 1481, 1576	C123
2602	375	562	789	789	349, 1060, 1106	C85
2607-S	559	670	912	912	555, 1107, 1425	C124
2610.E	443	652			439, 1108, 1804	
2613-S	443	578	810	810	397, 1060, 1106	C86
2614-S	400	624	810, 859	869	377, 810, 859, 869, 1060, 1106	C125
2617	559	578	776	776	555, 1060, 1106	C40
2619	400	652, 670	823	823	377, 1060, 1106	C343PV
2621-S	443				394, 1804	
2622-S	400	645	1046	1049	377, 1049, 1248, 1481, 1576	C126
2623.E	559	645			555, 1108, 1804	
2624	400	652	946	946	377, 1249, 1425	C180
2625-S.E	443	670			439, 1804	
2629-S.E	443	645			439, 1804	
2632-S	375	563	740, 1250	744, 1255	349, 744, 1250, 1255, 1480, 1590, 1783	C344
2634-S	513	625, 1247	1450	1451	448, 1534, 1588	Vetoed
2638-S.E	400	578, 670	935, 939, 940, 942	943	377, 939, 940, 941, 942, 943, 1107, 1248, 1425	C127
2640	375	563	809	810	349, 809, 1248, 1481, 1576	C128
2641	559	670	994	995	555, 994, 1248, 1481, 1576	C181
2642-S.E	443	645, 670	986	989	555, 989, 1320, 1534, 1588	C345

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2645-S.E	444	584, 671	1068	1070	439, 1070, 1440, 1534, 1588	C287PV
2660-S.E	559	652, 671	903	907	454, 907, 1320, 1534, 1588	C288
2662-S2.E	573	652, 671	950, 954	954	563, 954, 1248, 1481, 1576	C346
2664	375	645			349, 1108, 1804	
2669	567	671	1002, 1006	1006	556, 1006, 1440, 1534, 1588	C129
2673-S	513	652	785	785	448, 1060, 1106	C87
2676-S.E	573	671	1054, 1055	1055	563, 1055, 1440, 1534, 1588	C182
2677	444	625	720	720	397, 949, 1001	C183
2680	559	652, 671			555, 1804	
2682	567	645	737	738	556, 949, 1001	C41
2684-S	400	671			377, 1804	
2687.E	559				454, 1804	
2691	400	578, 672	830, 832	832	377, 832, 1248, 1481, 1576	C289
2701	375	584	852	854	349, 854, 1107, 1248, 1425	C88
2710	513				448, 1804	
2711-S	400	578, 657	907, 1446	909, 1448	377, 909, 1446, 1448, 1534, 1783, 1783	C233
2712-S	559	653			555, 1804	
2713-S.E	444	625, 672	888	890	439, 890, 1249, 1481, 1576	C290PV
2714-S	444	653			397, 1108, 1804	
2722-S.E	400	645, 672	921, 924, 925, 1256, 1259	925, 1259	377, 925, 1255, 1256, 1259, 1480, 1590, 1783	Vetoed
2723-S.E	574	672	1441	1442	563, 1534, 1588	Vetoed
2725-S	400	646			377, 1805	
2728-S	444	571, 672	1011	1013	397, 1013, 1440, 1534	C291
2729-S					1588	
2730-S	400	653			377, 1805	
2731-S.E	559	646, 672	1002	1002	555, 1249, 1425	C347
2737-S2	444	646, 672	909	911	394, 555, 911, 1480, 1590, 1783	C130
2739	513	625	1014, 1015, 1017, 1260	1019, 1262	448, 1017, 1259, 1260, 1262, 1440, 1534, 1588	C6
2747	567				556, 1805	
2749	567	673			556, 1805	
2755.E	559	653	858	858	454, 1060, 1106	C131
2757	567				556, 1805	
2758-S	559	584	946	947	555, 1249, 1425	C234
2762	401	646	747	747	377, 949, 1001	C42
2763	444	646, 673	995	995	397, 1249, 1425	C89
2768-S	444	653, 675			397, 1108, 1805	
2772-S	559	653			555, 1108, 1805	
2773-S	567				556, 1805	
2775-S.E	574	579			563, 1108, 1805	
2783-S.E	559	646	824	824	555, 1060, 1106	C43

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2785-S	560	646	745	746	555, 949, 1001	C44
2786-S.E	444	675			439, 1805	
2787-S	401	572, 657	1066	1066	377, 1248, 1425	C90
2789-S	513	646			448, 1805	
2792.E	560	646	746	746	555, 949, 1001	C45
2793-S2	513	646, 675	1026	1029	448, 1028, 1320, 1534, 1588	Vetoed
2794-S	567	625	825, 828	828	556, 828, 1249, 1481, 1576	C184
2797.E	444	653, 1247	1604, 1606	1606	439, 1606, 1802	Vetoed
2803-S	560	673	842, 843, 844	883	555, 845, 882, 882, 1107, 1425	C132
2804-S.E	944				878, 1805	
2809	401				377, 1805	
2811.E	375	579	958	959	349, 959, 1320, 1534, 1588	C292
2816-S.E	560	653	995, 996	997	555, 996, 1599, 1794, 1802,	C235
2819.E	560	584	1025	1025	555, 1249, 1425	C46
2825-S.E	1440				1320, 1805	
2826	560	584, 673	1013	1014	555, 1249, 1425	C133
2833	567	647	948	948	556, 1249, 1425	C47
2836-S	567				556, 1805	
2837	567	654	763	763	556, 1060, 1106	C48
2848	401	647, 1247	1451	1452	377, 1452, 1534, 1783, 1783	Vetoed
2849-S.E	444	654			439, 1805	
2850					1108	
2853	560	654, 675	930	930	555, 1107, 1425	C49
2858	560	647	947	948	555, 1249, 1425	C134
2860	560	654	947	947	555, 1249, 1425	C50
2864-S2	401	654, 675	911	911	377, 1107, 1425	C348
2865-S	401				377, 1805	
2867	568				556, 1805	
2868-S	401	584	744	745	377, 949, 1001	C91
2870-S2.E	445	584	1110, 1111, 1116	1116	439, 1111, 1116, 1440, 1534, 1588	C236
2873-S	401	572	719	719	377, 949, 1001	C51
2879-S.E	574	647			563, 1108, 1805	
2880-S.E	658				648, 1805	
2883-S	445	647	719	719	394, 555, 949, 1001	C185
2889-S	560	647	990	990	555, 990, 1249, 1481, 1576	C135
2890-S.E	445	585			1108, 1805	
2896.E	560	654			454, 1805	
2903	658	1247	1479	1479	639, 1534, 1588	Vetoed
2905-S	445	572, 673	1006, 1007	1007	397, 1007, 1320, 1534, 1588	C293
2906-S	560				555, 1805	
2919-S.E	574	654, 1247	1452	1453	563, 1453, 1534, 1783, 1783	Vetoed
2926	401	647, 675	1042	1042	377, 555, 1042, 1320, 1534, 1588	C294
2936-S	1249				1249, 1805	
2943	1218	1247	1479	1479	1107, 1534, 1588	Vetoed
2950-S	1218	1248	1606	1606	1107, 1802	C237PV

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2965.E	803		819, 1784, 1785, 1786	820, 1788	803, 1784, 1785, 1786, 1788, 1802	C7

HISTORY OF HOUSE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
4012	375	654			349, 1805
4014-S	445				394, 1805
4016	401	673			377, 1108, 1480, 1805

HISTORY OF HOUSE CONCURRENT RESOLUTIONS BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
4402	25		25		25, 89(P), 89
4403	25		25		25, 89(P), 89

CHAPLAIN OF THE DAY

Banks, Rev. Arthur C., Ph.D., Eastside Baptist Church, Tacoma.....	1107
Baughman, Mr. Aaron, Pastor, Lutheran Church of the Good Shepherd, Olympia.....	273
Bean, Mr. David, Chairman, Puyallup Tribe.....	944
Carr, Reverend Ms. Troy Lynn, Grace United Methodist Church, Seattle.....	133
Chamberlain, Ms. Jennifer, Celebrant, American Humanist Society, Bremerton.....	253
Clendenis, Reverend Evan, St. John's Episcopal Church, Olympia.....	119
Daly, Bishop Thomas, Cathedral of Our Lady of Lourdes, Spokane.....	440
Gear, Ms. Mary, Reverend, Olympia Unitarian Universalist Congregation.....	395
Goldstein, Rabbi Seth, Temple Beth Hatfiloh, Olympia.....	325
Habib, The Honorable Cyrus, Lieutenant Governor.....	1533
Haley, Captain Brian, Chaplain, Navy Region Northwest.....	231
Henriot, SJ, Father Peter, Director of Development, Loyola Jesuit Secondary School, Kasungu, Malawi.....	582
Holland, Father Michael, St. Leo's Parish, Tacoma.....	1
Kadden, Rabbi Bruce, Temple Beth El, Tacoma.....	94
Kherdrub, Mr. Gen Kelsang, Resident Teacher, Tushita, Kadampa Buddhist Center, Olympia.....	342
Knutson-Kelter, Mr. Doug, Pastor, Gloria Dei Lutheran Church, Olympia.....	372
Ly, Mr. Abdullah, Imam, Islamic Center, Olympia.....	850
Martin, Ms. Meg, Executive Director, Interfaith Works, Olympia.....	1465
McKinley, Ms. Carol, Reverend, Olympia Unitarian Universalist Congregation.....	621
Mohamedali, Brother Mustafa, Islamic Center, Olympia.....	221
Padden, Senator Mike, 4th Legislative District, Spokane Valley.....	1061
Passarelli, Ms. Ginger, Chaplain, Auburn Police Department.....	249
Redeemer, Mr. Malando, Minister, Shiloh Baptist Church, Tacoma.....	511
Rule, Mr. Chris, Assistant Pastor, Orting Community Baptist Church.....	145
Saldaña, Senter Rebecca, 37 th Legislative District, Seattle.....	160
Schtroks, Rabbi Yosef, Chabad Jewish Center, Olympia.....	787
Singh, Mr. Ish, Sikh Centre of Seattle.....	221
Singh, Mr. Sidhu, Gurdwara Sri Tegh Bahadur Sahib Ji, Kent.....	640
Suresh, Ms. Meera, Medina.....	221
The Navy Band Northwest Woodwind Quintet (accompaniment).....	231
Tyson, Most Rev. Joseph, Bishop, Diocese of Yakima.....	677
Watkins, Rev. Sue, First Presbyterian Church, Puyallup.....	1246

FLAG BEARERS

Ackley-Speights, Miss Avery.....	677
Alford, Miss Tessa.....	145
Bacon, Miss Abby.....	640
Bayer, Miss Ella.....	249
Bendickson, Mr. Matthew, Sons of the American Revolution.....	787
Bendickson, Mr. Michael, Sons of the American Revolution.....	787
Blakeslee, Miss Clara.....	511
Bradley, Miss Madison.....	249
Braunjames, Mr. Blake.....	1533
Broderson, Miss Karissa.....	850
Bunko, Cadet, Jr. ROTC, Rogers High School, Puyallup.....	621
Chea, Miss Malia.....	221
Christopherson, Mr. Cory.....	1061
Clark, Mr. Miles.....	1465
Conley, Mr. Tyler.....	253
Cook, Miss Claire.....	850
Crosby, Miss Montana.....	944
Davis, Mr. Sam.....	221
Dexter, Hospital Corpsman Third Class Harold.....	231
Dolan, Mr. Art, Sons of the American Revolution.....	787
Dubose, Miss Monee.....	1246
Eifert, Trooper, Washington State Patrol Honor Guard.....	1
Gallanger, Trooper, Washington State Patrol Honor Guard.....	1
Gedicke, Miss Abi.....	582
Gomez, Miss Natalie.....	1533
Gonzalez, Cadet, Jr. ROTC, Rogers High School, Puyallup.....	621
Gonzalez, Hospital Corpsman Third Class Daniel.....	231
Goodman, Cadet, Jr. ROTC, Rogers High School, Puyallup.....	621

Harnett, Mr. Rhys	640
Hayden, Miss Bre	1061
Henderson, Miss Sophie	1107
Jeffers, Miss Julie	582
Johnson, Mr. Jack	944
Johnson, Mr. Kaleb	119
Johnson, Mr. Logan	1107
Kleis, Mr. Dylan	372
Kropidowski, Miss Anna	342
Lee, Miss Chloe	511
Madan, Miss Dani	372
Maguire, Trooper, Washington State Patrol Honor Guard	1
Menzia, Mr. Waylon	160
Milgard, III, Mr. Max	94
Moore, Mr. Michael, Sons of the American Revolution	787
Mott, Miss Sarah	325
Mulliken, Mr. Samuel	1246
Naini, Mr. Darius	253
Negron, Miss Emily	1465
Neubauer, Miss Josephine	395
Orr, Miss Jaden	677
Repp, Mr. Derek	440
Roberts, Miss Betty	160
Ryu, Mr. John	273
Sahertian, Hospital Corpsman Second Class Jonathan	231
Scott, Mr. Alexander	133
Shock, Cadet, Jr. ROTC, Rogers High School, Puyallup	621
Sinha, Miss Ria	145
Sons of the American Revolution Color Guard	787
Sorensen, Miss Brooke	440
Sotomayor, Miss Madison	119
Spade, Mr. Riley	94
Stout, Miss Jamie	342
Tabbada, Hospital Corpsman Third Class Tom	231
Tarlach, Miss LouLou	395
Tobol, Trooper, Washington State Patrol Honor Guard	1
Vigil, Miss Sofia	133
Washington State Patrol Honor Guard	1
Waters, Miss Sri	273
Yi, Mr. Isaac	325
GUESTS	
A Brotherhood Against Totalitarian Enactments (ABATE), Washington	627
Adler, Ms. Laura, District Director, 10 th Cong. District	397
Albert, Miss Jorja, Pledge of Allegiance	273
Almvig, Ms. Danica, 4th grade teacher, Island View Elementary School, Anacortes	745
Amon, Mr. Aaron, Pledge of Allegiance	944
Anderson, Mr. Gordon, Family of	788
Anderson, Ms. Gena	788
Apple Blossom Royal Court, 2020	580
Banks, Mr. Isaiah, Seattle's Teen Summer Musical, Black National Anthem	133
Barker, Dr. Holly, Commissioner, Marshal Islands National Nuclear Commission	630
Barney, Miss Chloe, Pledge of Allegiance	119
Beach, Ms. Claire	629
Benson, Mr. Alec, Pledge of Allegiance	325
Bentley, Ms. Louise, State Legislative Officer, ABATE Washington	627
Boos, Ms. Cathy, American Sign Language Program Director, River Ridge High School, Lacey,	1
Boyer, Mr. Dave	258
Building Industry Association of Washington (BIAW)	300
Burton, Mr. Walter, Supreme Court Deputy Commissioner	788
Cantore, Ms. Victoria, Senate Counsel & child	344
Carlson, Ms. Susan, Washington State Supreme Court Clerk	788
Castro Luna, Ms. Claudia, Washington State Poet Laureate	1

Children and young guests of senators, Children's Day.....	395
Christopherson, Mr. Cory, Pledge of Allegiance.....	1061
Codington, Miss Jordan, Pledge of Allegiance.....	145
Coleman, Miss Sydney, Seattle's Teen Summer Musical, Black National Anthem.....	133
Compact of Free Association (COFA) Alliance National Network of Washington	630
Cushing, Mr. Toby	154
Daffodil Court 2020	575
Dairy Farmers of Washington	278
Danielson, Miss Julie, Pledge of Allegiance	582
Doriot, Mr. Tracey, First Vice President, BIAW.....	300
Dyson, Miss Hallie	945
Dyson, Mr. & Mrs. Brad and Casey	945
Dyson, Mr. Cooper, Family and friends	945
Dyson, Mr. Luke	945
Dyson, Mrs. Brittany	945
Earling, The Honorable David, Mayor Emeritus of Edmonds.....	581
Ellis, James R., Family and friends	1061
Ellis, Mr. & Mrs. Bob and Jean	1061
Enlet, The Honorable Joe, Consul General, Federated States of Micronesia.....	630
Erickson, Mr. & Mrs. Mark and Lynn.....	1061
Fernandez, Miss Rosario, Pledge of Allegiance	850
Franklin, The Honorable Ms. Rosa, former Senator.....	133
Fraser, The Honorable Ms. Karen, former Senator.....	344
Goodin, Mr. Fynn, Pledge of Allegiance.....	372
Gorrell, Mr. Andy.....	154
Gorrell, Mrs. Jeannie, Senate Counsel.....	344
Gould, Mr. Jon, COFA Alliance volunteer.....	630
Gray, Rear Admiral Scott, Commander, Navy Region Northwest	234
Haberman, Mr. Brad, 1st Vice President, Washington Farm Bureau	586
Halvorson, Mr. Garrett, Pledge of Allegiance	249
Heck, Mr. Bob.....	397
Heck, Mrs. Paula	397
Heck, The Honorable Denny, U.S. Congressman, 10 th District.....	395
Hepner, Miss Felecia, National Anthem.....	1533
Hubbard, Miss Lily, Pledge of Allegiance.....	160
Indelk Davis, Ms. Teresa, Honorary Consul of Poland in Seattle.....	628
Interns, Senate Civic Education Program	509
Irons, Mr. Joseph, Treasurer, BIAW	300
Island View Elementary School Fourth Grade classes, Anacortes	745
Jarbah, Mr. Joseph F., President, Liberian Association of Washington.....	626
Jennings, Miss Caitlin	678
Jennings, Mr. Dylan	678
Jennings, Mr. Ken, <i>Jeopardy!</i> champion.....	678
Jennings, Mrs. Mindy	678
Johnson, Reverend Richmond, Mount Zion Missionary Baptist Church, Bremerton.....	133
Johnston, Mr. Michael, Supreme Court Commissioner.....	788
Jones, Miss MacKenzie, Pledge of Allegiance.....	395
Kahn, Ms. Anna, Marshall Islands	630
Kendall, Mr. & Mrs. Randy and Reta.....	1108
Kilmer, Mrs. Jennifer, Director, Washington State Historical Society	344
Kilmer, The Honorable Derek, U.S. Congressman, 6 th District.....	344, 397
L.P. Brown Elementary, Olympia, Fifth Grade class	154
Lane, Mr. Greg, Executive Vice President, BIAW.....	300
Lang, Ms. Michelle, Seattle's Teen Summer Musical, Black National Anthem	133
LaPlant, Mr. Mike, President, Washington Farm Bureau.....	586
Lasinski, The Honorable Jaroslaw, Consul General, Consulate General of Poland in Los Angeles.....	628
Lawrence, Ms. Anne, 2nd Vice President, Washington Farm Bureau.....	586
Liberian Association of Washington	626
Liberty Middle School students, Camas	454
Lincoln, Mr. Peter, 4th grade teacher, Island View Elementary School, Anacortes	745
Liu, Mr. Chris, Director, Department of Enterprise Services	258
Lovelett, Miss Mirabel, daughter of Senator Lovelett	745

Luebbe Davidson, Mr. Skye, Pledge of Allegiance	677
Lund, Ms. Melissa, Kitsap County Parent Coalition Coordinator	581
Lustig, Mr. Seth, Pledge of Allegiance	440
Main, Mr. Ronald, Family and friends	1108
Main, Mr. Walt	1108
Main, Mrs. Sally	1108
Main, Ms. Bonnie	1108
Main, Ms. Lisa	1108
Marshall Island chorale, United Church of Christ, Everett	630
Martinez, Miss Isabella, Pledge of Allegiance	1246
McConnel, Miss Kayden, Pledge of Allegiance	1465
McCulloch, Miss Hailey, Pledge of Allegiance	94
Milne, Ms. Babea, Marshall Islands Elder	630
Nesbitt, Mr. Ryan, Self-advocate	581
Nesbitt, Ms. Kelly, mother of Ryan Nesbitt	581
Niemeyer, The Honorable Lucian, Acting Assistant Secretary, U.S. Navy for Energy, Installations & Environment	234
Nmah, The Honorable Gabriel, Deputy Director of the Liberian National Fire Service	626
Norland, Miss Kelly, Apple Blossom Princess 2020	580
Olson, Mr. Alexander, Pledge of Allegiance	511
Pah, Mr. Bill, Vice President, Liberian Association of Washington	626
Pastor, Mr. Paul, Pierce County Sheriff	945
Pekelis, Justice Rosselle, Family of	788
Pierce County Sheriff's Department	945
Polish Home Association Board members	628
Retman, Mr. Frank spouse of Justice Rosselle Pekelis	788
River Ridge High School American Sign Language Program, National Anthem	1
Roberts, Mr. Dallas, Dep. District Director, 10 th Cong. District	397
Rockey, Miss Emily, Alternate Washington State Dairy Ambassador	278
Sarber, Miss Hailey, Pledge of Allegiance	221
Schwab, Ms. Sherry, President, BIAW	300
Seattle Polish Foundation Board Members	628
Sholberg, Miss Kirstin, Pledge of Allegiance	1107
Siebert, Miss Lucy, Pledge of Allegiance	621
Singh, Mr. Amarjit, translator	640
Singh, Mr. Prabhsharan, Pledge of Allegiance	640
Smith, Ms. Ivanova, Self-advocate	581
Sparks, Miss Tess, Apple Blossom Queen 2020	580
St. Brendan Catholic School, Bothell	876
St. John, Miss Kaia, Apple Blossom Princess 2020	580
Stuhlmiller, Mr. John, Chief Executive Officer, Washington Farm Bureau	586
Tahoma High School, We The People Team, Maple Valley	585
Tarr, Mr. Preston, Secretary, Liberian Association of Washington	626
Teachman, Miss Kara, Alternate Washington State Dairy Ambassador	278
The Navy Band Northwest Woodwind Quintet, National Anthem	231
Thompson, Mr. Sam, Reporter of Decisions, Supreme Court	788
Tonnemaker, Ms. Patricia, 4th grade teacher, Island View Elementary School, Anacortes	745
U.S. Navy, Officers and Naval Personnel	234
VanWieringen, Miss Kayla, Washington State Dairy Ambassador	278
Vernon, Miss Sophia, Pledge of Allegiance	787
Washington Farm Bureau	586
Washington State Dairy Women	278
White, Miss Shelby, Miss Omak Stampede, 2020	630
Williams, Miss Ashleigh, Pledge of Allegiance	253
Wulfin, Ms. Gretchen, Teacher, We the People team, Tahoma High School, Maple Valley	585
Wyborne, Miss Lilly, Pledge of Allegiance	133
Wyman, The Honorable Kim, Washington Secretary of State	344
Zipperer, Mr. Daniel, Pledge of Allegiance	342
Zweig, Mr. Arnold, Auschwitz concentration camp survivor	225
JOINT SESSION	
Acre, Mr. Robert, Guest	91
Band And Choir Homeschool (B.A.C.H.) Musicians Choir, National Anthem	89
Chambers, Mr. Jayson, Guest	91

Christensen Gerchak, Mrs. Ginger, Co-Director, B.A.C.H. Musicians Choir, National Anthem.....	89
Evans, Dr. Kate, Director, WSU Tree Fruit Research & Extension Center, Guest.....	90
Gullett, Mrs. Julie, Co-Director, B.A.C.H. Musicians Choir, National Anthem.....	89
Jamal, Mr. Adam, Imam, Muslim Association of Puget Sound, Chaplain of the Day.....	90
Locke, The Honorable Gary, former Ambassador and Governor, Guest.....	90
Montoya-Lewis, The Honorable Raquel, State Supreme Court Justice, Guest.....	90
Nixon, Miss Brynna, Guest.....	90
Olofsdotter, Ms. Karin, Swedish Ambassador to the United States, Guest.....	90
Perkins, Ms. Olivia, Guest.....	91
State of the State Address.....	90
Washington State Patrol Honor Guard, Flag Bearers.....	89
Wright, Dr. Andre Denis, Dean, WSU College of Agriculture, Human & Natural Resource Sciences, Guest.....	90
MESSAGE FROM OTHER STATE OFFICERS	
Appointment of Senator Derek Stanford.....	2
Appointment of Senator Ron Muzzall.....	3
Reports to the Legislature.....	25, 163, 306, 1533
MESSAGE FROM THE GOVERNOR	
Gubernatorial Appointments.....	95, 141, 223, 265, 307, 579, 944
Notifications of Pardons & Clemencies.....	34
Partial Veto, 2SSB 5287 (2019).....	33
Partial Veto, 2SSB 5672 (2019).....	33
Partial Veto, ESB 5274 (2019).....	31
Partial Veto, ESSB 5418 (2019).....	33
Partial Veto, SB 5022 (2019).....	31
Partial Veto, SB 5054 (2019).....	32
Partial Veto, SB 5360 (2019).....	32
Partial Veto, SB 5503 (2019).....	30
Partial Veto, SSB 5710 (2019).....	30
Veto, ESB 5573 (2019).....	34
MESSAGE FROM THE SECRETARY OF STATE	
Appointment of Senator Derek Stanford.....	2
Appointment of Senator Ron Muzzall.....	3
Canvass of Returns.....	4
Election Certification.....	5
Partial Veto, 2SSB 5287 (2019).....	32
Partial Veto, 2SSB 5672 (2019).....	33
Partial Veto, ESB 5274 (2019).....	31
Partial Veto, ESSB 5418 (2019).....	33
Partial Veto, SB 5022 (2019).....	31
Partial Veto, SB 5054 (2019).....	32
Partial Veto, SB 5360 (2019).....	31
Partial Veto, SB 5503 (2019).....	30
Partial Veto, SSB 5710 (2019).....	30
PRESIDENT OF THE SENATE	
Remarks by the President 1, 135, 159, 166, 218, 225, 243, 308, 344, 345, 361, 397, 509, 716, 822, 881, 882, 1060, 1104, 1105, 1239, 1590, 1595, 1603, 1607.....	
Reply by the President.....	413, 551, 1104, 1105, 1106, 1133, 1392, 1463
Ruling by the President.....	393, 550, 551, 882, 1255, 1463
WASHINGTON STATE SENATE	
Moment of Silence, Mr. Ronald Main.....	248
Moment of Silence, Ms. Rachel Jacobsen.....	166
Moment of Silence, Victims of the coronavirus.....	820
Parliamentary Inquiry, Senator O'Ban.....	551
Parliamentary Inquiry, Senator Wagoner.....	551
Personal Privilege, Senator Becker.....	332, 394, 395, 881, 1105, 1590, 1594, 1600
Personal Privilege, Senator Billig.....	218, 1593, 1602
Personal Privilege, Senator Braun.....	1255, 1600, 1783
Personal Privilege, Senator Brown.....	1594, 1602, 1783
Personal Privilege, Senator Carlyle.....	1595
Personal Privilege, Senator Conway.....	348, 945, 1589, 1595
Personal Privilege, Senator Darneille.....	344, 1593
Personal Privilege, Senator Das.....	332, 345, 1590

Personal Privilege, Senator Dhingra	1602
Personal Privilege, Senator Frockt.....	509, 1574
Personal Privilege, Senator Hasegawa.....	384, 630
Personal Privilege, Senator Hawkins.....	1575, 1589
Personal Privilege, Senator Hobbs.....	248, 1589
Personal Privilege, Senator Honeyford.....	348, 1092, 1575, 1607
Personal Privilege, Senator Hunt.....	1589, 1594
Personal Privilege, Senator King.....	154
Personal Privilege, Senator Kuderer.....	1590
Personal Privilege, Senator Liias.....	1592, 1601
Personal Privilege, Senator Muzzall.....	347, 822
Personal Privilege, Senator Nguyen	1589
Personal Privilege, Senator O'Ban.....	1589
Personal Privilege, Senator Padden	278
Personal Privilege, Senator Pedersen.....	1594, 1602
Personal Privilege, Senator Rivers.....	347, 820, 1594
Personal Privilege, Senator Rolfes.....	639, 1601, 1782
Personal Privilege, Senator Saldaña	1590
Personal Privilege, Senator Schoesler	392, 1592, 1601
Personal Privilege, Senator Sheldon.....	575, 1600
Personal Privilege, Senator Short	630, 1593, 1602
Personal Privilege, Senator Stanford	381
Personal Privilege, Senator Wagoner	123
Personal Privilege, Senator Walsh.....	344, 1591
Personal Privilege, Senator Warnick	948, 1575, 1603
Personal Privilege, Senator Wellman	348, 1603
Personal Privilege, Senator Zeiger.....	1588
Point of Inquiry, Senator Becker	413
Point of Inquiry, Senator Conway	346
Point of Inquiry, Senator King.....	338
Point of Inquiry, Senator Liias.....	391
Point of Inquiry, Senator Padden.....	1133
Point of Inquiry, Senator Schoesler	500, 909, 934
Point of Inquiry, Senator Sheldon.....	429
Point of Inquiry, Senator Walsh	498
Point of Order, Senator Becker.....	1133
Point of Order, Senator Braun	844, 1104
Point of Order, Senator Hasegawa.....	393
Point of Order, Senator Liias.....	1105, 1463
Point of Order, Senator Padden	1104, 1392
Point of Order, Senator Sheldon.....	393
Point of Order, Senator Short	550, 1104
Remarks by Congressman Denny Heck	397
Remarks by former Senator Franklin.....	133
Remarks by Pastor Richmond Johnson	133
Remarks by Senator Liias.....	258, 290, 300, 379, 575, 882
Senator Bailey, Resignation of.....	2
Senator Palumbo, Resignation of	2
Statement for the Journal, Senator Muzzall.....	220

State Agency / Commission / Task Force	Report Title	Submitted/ Pursuant To	Report Date
Agriculture, Department of	<i>Pesticide Management Division 2018 Annual Report</i>	15.58.420 RCW	01/28/2019
	<i>Electronic Cattle Transaction Reporting System, 2019 Report</i>	16.57.450 RCW	07/31/2019
	<i>Funding Gap Analysis and Sustainable Farms</i>	Engrossed Substitute House Bill No. 1109	08/01/2019
	<i>Gap Analysis and Sustainable Farms Budget Proviso</i>	Engrossed Substitute House Bill No. 1109	11/30/2019
	<i>Pesticide Management Division 2019 Annual Report</i>	15.58.420 RCW	02/01/2020
AT&T	<i>Levels of Nonnutritive Substances in Fertilizers, 2019 Report</i>	15.54.433 RCW	01/01/2020
	<i>Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019</i>	House Bill No. 1183	12/20/2019
Auditor's Office, Washington State	<i>Audits of State Agency Local Funds, July 1, 2017 - June 30, 2019</i>	43.09.420 RCW	11/07/2019
Auto Theft Prevention Authority, Washington	<i>Auto Theft Prevention Authority 2019 Annual Report</i>	Engrossed Third Substitute House Bill No. 1001	12/31/2019
Beef Commission, Washington State	<i>Beef Commission 2019-20 Strategic Plan</i>	16.67 RCW	10/31/2019
	<i>Beef Commission 2018-19 Annual Report</i>	16.67 RCW	11/01/2019
Career Connect Washington	<i>2019 Progress Report to the Legislature</i>	Engrossed Second Substitute House Bill No. 2158	09/01/2019
Caseload Forecast Council	<i>Adult General Disproportionality Report for Fiscal Year 2019</i>	Engrossed Substitute Senate Bill No. 6032	12/31/2019
Children, Youth, and Families, Department of	<i>Network Administrator Procurement Efforts, 2019 Update</i>	43.216.015 RCW	12/01/2019
	<i>Traumatic Brain Injury -- A Collaboration on TBI Screening for Children and Youth in Foster Care</i>	Substitute House Bill No. 1605	12/01/2019
	<i>Child Welfare Workplace Culture</i>	Substitute Senate Bill No. 5955	12/01/2019
	<i>Behavioral Rehabilitation Services July - December 2019 Report</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>Child Fatality Report, January - March 2019</i>	74.13.640 RCW	08/01/2019
	<i>Newborn Safe Surrender -- Information Collection 2009-2018</i>	13.34.360 RCW	07/09/2019
	<i>Quality Assurance Report, July 1, 2017 - June 30, 2018</i>	43.20A.870 RCW	07/01/2019
	<i>Child Fatality Report, April - June 2019</i>	74.13.640 RCW	11/01/2019
	<i>Kinship Care Oversight Committee 2019 Report</i>	74.13.621 RCW	12/01/2019
	<i>Child Fatality Report, July - September 2019</i>	74.13.640 RCW	02/01/2020
	<i>Quarterly DCYF Social Services Specialists Report, July - September 2019</i>	Engrossed Substitute House Bill No. 1109	10/15/2019
	<i>Child Welfare Workload Model, January 2020 Report</i>	Substitute Senate Bill No. 5955	01/03/2020
	<i>Homelessness in Washington State, 2019 Annual Report to the Legislature</i>	43.185C RCW	12/31/2019
	<i>Defense Community Compatibility Account, 2020 Legislative Report</i>	Substitute Senate Bill No. 5748	01/31/2020
	<i>Improving Stability for Youth Exiting Systems of Care</i>	43.330.720 RCW	01/31/2020
Commerce, Department of	<i>Palouse to Cascades Trail Recommendations Report</i>	Substitute House Bill No. 1102	02/01/2020

	<i>Affordable Housing Updated 2019 Report</i>	43.185B.040 RCW	02/01/2020
	<i>Child Care Collaborative Task Force</i>	43.01.036 RCW	11/22/2019
	<i>Homeless Housing Crisis Response System Strategic Plan 2019-2024</i>	43.185C.040 RCW	11/30/2019
	<i>Stormwater Managers Guide: Is a Community-Based Public-Private Partnership Right for Your Community</i>	Engrossed Substitute Senate Bill No. 6095	11/20/2019
	<i>Yakima Convention Center Expansion Financial Feasibility Review</i>	35.57.025 RCW	11/01/2019
	<i>El Nuevo Camino Legislative Report</i>	Substitute Senate Bill No. 5883	10/31/2019
	<i>Independent Contractor Study, 2019 Report</i>	Engrossed Substitute Senate Bill No. 6032	07/01/2019
	<i>Public Works Board, Fiscal Year 2019 Emergency and Pre-construction Loans</i>	43.155.070 RCW	09/01/2019
	<i>Regulatory Streamlining - Regulatory Roadmap, January 2020 Update</i>	43.330.440 RCW	01/01/2020
	<i>State Surplus Property Program, 2019 Annual Report of Inventory of State-Owned Real Properties and Recommendations</i>	43.63A.510 RCW	01/01/2020
	<i>Affordable Housing Cost Data</i>	Substitute House Bill No. 1102	01/01/2020
	<i>Rights of Youth and Young Adults in Residential Programs</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>Encouraging Investments in Affordable and Supportive Housing -- Update on Implementation</i>	82.14.540 RCW	12/01/2019
	<i>Skilled Worker Outreach, Recruitment and Career Awareness Grant Program</i>	43.329.070 RCW	12/01/2019
	<i>Criminal Penalty Fees Related to Sexual Exploitation Crimes, Fiscal Year 2019 Report</i>	43.280.100 RCW	01/07/2020
	<i>Green Economy Interim Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Snohomish Diversion Pilot: Treatment Services for Homeless Individuals with Substance Abuse Disorders as an Alternative to Jail</i>	Engrossed Substitute Senate Bill No. 6032	10/01/2019
	<i>Industrial Waster Coordination (Industrial Symbiosis) Program Recommendations</i>	Substitute Senate Bill No. 5936	11/30/2019
	<i>Interbay Public Development Advisory Committee Recommendations and Implementation Plan</i>	Engrossed Substitute Senate Bill No. 6095	11/15/2019
	<i>Sexual Assault Response: Increasing Sexual Assault Nurse Examiner Availability and Access Statewide</i>	Substitute House Bill No. 2101	11/15/2019
Conservation Commission, Washington State	<i>Gap Analysis and Sustainable Farms Budget Proviso</i>	Engrossed Substitute House Bill No. 1109	11/30/2019
	<i>Funding Gap Analysis and Sustainable Farms</i>	Engrossed Substitute House Bill No. 1109	08/01/2019
	<i>Food Policy Forum Recommendations to the Legislature</i>	Engrossed Substitute Senate Bill No. 6032	06/01/2019
Corrections Ombuds, Office of the	<i>Annual Report 2019</i>	43.06C RCW	10/29/2019
	<i>Investigation Report</i>	43.06C RCW	09/24/2019
Corrections, Department of	<i>Custody Staff: Health Care Delivery, 2019 Report to the Legislature</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
	<i>Extraordinary Medical Placement Report for 2018</i>	72.09.620 RCW	08/05/2019
	<i>Work Release Expansion -- Implementation Plan, 2019 Report</i>	Engrossed Substitute House Bill No. 1109	09/01/2019

	<i>Nurse Staffing, 2019 Report to the Legislature</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Use of Secured-Internet to Expand Postsecondary Education Opportunities to Enhance Public Safety</i>	Substitute Senate Bill No. 5443	12/04/2019
	<i>Body Scanner Pilot: An Alternative to Strip Searches of Incarcerated Individuals, 2019 Report</i>	Engrossed Substitute Senate Bill No. 6032	12/31/2019
	<i>Yakima Jail Therapeutic Community Program, 2019 Report</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
	<i>Staff Safety, 2019 Report</i>	72.09.680 RCW	12/01/2019
Courts, Administrative Office of the	<i>District and Municipal Court Judges' Association Annual Report for 2019</i>	3.70.040 RCW	12/12/2019
Developmental Disabilities - Residential Habilitation Center Workgroup	<i>Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
Developmental Disabilities Ombuds, Office of the	<i>Annual Report for State Fiscal Year 2018</i>	43.382.005 RCW	10/31/2019
	<i>Expansion Plan</i>	43.382.005 RCW	10/31/2019
Ecology, Department of	<i>Brownfield Redevelopment Trust Fund Account, 2019 Report</i>	70.105D.140 RCW	10/31/2019
	<i>Statewide Progress on Setting Instream Flows</i>	90.82.080 RCW	12/01/2019
	<i>Cleanup Settlement Account, Annual Report for 2019 Fiscal Year</i>	70.105D.130 RCW	10/31/2019
	<i>Compliance and Enforcement of Water Rights in Designated Basins</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2019
	<i>Antifouling Paints in Washington State Report and Recommendations</i>	Substitute House Bill No. 2634	09/30/2019
	<i>Progress in Reducing Fine Particle Air Pollution in Tacoma-Pierce County</i>	70.94.605 RCW	04/01/2019
	<i>Upper Skagit Water Resource Studies</i>	Engrossed Substitute Senate Bill No. 6095	11/30/2019
	<i>Model Toxics Control Accounts (MTCA) Report of Expenditures for the 2017-2019 Biennium</i>	70.105D.030 RCW	12/01/2019
	<i>Greenhouse Gas Emissions Reduction Limits</i>	70.235.040 RCW	12/01/2019
	<i>Columbia River Basin Water Supply Inventory Report, 2019</i>	90.90.040 RCW	12/20/2019
	<i>Geographic Response Plans, Preparing to Respond to Oil Spills, 2019 Statewide Review</i>	90.56.060 RCW	03/01/2020
Education, Washington State Board of	<i>Graduation Pathway Options, Interim Report</i>	Engrossed Second Substitute House Bill No. 1599	01/31/2020
	<i>Charter Schools Annual Report 2019</i>	28A.710.250 RCW	12/31/2019
	<i>Mastery-based Learning, Interim Report</i>	Engrossed Second Substitute House Bill No. 1599	12/01/2019
Enterprise Services, Department of	<i>Campus-wide Electrical Service Panels -- Arc Flash Study Preliminary Report</i>	Substitute House Bill No. 1102	11/30/2019
	<i>Glyphosate Usage by State Agencies</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
	<i>Information Technology Contracts Report Supplement</i>	Engrossed Substitute House Bill No. 1109	10/29/2019
	<i>Leased Facilities Report for Fiscal Year 2018-19</i>	43.82.010 RCW	12/31/2019
	<i>Biodiesel Use by Washington State Agencies, January - December 2018</i>	43.19.646 RCW	07/01/2019
	<i>Information Technology Contracts Report</i>	Engrossed Substitute House Bill No. 1109	10/29/2019
	<i>Consolidated Printer Management Strategy Status, July 1, 2018 - June 30, 2019</i>	39.26.010 RCW	03/04/2020

Financial Management, Office of	<i>Credit Card Cost Recovery</i>	Engrossed Substitute House Bill No. 1160	10/30/2019
	<i>Facilities Inventory Report, 2019</i>	43.82.150 RCW	09/27/2019
	<i>One Washington Quarterly Report, January - March 2019</i>	Substitute Senate Bill No. 5883	05/07/2019
	<i>Performance-Based Incentives and Recognition Report, 2019</i>	41.06.133 RCW	12/23/2019
	<i>Verteran Employment Program</i>	43.41.460 RCW	12/23/2019
	<i>Credit Card Cost Recovery, Attachment 1, Volumes</i>	Engrossed Substitute House Bill No. 1160	10/30/2019
	<i>Credit Card Cost Recovery, Attachment 2, State Agency Fiscal Analysis</i>	Engrossed Substitute House Bill No. 1160	10/30/2019
	<i>Primary Care Expenditures, Summary of current primary care expenditures and investment in Washington</i>	Engrossed Substitute House Bill No. 1109	11/27/2019
Fish and Wildlife, Department of	<i>Derelict Shellfish Gear Removal and Disposal, 2019 Annual Report</i>	77.32.430 RCW	12/26/2019
	<i>Wildlife Trafficking -- Implementing Initiative 1401</i>	77.15.135 RCW	01/13/2020
Hatchery Spending and Project, Joint Legislative Task Force	<i>Joint Legislative Hatchery Spending and Project Task Force Final Report</i>	Engrossed Substitute House Bill No. 1109	11/22/2019
Health Care Authority	<i>Washington Autism Alliance and Advocacy Final Report</i>	Engrossed Substitute House Bill No. 1109	12/15/2019
	<i>Jail Transition Services, 2019 Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Addendum to the Designated Crisis Responder (DCR) Statewide Protocols</i>	Substitute House Bill No. 1907	12/01/2019
	<i>Bree Collaborative Annual Report for 2019</i>	Engrossed Substitute House Bill No. 1311	11/15/2019
	<i>Service Coordination Organization and Managed Care Performance Measure Report, Accountability Implementation Status, 2019</i>	70.320.050 RCW	12/01/2019
	<i>Long-Term Behavioral Health Inpatient Involuntary Care, Access, Purchasing, and Bidirectional Integration</i>	Engrossed Second Substitute Senate Bill No. 5432	12/15/2019
	<i>Self Sufficiency of Accountable Communities of Health</i>	Engrossed Substitute House Bill No. 1109	12/15/2019
	<i>Rate Methodology for 90- and 180-Day Civil Commitment Beds</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Behavioral Health Consultation and Referral Service</i>	Engrossed Second Substitute Senate Bill No. 5432	12/30/2019
	<i>Prescription Drug Price Transparency and Purchasing</i>	Engrossed Second Substitute House Bill No. 1224	01/01/2020
	<i>Apple Health Nonpharmacologic Pain Treatment Coverage</i>	Substitute Senate Bill No. 5380	01/10/2020
	<i>Behavioral and Physical Health Integration</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
	<i>Compacts of Free Association (COFA) Islander Health Care</i>	Substitute Senate Bill No. 5683	12/31/2019
	<i>Treatment of Adults on 90 or 180 Day Civil Commitment Orders</i>	Second Substitute House Bill No. 1394	12/15/2019
	<i>Increasing Clubhouse Programs</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
	<i>Services to Lower the Risk of Recidivism Oversight Committee and the Offender Reentry Committee Safety Program (ORCSP)</i>	71.24.460 RCW	01/06/2020

	<i>Proportion of Non-Participating Providers Serving Apple Health Enrollees, July 1, 2018 - June 30, 2019</i>	74.09.522 RCW	01/01/2020
	<i>Public Employees Benefits Board Annual Report, Customer Service Complaints and Appeals, July 2018 - June 2019</i>	41.05.630 RCW	09/30/2019
	<i>Health Care Innovation Plan, Final Status Report</i>	Engrossed Second Substitute House Bill No. 2572	07/31/2019
	<i>Medicaid Managed Care Preventative Services and Vaccinations</i>	Engrossed Substitute House Bill No. 1109	09/13/2019
	<i>County Appropriations, Criminal Justice Treatment Account (CJTA) Administration</i>	Engrossed Substitute House Bill No. 1109	09/30/2019
	<i>PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2019 Report</i>	41.05.065 RCW	11/30/2019
	<i>Rural Health Clinics Reconciliation Status, Calendar Years 2011-2013 and 2014-2017</i>	Engrossed Substitute House Bill No. 1109	10/15/2019
	<i>Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for January - March 2019</i>	Engrossed Substitute House Bill No. 1109	05/30/2019
	<i>Access to Baby and Child Dentistry (ABCD) Program: Expanding to Children with Disabilities: Final Report</i>	Substitute Senate Bill No. 6549	12/15/2019
	<i>Hepatitis C Medications, Comprehensive Purchasing Strategies</i>	Engrossed Substitute House Bill No. 1109	10/31/2019
	<i>Bleeding Disorder Collaborative for Care</i>	Engrossed Substitute Senate Bill No. 6052	10/25/2019
	<i>Health and Human Services Enterprise Coalition, Legislative Proviso Report on IT Investment Coordination</i>	Engrossed Substitute House Bill No. 1109	10/31/2019
	<i>Universal Health Care Work Group Preliminary Report</i>	Engrossed Substitute House Bill No. 1109	11/15/2019
	<i>Access to Behavioral Health Services for Children, 2019 Report</i>	74.09.495 RCW	12/01/2019
	<i>Evidence Based Practice Institute</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Services in Institutions of Mental Diseases, Status of 1115 IMD Waiver Application</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Crisis Stabilization Services</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Home Health Services to Medical Assistance Clients</i>	Engrossed Substitute House Bill No. 1109	11/30/2019
Health Disparities, Governor's Interagency Council on	<i>State Policy Action Plan to Eliminate Health Disparities</i>	43.20.280 RCW	01/31/2020
Health Insurance Pool, Washington State (WSHIP)	<i>Annual Report for 2018</i>	48.41.240 RCW	05/01/2019
Health, Department of	<i>Long-term Care Workforce Development Interim Report</i>	Engrossed Substitute House Bill No. 1109	10/23/2019
	<i>Prescription Monitoring Program Integration</i>	70.225 RCW	11/01/2019
	<i>Maternal Mortality Review Panel: Maternal Deaths 2014-2016</i>	70.54.450 RCW	10/31/2019
	<i>Physical Therapists and Spinal Manipulation</i>	18.74 RCW	06/30/2019
	<i>Mental Health Providers Credential Renewals, 2019 Report</i>	18.225.800 RCW	10/01/2019
	<i>Manufacturing Generic Drugs</i>	Engrossed Substitute House Bill No. 1109	12/31/2019

	<i>Reimbursement for Healthcare Services Provided by Fire Departments [CARES]</i>	Engrossed Second Substitute House Bill No. 1358	12/31/2019
	<i>Community Health Improvement in Rural Washington: Learning from Global Health Strategies and Programs</i>	Engrossed Substitute Senate Bill No. 6032	06/28/2019
	<i>Bone Marrow Donation Registry Participation</i>	46.20.1132 RCW	12/31/2019
	<i>Evaluating Need for Creation of a Bachelor's Level Behavioral Health Credential</i>	House Bill No. 1768	12/31/2019
	<i>Pesticide Application Safety Committee 2019 Report</i>	Substitute Senate Bill No. 5550	12/31/2019
	<i>Diabetes Epidemic & Action Report</i>	70.330.020 RCW	12/31/2019
	<i>Safer Home, Suicide Aware Program Overview</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
	<i>Healthcare Associated Infections, 2019 Report</i>	43.70.056 RCW	11/01/2019
	<i>Improving Behavioral Health and Suicide Prevention in the Washington State Agricultural Industry, Pilot Program Preliminary Report</i>	House Bill No. 2671	12/01/2019
	<i>Resident Rights and Access to Ombuds Services in Intensive Behavioral Health Treatment Facilities</i>	Second Substitute House Bill No. 1394	12/01/2019
	<i>Increasing Awareness of Financial Support for PrEP and PEP</i>	Second Substitute Senate Bill No. 5602	12/31/2019
	<i>Military and Military-Affiliated Licensure Streamlining</i>	73.04.150 RCW	12/31/2019
	<i>Evaluating Potential Transfer of Peer Counselor Program</i>	Second Substitute House Bill No. 1907	12/31/2019
Independent Colleges of Washington	<i>Washington Student Loan Transparency Act Compliance Report, 2019</i>	28B.10.285 RCW	11/27/2019
Insurance Commissioner, Office of the	<i>Direct Practices in Washington State, 2019 Report</i>	48.150.100 RCW	12/01/2019
	<i>Washington Disaster Resiliency Work Group Preliminary Report</i>	Senate Bill No. 5106	10/31/2019
	<i>Mandated Health Benefits Report, 2020 Plan Year</i>	48.43.715 RCW	12/01/2019
	<i>Fixed-Payment Benefit Plans Annual Report for 2019</i>	48.43.650 RCW	06/01/2019
	<i>Medical Malpractice Annual Report for 2019: Claims Closed from January 1, 2014 through December 31, 2018</i>	48.140.050 RCW	09/01/2019
	<i>Individual Market Health Plans, Plan Year 2020</i>	Engrossed Substitute House Bill No. 1109	12/23/2019
	<i>Office Building Predesign: Phase 1 - Problem Statement and Alternatives Analysis</i>	Substitute House Bill No. 1102	02/27/2020
Labor and Industries, Department of	<i>Farm Internship Pilot Project, 2019 Report</i>	49.12.470 RCW	12/31/2019
	<i>Prevailing Wage Determinations, Fiscal Year 2019 Report</i>	39.12 RCW	12/31/2019
	<i>Underground Economy Benchmark Report for 2019</i>	18.27.800 RCW	12/01/2019
	<i>Wage, Child Labor and Protected Leave Investigations, 2019 Report</i>	49.12.180 RCW	12/31/2019
	<i>Office of the Ombuds for Injured Workers of Self-Insured Employers, July 2018 - June 2019</i>	51.14.400 RCW	09/27/2019
Medical Commission, Washington	<i>Integration of International Medical Graduates (IMG) into Washington's Health Care System: Strategies and Recommendations from the 2019 IMG Workgroup</i>	Second Substitute Senate Bill No. 5846	12/01/2019
Military Department	<i>2019 Report to the Legislature</i>	Substitute Senate Bill No. 5046	12/01/2019

	<i>Enhanced 911 Advisory Committee 2019 Annual Legislative Update</i>	38.52.532 RCW	01/25/2020
Natural Resources, Department of	<i>Electric Utility Wildland Fire Prevention Task Force, Preliminary Report</i>	Substitute Senate Bill No. 5305	12/16/2019
	<i>Aerial Herbicides in Forestlands</i>	Substitute Senate Bill No. 5597	12/31/2019
	<i>Recommendations on the Underutilized Portions of the Fircrest Campus</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
	<i>Solutions Table Report 2019</i>	43.30.582 RCW	01/17/2020
	<i>Solutions Table Report 2019 Appendix A: Revised Taxing District Analysis</i>	43.30.582 RCW	01/17/2020
	<i>Trust Lands Performance Assessments: Maximizing Opportunities, 2019 Report</i>	Substitute House Bill No. 1102	12/01/2019
Office of Equity Task Force	<i>Office of Equity Task Force Preliminary Report</i>	Engrossed Substitute House Bill No. 1109	12/31/2019
Pacific Northwest University of Health Sciences	<i>Student Loan Information Compliance Report for January 2020</i>	Substitute Senate Bill No. 5022	01/28/2020
Professional Educator Standards Board	<i>Paraeducators in Washington's Teach Workforce, Recommendations to remove barriers faced by school districts and ESDs as they support paraeducators in teacher roles</i>	Substitute House Bill No. 1658	12/01/2019
	<i>Alternative Routes to Teacher Certification</i>	28A.660.020 RCW	12/01/2019
	<i>Paraeducator Pilot Program Final Report</i>	Engrossed Substitute House Bill No. 1115	11/01/2019
	<i>Potential of Micro-credentials in Washington State</i>	Engrossed Second Substitute House Bill No. 1139	10/31/2019
Public Employment Relations Commission	<i>Annual Report for 2018</i>	41.58.010 RCW	07/02/2019
Public Instruction, Office of the Superintendent of	<i>Social Emotional Learning in Washington's K-12 Public Schools</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix A - SEL Workgroup Membership</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix B - Glossary</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix C - SEL Implementation Guide</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix D - SEL Standards, Benchmarks, and Indicators</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix E - Brief for Education Leaders</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix F - Brief for Educators</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix G - Brief for Parents and Families</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix H - Brief for Community and Youth Development Organizations</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix I - Brief on Culturally Responsive Practices</i>	Substitute Senate Bill No. 5883	07/01/2019

	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix J - Stakeholder Feedback and Community Outreach Summary</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix K - Social and Emotional Learning across Washington</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix L - National SEL Environment Scan</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix M - SEL and Equity: Current Issues and Considerations</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix N -- SEL Standards, Annotated Bibliography Evidence Basis for SEL</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix O - Annotated Bibliography Standards and Benchmarks</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix P - SEL Indicators: Reference List</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Social Emotional Learning in Washington's K-12 Public Schools, Appendix Q - October 2016 SEL Benchmarks Workgroup Report</i>	Substitute Senate Bill No. 5883	07/01/2019
	<i>Online Learning: Update</i>	28A.250.040 RCW	07/01/2019
	<i>Transitional Bilingual Instruction Program (TBIP), Update, 2017-18</i>	28A.180.020 RCW	07/01/2019
	<i>Building Bridges Workgroup (Dropout Prevention, Intervention, and Reengagement), 2018 Update</i>	28A.175.075 RCW	07/01/2019
	<i>K-4 Reading Levels, Update, 2017-18</i>	28A.320.203 RCW	07/01/2019
	<i>Covering the Costs of Dual Credit for Students and Families, 2019 Report</i>	Engrossed Substitute House Bill No. 1109	11/01/2019
	<i>Competency-Based Assessments, 2019</i>	28A.655.070 RCW	11/01/2019
	<i>Weapons in Schools, 2019 Update</i>	28A.320.130 RCW	11/01/2019
	<i>OSPI's Work in Sexual Health Education, 2019 Report</i>	Engrossed Substitute Senate Bill No. 6032	11/01/2019
	<i>Staffing Enrichment Workgroup Recommendations, 2019</i>	28A.400.007 RCW	12/01/2019
	<i>Schools Implementing the Community Eligibility Provision, 2019 Report</i>	28A.235.290 RCW	12/01/2019
	<i>Special Education Safety Net Survey, 2019</i>	28A.150.392 RCW	12/01/2019
	<i>Educational Technology Assessments, 2018-19 Update</i>	28A.655.075 RCW	12/01/2019
	<i>School Transportation Efficiency, 2019 Report</i>	28A.160.117 RCW	12/01/2019
	<i>Gangs in Schools Task Force, 2019 Update</i>	28A.300.490 RCW	12/01/2019
	<i>Sexual Health Education Workgroup Recommendations</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Sexual Health Education Data Survey</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>The State of Native Education, 2019 Update</i>	28A.300.105 RCW	12/01/2019
	<i>Barriers to Recruitment of Military Personnel and Spouses to Serve in K-12 Positions</i>	House Bill No. 1139	12/01/2019
	<i>Children's Regional Behavioral Health Pilot Program</i>	28A.630.500 RCW	12/01/2019
Public Works Board	<i>Public Works Board, Fiscal Year 2019 Emergency and Pre-construction Loans</i>	43.155.070 RCW	09/01/2019
Puget Sound Partnership	<i>State of the Sound</i>	90.71.200 RCW	12/02/2019
Recreation and Conservation Commission	<i>Economic, Environmental, & Social Benefits of Recreational Trails in Washington State</i>	Engrossed Substitute Senate Bill No. 6032	10/01/2019

	<i>Recreational Assets of Statewide Significance in Washington State, Study Report</i>	Engrossed Substitute Senate Bill No. 6095	09/30/2019
	<i>Nason Ridge Community Forest Management Plan</i>	Engrossed Substitute House Bill No. 1109	11/25/2019
Revenue, Department of	<i>Local Business Licensing Partnership Plan Fiscal Year 2020-2021</i>	35.90.020 RCW	01/01/2020
	<i>State Agency Business Licensing Information for 2019</i>	19.02.055 RCW	12/31/2019
	<i>Local Business Licensing Progress Report, 2019</i>	35.90.020 RCW	01/01/2020
	<i>Fair Report, 2019</i>	Engrossed Substitute House Bill No. 1109	11/27/2019
	<i>State Agency Business Licensing Information for 2019 Appendix</i>	19.02.055 RCW	12/31/2019
	<i>Descriptive Statistics for Tax Incentive Programs, Covering Calendar Year 2018 Activity</i>	82.32.534 RCW	12/31/2019
	<i>Tax Exemption Study for 2020</i>	43.06.400 RCW	01/10/2020
	<i>Local Revitalization Financing Program Report, 2019 Report covering Calendar Year 2018</i>	82.32.765 RCW	05/31/2019
	<i>Hospital Benefit Zone Financing Program Report, 2019 Report covering Calendar Year 2018</i>	82.14.470 RCW	06/01/2019
Sea Grant, Washington	<i>Shellfish Production Best Management Practices Three-Year Study, Progress Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
Sexual Assault Programs, Washington Coalition of	<i>Addressing Harm Caused in the Exchange of Intimate Images by Minors, 2019 Report</i>	House Bill No. 1742	12/01/2019
Sheriffs and Police Chiefs, Washington Association of	<i>Arrest and Jail Alternatives -- Law Enforcement Grant Program, 2019 Report</i>	Second Substitute House Bill No. 1767	12/02/2019
Social & Health Services, Department of	<i>Improving Inpatient and Staff Safety in State Hospitals -- Status Report</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Basic Food Employment and Training Program (BFET) Expansion, 2019 Report</i>	74.04.535 RCW	11/01/2019
	<i>Snohomish Diversion Pilot: Treatment Services for Homeless Individuals with Substance Abuse Disorders as an Alternative to Jail</i>	Engrossed Substitute Senate Bill No. 6032	10/01/2019
	<i>WorkFirst Spending Plan Monitoring Report, 1st Quarter State Fiscal Year 2020, as of September 30, 2019</i>	74.08A.341 RCW	09/30/2019
	<i>State Hospital Staffing Levels Compared to Allotments April - June 2019</i>	Engrossed Substitute House Bill No. 1109	10/01/2019
	<i>Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2019 Report</i>	71.09.325 RCW	12/31/2019
	<i>Enhanced Respite Services for Children Ages 8-21</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>Community Respite Services for Adults</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>State Hospital Staffing Levels Compared to Allotments July - September 2019</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>Naturalization Services -- 2019 Report</i>	Engrossed Substitute House Bill No. 1109	01/01/2020
	<i>State Hospital Clinical Staffing Model and Acuity Tool -- Implementation Program</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Forensic Admissions and Evaluations - Performance Targets 2018 Fourth Quarter (October 1, 2018 - December 31, 2018)</i>	10.77.068 RCW	03/14/2019
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, July - September 2018</i>	Engrossed Substitute Senate Bill No. 6032	04/01/2019

	<i>WorkFirst Wage Progression Report through Second Quarter 2018</i>	74.08A.411 RCW	04/01/2019
	<i>Assisted Living Facility Quality Measures</i>	18.20.510 RCW	09/01/2019
	<i>Department Efforts to Reduce Violence in the State Hospitals, September 2019</i>	72.23.451 RCW	09/01/2019
	<i>WorkFirst Spending Plan, 2019-21 Biennial Spending Plan</i>	74.08A.341 RCW	07/01/2019
	<i>State Hospital Staffing Levels Compared to Allotments</i>	Engrossed Substitute Senate Bill No. 6032	07/01/2019
	<i>WorkFirst Spending Plan Monitoring Report, 3rd Quarter State Fiscal Year 2019, as of March 31, 2019</i>	74.08A.341 RCW	03/31/2019
	<i>WorkFirst Wage Progression Report through Third Quarter 2018</i>	74.08A.411 RCW	07/01/2019
	<i>Resources to Initiate Successful Employment (RISE), Final Report</i>	Engrossed Substitute Senate Bill No. 6032	06/30/2019
	<i>WorkFirst Wage Progress Report through Fourth Quarter 2018</i>	74.08A.411 RCW	10/01/2019
	<i>State Psychiatric Hospital Forensic and Civil Bed Need Models</i>	Engrossed Substitute House Bill No. 1109	10/01/2019
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, January - March 2019</i>	Engrossed Substitute House Bill No. 1109	10/01/2019
	<i>Forensic Admissions and Evaluations - Performance Targets 2019 First Quarter (January 1, 2019 - March 31, 2019)</i>	10.77.068 RCW	05/10/2019
	<i>Forensic Admissions and Evaluations - Performance Targets 2019 Second Quarter (April 1, 2019 - June 30, 2019)</i>	10.77.068 RCW	08/31/2019
	<i>Washington Connection Benefit Portal 2019 Report</i>	74.04.225 RCW	12/01/2019
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, October - December 2018</i>	Engrossed Substitute House Bill No. 1109	07/01/2019
	<i>WorkFirst Wage Progression Report through Fourth Quarter 2018</i>	74.08A.411 RCW	10/01/2019
	<i>Western State Hospital - City of Lakewood Community Policing Program</i>	Substitute Senate Bill No. 5883	09/09/2019
	<i>WorkFirst Spending Plan Monitoring Report, 4th Quarter State Fiscal Year 2019, as of June 30, 2019</i>	74.08A.341 RCW	06/30/2019
	<i>State-Operated Behavioral Health Group Training Home</i>	Engrossed Substitute House Bill No. 1109	10/28/2019
	<i>Efforts to Secure Federal Changes to Permit Full Implementation of Chapter 407, Laws of 2019 (2SHB 1893)</i>	43.20A.755 RCW	11/01/2019
	<i>Recommendations for Implementation of an Asset Verification System</i>	Engrossed Substitute House Bill No. 1109	12/01/2019
	<i>Asset Verification System Feasibility Study</i>	Engrossed Substitute House Bill No. 1109	10/10/2019
	<i>Notification of Expiration of RCW 43.20A.755</i>	Second Substitute House Bill No. 1893	02/19/2020
Tacoma-Pierce County Health Department	<i>Improving the Rate of Potentially Preventable Hospitalizations</i>	Engrossed Substitute House Bill No. 1109	12/10/2019
Transportation, Department of	<i>Freight Rail Investment Bank (FRIB) and Freight Rail Assistance Program (FRAP) 2019-21 Progress Report</i>	Engrossed Substitute House Bill No. 1160	12/01/2019
	<i>Toll Division Proviso Report, July - September 2019</i>	Engrossed Substitute Senate Bill No. 6106	12/01/2019
	<i>Recycle Concrete Usage in Aggregate Materials, 2019 Annual Report</i>	70.95.807 RCW	12/16/2019

<i>Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 1</i>	Engrossed Substitute House Bill No. 1160	12/16/2019
<i>Cooper Jones Active Transportation Safety Advisory Council 2019 Annual Report</i>	Substitute Senate Bill No. 5710	12/31/2019
<i>Interstate Bridge Replacement Project, December 2019 Progress Report</i>	Engrossed Substitute House Bill No. 1160	12/01/2019
<i>I-405 Express Toll Lanes: 45 Months of Operations, October 2015 - June 2019</i>	47.56.880 RCW	12/01/2019
<i>Diesel Fuel Price Hedging FY 2019 Report</i>	47.60.830 RCW	01/21/2020
<i>Washington State Ferries Overtime Analysis</i>	Engrossed Substitute House Bill No. 1160	01/01/2020
<i>Green Transportation Capital Grant, 2019-2021 Prioritized Project List</i>	Engrossed Second Substitute House Bill No. 2042	01/01/2020
<i>Kingsgate Park and Ride Transit Oriented Development Project</i>	Engrossed Substitute House Bill No. 1160	01/01/2020
<i>Practical Design Savings on Connecting Washington Funded Projects, January 2020</i>	47.01.480 RCW	01/01/2020
<i>Labor System Replacement Project Status Report</i>	Engrossed Substitute House Bill No. 1160	12/19/2019
<i>Public Transportation Mobility Report for 2019</i>	47.66 RCW	11/30/2019
<i>Pre-Apprentice Support Services and On-the-Job Training Support Services Program, 2019 Report</i>	47.01.435 RCW	12/01/2019
<i>Public Transportation, 2018 Summary</i>	35.58.2796 RCW	11/01/2019
<i>Transit Integration Report for 2019</i>	35.58.2796 RCW	11/01/2019
<i>Pedestrian and Bicycle & Safe Routes to School Programs, 2019 Status Report, Local Programs</i>	Engrossed Substitute House Bill No. 1160	11/18/2019
<i>Connecting Washington Programs with Benefits to Transit, Bicycle, and Pedestrian Elements, Fiscal Year 2019</i>	Engrossed Substitute House Bill No. 1160	11/15/2019
<i>Fund Transfers Report (TPA and CWA Accounts), October - December 2019</i>	Engrossed Substitute House Bill No. 1160	11/18/2019
<i>Administrative Funds Transfers, July - September 2019</i>	Engrossed Substitute House Bill No. 1160	11/15/2019
<i>Toll Division Proviso Report, April - June 2019</i>	Engrossed Substitute Senate Bill No. 6106	09/30/2019
<i>Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-2019 Biennium Quarter 8</i>	Engrossed Senate Bill No. 5096	09/17/2019
<i>Fund Transfers Report, April - June 2019</i>	Engrossed Substitute Senate Bill No. 6106	09/11/2019
<i>Tort Judgments and Settlements Pertaining to Washington State Ferries and non-WSF Operations, July - September 2019</i>	Engrossed Substitute House Bill No. 1160	11/01/2019
<i>I-405 Express Toll Lanes: 42 Months of Operations, October 2015 - March 2019</i>	47.56.880 RCW	08/21/2019
<i>Rail Fixed Guideway Public Transportation System Safety Report for 2018</i>	81.104.115 RCW	06/01/2019
<i>Implementing Practical Design Connecting Washington Project Title and Scope Change Request, July 16, 2019</i>	47.01.480 RCW	07/16/2019
<i>Practical Design Savings on Connecting Washington Funded Projects, July 2019</i>	47.01.480 RCW	07/16/2019
<i>Ultra-High-Speed Ground Transportation Business Case Analysis, Final Report</i>	Engrossed Substitute Senate Bill No. 6106	07/01/2016
<i>Fund Transfers Report (TPA and CWA Accounts), July - September 2019</i>	Engrossed Substitute House Bill No. 1160	09/12/2019

	<i>Fund Transfers Report (TPA and CWA Accounts), April - June 2019</i>	Engrossed Substitute Senate Bill No. 6106	09/30/2019
	<i>Advancing Connecting Washington Projects, September 2019</i>	Engrossed Substitute House Bill No. 1160	09/24/2019
	<i>Electric Aircraft Working Group Report</i>	Engrossed Substitute Senate Bill No. 6106	06/01/2019
	<i>Toll Division Proviso Report, January - March 2019</i>	Engrossed Substitute Senate Bill No. 6106	06/01/2019
	<i>Small Business Transit Subsidy</i>	Engrossed Substitute Senate Bill No. 6106	06/01/2019
	<i>Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-2019 Biennium Quarter 7</i>	Engrossed Senate Bill No. 5096	05/24/2019
	<i>Fund Transfers Report (TPA and CWA Accounts), January - March 2019</i>	Engrossed Substitute Senate Bill No. 6106	05/28/2019
	<i>Administrative Funds Transfers, January - March 2019</i>	Engrossed Substitute Senate Bill No. 6106	05/28/2019
	<i>Puget Sound Gateway Program City of Kent Significant Business Proviso Report Update</i>	Engrossed Substitute Senate Bill No. 6106	05/14/2019
	<i>I-405 Express Toll Lanes: 39 Months of Operations, October 2015 - December 2018</i>	47.56.880 RCW	03/15/2019
	<i>Violations of Environmental Permits and Regulations for State Highway Projects</i>	47.85.040 RCW	02/01/2020
	<i>Local Governments Determination on Permits</i>	47.01.485 RCW	02/01/2020
	<i>Fund Transfers Report, October - December 2019</i>	Engrossed Substitute House Bill No. 1160	02/12/2020
	<i>Fund Transfers Report (TPA and CWA Accounts), October - December 2019</i>	Engrossed Substitute House Bill No. 1160	02/12/2020
	<i>Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 2</i>	Engrossed Substitute House Bill No. 1160	02/12/2020
	<i>Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, October - December 2019</i>	Engrossed Substitute House Bill No. 1160	02/01/2020
	<i>Ferries Division - Fiscal Year 2019 Performance Report</i>	47.64.360 RCW	02/29/2020
	<i>Toll Division Proviso Report, October - December 2019</i>	Engrossed Substitute House Bill No. 1160	03/01/2020
	<i>I-405 Express Toll Lanes and SR 167 HOT Lanes: 48 Months of Operations, July - September 2019</i>	47.56.880 RCW	03/01/2020
University of Washington	<i>Suicide Prevention Training, Behavioral Health Services and Awareness Raising among Washington State Postsecondary Education Institutions</i>	Substitute Senate Bill No. 6514	12/01/2019
	<i>Mobile Observations of Ultrafine Particles: The MOV-UP Study Report</i>	Substitute Senate Bill No. 5883	12/01/2019
US Cellular	<i>Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019</i>	House Bill No. 1183	12/19/2019
Utilities and Transportation Commission	<i>Stakeholder Wrok Group Discussions and Recommended Improvements to the Washington Underground Utilities Damage Prevention Act</i>	Engrossed Substitute House Bill No. 1109	11/27/2019
Verizon Wireless	<i>Permits Issued Pertaining to Wireless Facilities, Exemptions, and Total Dollars Invested, July 1, 2013 - June 30, 2019</i>	House Bill No. 1183	12/31/2019
Washington State University Energy Program	<i>Renewable Energy System Incentive Program</i>	Engrossed Substitute Senate Bill No. 5939	10/31/2019

Water Resource Mitigation, Joint Legislative Task Force on	<i>Joint Legislative Task Force on Water Resource Mitigation 2019 Report</i>	Engrossed Substitute Senate Bill No. 6091	11/22/2019
---	--	--	------------

ABORTION

Facilities, regulation of: SB 5721
 Information, transparency in reproductive health act: SB 6598
 Information, women's right to know act: SB 5966
 Parental notification, requirements: SB 5185
 Procedures causing sterility, hospital stay, or live birth, reporting: SB 6391
 Student health plan, coverage for abortion, when: HB 2252, SB 6129
 Women seeking abortion, right to know about abortion and potential risks: SB 5966, SB 6598

ACCOUNTANTS AND ACCOUNTING

Licensing, out-of-state applicants, equivalent in-state license, when: SB 6465
 Licensing, public accounting, attest or compilation services: ***HB 1208, CH 71 (2019)**, SB 5767

ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; DISCRIMINATION; ORDERS OF COURT; REAL ESTATE AND REAL PROPERTY)

Abusive civil actions, defendant cause of action in answer to: SB 6154
 Nuisance lawsuits, protections for composting from: SB 5476
 Terrorism, domestic, person materially aiding, civil action for damages: SB 6293

ACTUARY, STATE

Long-term services and supports trust commission, actuary to assist: ***2SHB 1087, CH 363 (2019)**

ADMINISTRATIVE HEARINGS, OFFICE

Administrative law judges, collective bargaining for: ***SHB 2017, CH 77 (2020)**, SB 6224

ADMINISTRATIVE OFFICE OF THE COURTS (See also COURTS; CRIMES; SENTENCING)

Convictions, vacation of, process for streamlining, pilot program, office role: ***2SHB 2793 (2020) V**
 Electronic monitoring, with victim notification, office duties: SB 5149
 Gravely disabled persons, guardianship pilot program, work group: SB 5114

ADMINISTRATIVE PROCEDURE (See also ADMINISTRATIVE HEARINGS, OFFICE; BUILDING CODES AND PERMITS; BUSINESSES; ECOLOGY, DEPARTMENT; ENVIRONMENT; GROWTH MANAGEMENT; LICENSING, DEPARTMENT; OPEN PUBLIC MEETINGS; PROFESSIONS; RECORDS; REGULATORY ASSISTANCE, OFFICE OF; WASHINGTON ADMINISTRATIVE CODE)

Administrative law judges, collective bargaining for: ***SHB 2017, CH 77 (2020)**, SB 6224
 Agencies, regulatory, audits/inspections/examinations by, information at: SB 6408
 Building codes, statewide, adoption and amendment deadlines: SB 5634
 Ecology, department of, policies, adoption and enforcement of, requirements: SB 6315
 Ecology, department of, regulatory procedures and rule making: ***SHB 2343, CH 173 (2020)**, SB 6334
 Forest practices board, significant actions by: SB 5241
 Health care professions fee-setting, role of public: ***HB 1753, CH 303 (2019)**
 Justice, environmental, state agency incorporation of principles of: EHB 2009, SB 5489
 Land use ordinances, violations of, issuance, name of complainant required: SB 6572
 Liquor and cannabis board, rule making by: SB 5296
 Liquor rules and laws, written interpretations by liquor and cannabis board: SB 6341
 Natural resources, department of, significant actions by: SB 5241
 Permitting, local project application timelines, flexibility, and protections: SB 6461
 Rule making, expiration requirements: SB 5176
 Rule making, restrictions and requirements: SB 5176, SB 6044
 Rule making, via APA adoption, WAC codification, and legislative ratification, when: SB 6315
 Rules and rule making, roles of executive, legislative, and judicial branches: SB 6044
 Scientific information, significant legislative rules and agency actions: SB 5241
 Small business regulatory agencies, creating small business bill of rights: SB 5948

ADOPTION

Child-placing agencies, contract evaluation: SB 5645

ADVANCED COLLEGE TUITION PAYMENT AND COLLEGE SAVINGS PROGRAM

Committee on advanced tuition payment and college savings, legislative advisory committee, repealing: SB 6468
Committee, legislative advisory committee to, repealing: ***HB 2402, CH 114 (2020)**

ADVERTISING

Broadcasters, radio/television, standard B&O tax deduction for advertising: ***HB 2035, CH 449 (2019)**
Exploitation of children, sexual, advertising commercial, crime of: SB 5897
Internet/mobile application, marketing/advertising to minors via, prohibitions: HB 2442
Liquor licenses, retail licensee events online promotion: SB 5394
Marijuana businesses, billboards: SB 5785, SB 5985, SB 6333, SB 6657
Marijuana businesses, outdoor advertising at stadium or raceway, when: SB 5969
Marijuana businesses, signage and advertising: SB 5201, SB 5985, SB 6333, SB 6657
Meat analogues, misbranding in advertisements: SB 6329
Meat terms, identifiable, advertising products using: SB 6329
Pharmaceuticals, sale of advertising for, B&O tax surcharge, revenue use: SB 5659
Political, bots, using online to mislead, prohibiting: HB 2396
Political, deepfake audio or visual media of candidates, prohibitions, when: SB 6513
Political, requirements for political committees: ***ESHB 1379, CH 261 (2019)**
Political, top five contributors and top three donors requirements: ***ESHB 1379, CH 261 (2019)**
Political, top five contributors requirement: SB 5221
Political, when person not a candidate and/or not currently endorsed: SHB 2772, SB 6361
Vapor products, regulating advertising of: SB 6333

AERONAUTICS (See also TAXES - AIRCRAFT EXCISE)

Aerospace product development, B&O tax rate increase: SB 5129
Aerospace technology innovation, joint center, extending: SB 6139
Aerospace workforce council, to establish apprentice utilization rate, creating: ***ESB 6690, CH 165 (2020)**
Air ambulance service, provision of, claims data online availability: ***EHB 2755, CH 131 (2020)**
Air operations branch, DOT aviation division to plan/train/function as: SB 6471
Aircraft, commercial unmanned, nonresident-owned: SB 5138
Aircraft, electric aircraft work group, reconvening to conduct study: HB 1397
Aircraft, electric or hybrid-electric for commercial travel: HB 1397
Aircraft, emergency medical transportation, removing tax exemption, when: SB 6068
Aircraft, failing to register, deferred prosecution, program for: SB 5362
Aircraft, large private/nonresident, registration exemption: SB 6068
Aircraft, large private/nonresident, sales/use tax exemptions, extending: SB 6068
Aircraft, unpiloted, DOT aviation division director to be system coordinator: SHB 2836
Airplanes, commercial, manufacturer B&O tax preferential rate, apprentice use: ***ESB 6690, CH 165 (2020)**
Airplanes, commercial, manufacturing/sales B&O tax preferential rate, contingent: ***ESB 6690, CH 165 (2020)**, SB 6694
Airplanes, large civil, U.S.-EU-WTO disputes, contingent B&O tax rate impact: ***ESB 6690, CH 165 (2020)**
Airports, port district aircraft noise abatement programs, provisions: ***SHB 1847, CH 105 (2020)**, ***HB 2315, CH 112 (2020)**, SB 6214
Airports, public use general aviation airport loan program: SB 5011
Airports, using padded body-gripping animal traps: ***SHB 1917, CH 382 (2019)**
Airports/air navigation facilities, minimum labor standards: SB 6217
Aviation facility, new primary commercial, location for: SB 5370
Commission, state commercial aviation coordinating commission, creating: SB 5370
Community aviation revitalization board, convening: SB 5011
Fuel, aircraft, in aircraft for research/development, sales/use tax exemptions: ESHB 2880
Herbicides, aerial application on forestlands work group, recommendations of: SB 6488
Herbicides, aerial application on forestlands, various provisions: SB 6488
Pesticides, aerial application on forestlands, work group, establishing: SB 5597
Space economy, fostering, public policy study of: HB 2596
Unmanned aerial systems, approaching orca whales: HB 1341
Unpiloted aircraft system coordinator, DOT aviation division director to be: SHB 2836

AFRICAN-AMERICANS (See also MINORITIES)

Hair texture/protective styles associated with race, discrimination based on: ***HB 2602, CH 85 (2020)**

Seattle, Central District community preservation and development authority: ***HB 1918, CH 447 (2019)**

AGRICULTURE (See also AGRICULTURE, DEPARTMENT; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; GROWTH MANAGEMENT; LIVESTOCK; PEST CONTROL AND PESTICIDES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; WEEDS)

Apiaries, state map of locations of: SB 5552

Apiarists, civil liability: ***HB 1133, CH 257 (2019)**

Apple industry, Washington apples special license plates, creating: ***ESB 6032, CH 93 (2020)**

Beekeeping, apiaries, state map of locations of: SB 5552

Beekeeping, apiarists and apiaries, civil liability: ***HB 1133, CH 257 (2019)**

Beekeeping, commercial beekeeper drivers: SB 5694

Bees/pollinators, habitat program, protections, and task force: SB 5552

Biochar, from waste agricultural products: ***SJM 8005 (2019)**

Career and technical education, agriculture career-connected learning within: SB 5804

China, long-term trade agreement with, requesting work toward: SJM 8011

Egg layer operations, commercial, guidelines and requirements: ***SHB 2049, CH 276 (2019)**

Eggs and egg products, regulation and restrictions: ***SHB 2049, CH 276 (2019)**

Fairs, nonprofit state fair foundations, state property tax exemption: SB 6587

Fairs, not-for-profit society special occasion liquor licensee events: SB 5110

Fairs, state retail sales tax on sales at, deposit of: SB 5277

Fairs, with special occasion alcohol licenses: SB 5109, SB 6188

Farm products, vehicle/combinations carrying, highway weight limit exception: SB 5883

Food policy forum, Washington, establishing: SB 6091

Gardening, community, authorization by cities, towns, and counties: SB 5552

Hemp, industrial hemp research pilot program, replacing: E2SHB 1401, SB 5719

Hemp, industrial, plan for production of: SB 5276

Hemp, licensing and regulatory program for production: E2SHB 1401, SB 5719

Labor, farm labor contractors, licenses and adverse action prohibition: SB 6261

Lands, agricultural, landowners engaging in agriculture, GMA measures for: SB 6544

Lands, agricultural, state agency acquisitions, land assessments for: 2SHB 1733, SB 5543

Lands, agricultural, supporting within urban growth areas: SB 5259

Lands, agricultural, voluntary stewardship program, extending certain deadlines: SB 6545

Lands, agricultural/grazing, compensating lessee for nondefault/early termination: SHB 2498

Marketing, producer-processor negotiations to include mediation, when: ***HB 2524, CH 176 (2020)**

Products, manufacturers and retail sellers of, supply chain disclosures: SB 5693

Rangeland fire protection associations, provisions: EHB 1894

Soil, Washington soil health initiative, creating: SB 6306

Sustainable farms and fields grant program, developing: SB 5947

Tariffs on agricultural commodities, suspension, requesting: SJM 8011

Urban agricultural zones, establishment by cities and towns: SB 5552

Weights and measures program, various provisions: ***SHB 1298, CH 96 (2019)**, SB 5468

Workers, H-2A, office of H-2A compliance and farm labor, creating: SB 5438

Workers, H-2A, temporary foreign grower-employed employees as: SB 5438

Workers, protections for: SB 6261

AGRICULTURE, DEPARTMENT (See also AGRICULTURE; PEST CONTROL AND PESTICIDES; WEEDS)

Bees, pollinator health task force, creating: SB 5552

Bees, pollinator species habitat and health, establishing program: SB 5552

Cannabis commission, Washington, creating as commodity commission: SB 6589

Dairy inspection program, milk assessment to fund, delaying expiration: ***HB 1429, CH 115 (2019)**, SB 5447

Enforcement actions, department burden of proof: SB 6227

Food policy forum, Washington, department role in establishing: SB 6091

Imidacloprid, in shellfish beds, NPDES permit issuance, department role: SB 5626

Livestock brand inspection, WSDA authority to conduct, removing: HB 2075, SB 5967

Livestock identification, livestock identification advisory committee, provisions: SB 5959
 Livestock inspection program, repealing provisions: HB 2075, SB 5967
 Livestock inspection program, report concerning: SB 5959
 Soil, Washington soil health initiative, creating, department role: SB 6306
 Sustainable farms and fields grant program, developing: SB 5947
 Weights and measures program, various provisions: ***SHB 1298, CH 96 (2019)**, SB 5468
 Wine commission, winery sales tax revenue disbursements to: SB 5406

AIR QUALITY AND POLLUTION (See also AIR POLLUTION CONTROL AUTHORITIES; CLIMATE; ECOLOGY, DEPARTMENT; ENVIRONMENT; MOTOR VEHICLES; POLLUTION CONTROL HEARINGS BOARD; WATER POLLUTION)

Burning, outdoor, authorizing: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Clean energy transformation act, modifying: SB 6135
 Clean energy transformation act, Washington: SB 5116
 Commute trip reduction program, provisions: SB 5855
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Greenhouse gas emissions reduction and transportation funding, strategy for: SB 6700
 Greenhouse gas emissions, cap and trade program: SB 5981
 Greenhouse gas emissions, carbon adder: SB 5116
 Greenhouse gas emissions, carbon pollution fee: SB 5971
 Greenhouse gas emissions, clean fuels program, establishing: E2SHB 1110, SB 5412
 Greenhouse gas emissions, climate change/natural hazards resiliency in GMA: SB 6335
 Greenhouse gas emissions, direct and indirect, standards for: SB 6628
 Greenhouse gas emissions, electric zero emission vehicle program: SB 5336
 Greenhouse gas emissions, evaluation under SEPA, rule adoption: SB 5561
 Greenhouse gas emissions, from commercial transportation services providers: 2SHB 2310, SB 6399
 Greenhouse gas emissions, from food delivery providers: SB 6399
 Greenhouse gas emissions, from goods delivery providers: SB 6399
 Greenhouse gas emissions, from transportation application service providers: SB 6399
 Greenhouse gas emissions, performance standard early adoption program: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Greenhouse gas emissions, state reduction of, modifying current limits: ***E2SHB 2311, CH 79 (2020)**, SB 6272
 Hydrofluorocarbons and substitutes, prohibitions and alternatives: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Motor vehicle emissions, California standards, revising adoption of: ***SB 5811, CH 143 (2020)**
 Motor vehicle exhaust, modifications to increase smoke/soot, civil infraction: SB 6010
 Refrigerants, low global warming potential, studying and reporting: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Solid fuel burning devices, particulate air contaminant emission standard: SB 5697
 Sustainable farms and fields grant program, developing: SB 5947

ALCOHOLIC BEVERAGES (See also SUBSTANCE USE DISORDER; TRAFFIC OFFENSES)

Alcohol, as contraband on state correctional institution premises: SB 5888
 Beer, in kegs, provisions concerning: ***HB 2412, CH 230 (2020)**
 Beer, malt liquor in large kegs, modifying requirements: HB 2319
 Beer, microbreweries, product sales by legislative gift center: SB 5059
 Breweries, domestic, retail licenses maximum: ***HB 2412, CH 230 (2020)**
 Breweries, domestic/microbreweries, dogs on brewery premises, when: ***HB 2412, CH 230 (2020)**
 Breweries, domestic/microbreweries, kegs, provisions concerning: ***HB 2412, CH 230 (2020)**
 Breweries, domestic/microbreweries, on-premises wine sales endorsement: SB 6325
 Breweries, microbreweries, retail licenses maximum: ***HB 2412, CH 230 (2020)**
 Cider sales, various: SB 5006, SB 5445
 Importation, delivery by carrier to recipient in state, reporting: SB 5472
 Licensees, retail, employees of, as on-duty during instruction, when: SB 6035
 Licenses, arts and crafts activities not a gaming activity for purposes of: HB 1676
 Licenses, common carriers, sales on train car, vessel, or airplane not retail: SB 6095
 Licenses, distilleries and craft distilleries, records disclosure exemption: HB 1838, SB 5750
 Licenses, distilleries and craft distilleries, various provisions: SB 5549
 Licenses, domestic brewery/microbrewery, on-premises wine sales endorsement: SB 6325

Licenses, domestic winery, on-premises beer sales endorsement: SB 6325
 Licenses, domestic winery, production-related work by student interns: ***EHB 1563, CH 112 (2019)**
 Licenses, grocery store, spirits sales: SB 5682
 Licenses, hotel, employees as on-duty during instruction: SB 6035
 Licenses, local wine industry association for certain nonprofits: SB 6392
 Licenses, manufacturers, extending provisions: ***SB 5909, CH 156 (2019)**
 Licenses, microbrewery, wine, beer, and/or cider sales by: SB 5006
 Licenses, promoter special event, to sell spirits, beer, wine, and cider: SB 5445
 Licenses, renewal date: ***ESHB 1557, CH 370 (2019)**
 Licenses, restaurant, beer in original packages, endorsement to sell: SB 6173
 Licenses, restaurant, customer recorked/recapped sake removal from premises: ***HB 1672, CH 169 (2019)**
 Licenses, restaurant, employees as on-duty during instruction: SB 6035
 Licenses, restaurant, malt liquor in large kegs, modifying requirements: HB 2319
 Licenses, restaurant, soju endorsement: ***SHB 1034, CH 61 (2019)**, SB 5020
 Licenses, restaurant, spirits, beer, and wine school-operated restaurant: SB 6506
 Licenses, retail licensee events, online promotion: SB 5394
 Licenses, retail, activities endangering persons with dwarfism, prohibiting: SB 5486
 Licenses, retail, maximum number for brewery or microbrewery: ***HB 2412, CH 230 (2020)**
 Licenses, special occasion, fairs with multiple vendors and locations: SB 5109
 Licenses, special occasion, not-for-profit society events on premises of fairs: SB 5110, SB 6188
 Licenses, spirits retail license, limited, and mitigation fee, creating: SB 6104
 Licenses, tasting room for distilleries, off-site: SB 5549
 Licenses, tavern, employees as on-duty during instruction: SB 6035
 Licenses, tavern, malt liquor in large kegs, modifying requirements: HB 2319
 Licenses, temporary special event brewery: SB 5445
 Licenses, temporary special event distiller vendor: SB 5445
 Licenses, temporary special event winery vendor: SB 5445
 Licenses, theater, requirements: SB 5643
 Liquor laws and rules, written interpretations by liquor and cannabis board: SB 6341
 Low-proof beverages, definition and regulation of: SB 6508
 Marketing/advertising to minors via internet/mobile application, prohibitions: HB 2442
 Permits, promoter's, for organizing licensee public events, creating: SB 5677
 Permits, special, nonprofit society/organization banquet permit: SB 5742
 Permits, special, postsecondary institutions for student tastings, when: ***EHB 1563, CH 112 (2019)**
 Sake, customer recorked/recapped sake removal from restaurant premises: ***HB 1672, CH 169 (2019)**
 Soju, restaurant licenses endorsement: ***SHB 1034, CH 61 (2019)**, SB 5020
 Specialty stores, beer/wine, EBT card use in ATM in, when: ***SB 6136, CH 64 (2020)**
 Spirits industry, consumer instruction personal services for retailers: SB 6531
 Spirits, craft distillery product sales by legislative gift center: SB 5059
 Spirits, limited spirits retail license, and mitigation fee, creating: SB 6104
 Wine, local wine industry association license for certain nonprofits: SB 6392
 Wine, Washington wine special license plates, creating: SHB 2050, E2SHB 2050
 Wineries, domestic, customer recorked/recapped wine removal from premises: ***HB 1672, CH 169 (2019)**
 Wineries, domestic, production-related work by student interns: ***EHB 1563, CH 112 (2019)**
 Wineries, domestic, tax relief: SB 5406

ANIMALS (See also HORSES; HUNTING; LIVESTOCK; STATE DESIGNATIONS, OFFICIAL; VETERINARIANS; WILDLIFE)

Abandoned animals, care/control agency or rescue group, delivering to: SB 6300
 Airports, using padded body-gripping animal traps: ***SHB 1917, CH 382 (2019)**
 Animal control officers, carrying firearms: SB 5016
 Cats, selling in pet stores, prohibition and alternatives: SB 6221
 Cats, selling in pet stores, requirements and alternatives: SB 5209
 Cats, used for science or research, offering for adoption: SB 5212
 Collateral, naming live dogs and cats as, prohibiting, when: ***SHB 1476, CH 340 (2019)**
 Contracts, for cat and dog ownership transfer, when void/unenforceable: SB 5768

Cruelty, convicted offender, restrictions imposed when sentenced: SB 6300
 Cruelty, first degree, provisions: SB 6300
 Cruelty, prevention of, entry into vehicle to remove animal, liability for: SB 6151
 Cruelty, second degree, provisions: ***SHB 1919, CH 174 (2019)**, EHB 2623, SB 6300
 Dogs, assistance, courthouse facility dogs for use by certain witnesses: ***SB 5551, CH 398 (2019)**
 Dogs, breed-based regulations, prohibitions: ***HB 1026, CH 199 (2019)**, SB 5204
 Dogs, devocalizing or ear or tail cropping/cutting off, performing: SB 6300
 Dogs, fights, entering in, as class C felony, repealing: SB 6300
 Dogs, killing of, statutes permitting or requiring in certain cases, repealing: SB 6300
 Dogs, nonlethal pursuit training for hunting certain wildlife: ***HB 1516, CH 226 (2019)**, SB 5320
 Dogs, on brewery/microbrewery premises, when: ***HB 2412, CH 230 (2020)**
 Dogs, police or accelerant detection, harming, class B felony when dog killed: SB 5614
 Dogs, selling in pet stores, prohibition and alternatives: SB 6221
 Dogs, selling in pet stores, requirements and alternatives: SB 5209
 Dogs, used for science or research, offering for adoption: SB 5212
 Emergency personnel, medical services for animals by: SB 5208
 Fighting, crime of, provisions: ***SHB 1919, CH 174 (2019)**, SB 6300
 Live animals, paramedic training program use of, prohibitions: SB 5211
 Old/maimed/diseased/sick/disabled animals, provisions concerning, repealing: SB 6300
 Pets, low-income veterinary services, certain agencies and humane societies: SB 5004
 Pets, pet food, scan-down allowances on, B&O taxation purposes: ***EHB 1354, CH 217 (2019)**, SB 5407
 Police animals, harming, class B felony when animal killed: SB 5614
 Tardigrade, as official state microanimal, designating: HB 2747

APPLIANCES (See also ELECTRONIC PRODUCTS)

Efficiency standards, various appliances: ***2SHB 1444, CH 286 (2019)**, SB 5115
 Refrigerants in appliances, low global warming potential, studying: ***E2SHB 1112, CH 284 (2019)**, SB 5426

APPRENTICES AND APPRENTICESHIP PROGRAMS

Aerospace workforce council, to establish apprentice utilization rate, creating: ***ESB 6690, CH 165 (2020)**
 Airplanes, commercial, manufacturer B&O tax preferential rate, apprentice use: ***ESB 6690, CH 165 (2020)**
 Building trades, education-based apprenticeship preparation program: SB 5458
 Correctional inmates, apprenticeship opportunity pilot program, establishing: SB 5203
 Electrical apprenticeship training program, unemployment benefits eligibility: ***SB 5398, CH 50 (2019)**
 Petroleum high hazard facilities, new program applications, consideration of: SB 6054
 Petroleum high hazard facilities, skilled/trained workforce, apprentices in: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Programs, approved, evergreen promise pilot program/award, establishing: SB 5884
 Public works, certain contracts, apprentice utilization plans with bids, when: ***ESB 6239, CH 255 (2020)**
 Regional apprenticeship pathways program, developing: SB 5458
 Registered programs, increasing: SB 5236
 Registered programs, Native American opportunity scholarship program, creating: SB 5709
 Religious accommodations, by program entities, when: SB 5166
 Students, dual enrollment scholarship pilot program, apprenticeship materials: ***SB 6374, CH 259 (2020)**

APPRENTICESHIP AND TRAINING COUNCIL, WASHINGTON STATE (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)

Petroleum high hazard facilities, new program applications, consideration of: SB 6054

ARCHAEOLOGY AND HISTORIC PRESERVATION (See also ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT)

Historic property, special valuation for property tax, extensions of, when: ***SHB 2868, CH 91 (2020)**
 Projects involving groundbreaking activities, notice/consultation requirements: SB 6448, SB 6519
 Sites, archaeological/cultural, impact of state-funded project groundbreaking on: SB 6448, SB 6519
 Sites, archaeological/cultural, local government consultation with Indian tribes: ESHB 2804

ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT (See also ARCHAEOLOGY AND HISTORIC PRESERVATION; INDIANS)

Sites, archaeological/cultural, impact of state-funded projects on, department role: SB 6448, SB 6519

ARCHIVES (See also RECORDS; SECRETARY OF STATE)

Local government archives account, surcharge deposits and funds use: ***ESHB 1667, CH 372 (2019)**, ***ESHB 2015, CH 448 (2019)**, SB 5667, SB 5902

Regional archive facility, specialized, in eastern Washington, certain funds for: ***ESHB 2015, CH 448 (2019)**, SB 5902

State archives, Washington state library-archives building project/account: ***ESHB 2015, CH 448 (2019)**, SB 5902

ART AND ARTWORKS

Appropriations, higher education and state agency art: ***HB 1318, CH 240 (2019)**, SB 5375

Artistic and cultural organizations, B&O tax deductions, various changes: ***ESB 5402, CH 139 (2020) PV**

Arts and crafts activities, not a gaming activity for liquor license purposes: HB 1676

Building for the arts program, modifying: HB 2352

Cultural access programs, community preservation and development authorities: ***SB 5792, CH 192 (2020)**

Cultural access programs, public school access: ***SB 5792, CH 192 (2020)**

Cultural access programs, same requirements for all counties: ***SB 5792, CH 192 (2020)**

Legislative buildings, display of art and exhibits in, program for: SB 5869

Marcus Whitman statues, in state and U.S. capitols, replacing: SB 5237

Monument, global war on terror, service members who died in, work group: SB 5712

Peace arch, in Blaine, as official state peace monument: SB 5953

ARTS COMMISSION

Appropriations, higher education and state agency art, commission role: ***HB 1318, CH 240 (2019)**, SB 5375

Legislative buildings, display of art and exhibits in, program for: SB 5869

ATTORNEY GENERAL

Assistant attorneys general, collective bargaining rights: SB 5297

Domestic workers, model statement of obligations and rights, AG's office role: SB 6247

Domestic workers, model written employment agreement, AG's office role: SHB 2511

Domestic workers, work group on, AG's office to administer: SHB 2511, SB 6247

Homeowners' association ombuds, office of, establishing in AG's office: SB 5302

Immigration enforcement, model policies for limiting, AG role: SB 5497

K-12 student internet data privacy, attorney general actions: SB 5598

Multidisciplinary hate crime advisory working group, AG to convene: ***ESHB 1732, CH 271 (2019)**, SB 5850

Officers/security guards, use of force with firearm discharge, reporting to AG: SB 5916

Opioids, advisory council on state use of penalties from litigation, AG to convene: ESHB 2786

Self-harm or criminal acts, potential, hotline/program for reporting, AG role: SB 5835

Sexual assault coordinated community response task force, establishing: SB 6158

Sexual assault forensic examination best practices advisory group: ***2SHB 1166, CH 93 (2019)**

Voting practices, covered, certification of no objection, when, AG role: SB 6688

ATTORNEYS (See also ATTORNEY GENERAL; CIVIL LEGAL AID, OFFICE; PUBLIC DEFENSE, OFFICE)

Bar associations, repealing state bar act: ESHB 1788

Foster care-related legal proceedings, counsel for DCYF and parents for: SB 5942

Legal service contractors, services via attorney agreement and service plan: SHB 2306, SB 6146

Practice of law, shifting regulatory authority to supreme court: ESHB 1788

Prosecuting attorneys, arrested persistent property offender, charging, when: SB 6502

Prosecuting attorneys, informant information or testimony, work group: SB 5714

Prosecuting attorneys, informant testimony, jury instruction: SB 5714

Prosecuting attorneys, offender resentencing petitioning by: ***SB 6164, CH 203 (2020)**

Self-defense legal service subscription providers, excluding from "insurer": SB 6043

Unlawful detainer, proceedings, attorney representation of tenant, studying: SB 5907

AUDITOR, STATE (See also AUDITORS AND AUDITING)

Duties and procedures, revising: SHB 1009, SB 5009, SB 6026

Facilities/institutions, of certain agencies, auditor duties when found deficient: SB 6192
 Higher education institutions, public funds information reporting, auditing of: SB 5960
 Long-term services and supports trust program, auditor to evaluate: ***2SHB 1087, CH 363 (2019)**
 Performance audits, repealing statutes: SHB 1009, SB 6026
 Schools, local revenue, supplemental expenditure schedules, auditing of: SB 6021
 Special purpose districts, financial reports of, certification, auditor role: SB 6324
 Unauditable special purpose districts, as finding, role of auditor: ***ESHB 2588, CH 179 (2020)**

AUDITORS AND AUDITING (See also AUDITOR, STATE; ELECTIONS)

County auditors, document-recording surcharges, provisions: ***ESHB 1667, CH 372 (2019), *E2SHB 1923, CH 348 (2019), *HB 1980, CH 136 (2019), *ESHB 2015, CH 448 (2019)**, SB 5667, SB 5769, SB 5898, SB 5902, SB 6186, SB 6196
 County auditors, election precincts and their boundaries: ESB 5496
 County auditors, local voters' pamphlet duties: ***ESHB 2421, CH 337 (2020)**, SB 6134
 County auditors, name on ballots/envelopes or in voters' pamphlet, prohibitions: HB 1212
 County auditors, recording instruments, library-archives building surcharge: ***ESHB 2015, CH 448 (2019)**, SB 5902
 County auditors, solemnizing of marriages and marriage license issuance by: SB 6184
 County auditors, state or federal elections, cost share proration: ***ESHB 2421, CH 337 (2020)**, SB 6134
 County auditors, unauditable special purpose districts, auditor role: ***ESHB 2588, CH 179 (2020)**
 County auditors, voter outreach duties and funding: SB 6134
 Regulatory agencies, business/professions audits/inspections/examinations by: SB 6408

BACKGROUND CHECKS (See also FIREARMS)

Cards, portable background check clearance card issued by DCYF, provisions: SB 6655
 Certificates of parental improvement, when abuse/neglect or dependence: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Certificates of parental improvement, when neglect/maltreatment/dependence: ***2SHB 1645, CH 270 (2020)**
 Educational institutions and contractors, employee requirements: ***HB 2259, CH 22 (2020)**, SB 6100
 Guardians ad litem, for child, fingerprint background checks: ***SB 5895, CH 57 (2019)**
 Gubernatorial appointees, background check information on, providing: SB 5968
 In-home services agencies, various, sharing background check information: 2ESHB 1565, SB 5568
 Long-term care, various providers, sharing background check information: 2ESHB 1565, SB 5568
 Private investigators, temporary registration cards during check: SB 5111
 Schools, employee background checks, biennially after hiring: SB 6655
 Superintendent of public instruction, office of the, employee requirements: ***HB 2259, CH 22 (2020)**, SB 6100
 Volunteers, schools/school districts, criminal records checks: ESHB 2220

BAIL AND BAIL BONDS

Appear or surrender, failure to, crime of, creating: ***ESHB 2231, CH 19 (2020)**
 Bail jumping, when convicted of violent or sex offense, felony: ***ESHB 2231, CH 19 (2020)**
 Bond, free on, with felony driving under influence charge, firearm possession: SB 6163

BICYCLES

Bicycle routes, scenic bikeways program for designation of, establishing: ***HB 2587, CH 286 (2020)**
 Bicyclist safety advisory council, Cooper Jones, adding functions to CJATSC: ***SB 6493, CH 72 (2020)**
 Bicyclists, as vulnerable users of a public way and negligent driving victims: ***SB 6045, CH 146 (2020)**
 Bicyclists, as vulnerable users of a public way, protections: ESHB 1966, SB 5723
 Nonmotorists, active transportation safety advisory council, convening: SB 5710
 Nonmotorists, Cooper Jones active transportation safety council, convening: ESHB 1723, ***SB 6493, CH 72 (2020)**
 Sales of bicycles, retail, additional sales tax on: SB 5971
 Signals, traffic control, for bicyclists, same meaning as circular colored signals: SHB 2684
 Signals, traffic control, for bicyclists, same meaning as circular signal indicators: SB 6466
 Stop signs, bicyclist authority to treat as yield signs, when: SB 6208

BOATS AND BOATING (See also RIVERS AND STREAMS; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Boating safety education program, adding whale watching materials: ***SB 5918, CH 293 (2019)**
 Derelict vessel recycling waste stream pilot project, creating: SB 6528

Derelict vessel removal program, expanding prevention and enforcement: SB 6528
 Electric vessels, retail sales and use tax exemptions, when: ***E2SHB 2042, CH 287 (2019)**
 Fees, various, modifying and remitting to DOL and counties: ***EHB 1789, CH 417 (2019)**
 Marinas, floating on-water residences at, certain vessels as: SB 6027
 Marinas, floating structure or vessel as residence, as water-dependent use: SB 6027
 Marine propulsion systems, battery-powered, sales/use tax exemptions: ***SHB 2486, CH 341 (2020)**, SB 6318
 Motors for boats, integrated electric, sales and use tax exemptions: SB 6491
 Paint, copper-containing antifouling, sale/use prohibitions: SB 6210
 Paint, cybutryne-containing antifouling, sale/use prohibitions: SB 6210
 Personal flotation devices, for child, when required: ESHB 2443
 Registration and certain transactions, service and filing fees, various: ***EHB 1789, CH 417 (2019)**
 Registration, failing to register vessel, deferred prosecution, program for: SB 5362
 Titles, certificates of, filing fees, various: ***EHB 1789, CH 417 (2019)**

BONDS (See also BUDGETS; TITLE ONLY BILLS)

Chehalis basin, office of, taxable bonds for, receipts from proceeds of, use of: ***SHB 1154, CH 221 (2020)**
 General obligation bonds, for building business ecosystems area financing: SB 5564
 General obligation bonds, for capital and operating budget projects: ***SHB 1101, CH 414 (2019)**, SB 5133
 General obligation bonds, for community behavioral health facilities: SB 5537
 General obligation bonds, for forest health activities: SB 6195
 General obligation bonds, for housing benefit districts: SB 6618
 General obligation bonds, for library districts, maximum term of, when: ***SB 6305, CH 207 (2020)**
 General obligation bonds, for military benefit zone public improvements: SB 5571
 General obligation bonds, for water infrastructure program: SB 6345
 General obligation bonds, forward Washington projects or improvements: SB 5970
 General obligation bonds, proceeds for transportation budget projects: ***HB 2271, CH 24 (2020)**, SB 5970, SB 6094
 General obligation bonds, transportation projects, correcting budget reference: ***HB 2271, CH 24 (2020)**, SB 6094
 School district bonds and payment levies, at least 55% of voters to authorize: SB 5252, SJR 8202
 School district bonds and payment levies, simple majority to authorize: SB 5066, SJR 8201
 State debt reduction account, creating for bond interest/principal payment: SB 5938

BOUNDARIES

Election districts, voting precinct boundaries within: ESB 5496
 Review boards, unincorporated island of territory annexation not subject to: SB 5249
 Urban growth areas, boundary requirements: SB 5026, SB 5194
 Washington plane coordinate system, revising system and renaming as: ***HB 2860, CH 50 (2020)**

BREE COLLABORATIVE

Prior authorization work group, creating, role of collaborative: SB 6404

BUDGETS (See also ECONOMIC AND REVENUE FORECAST COUNCIL; FINANCIAL MANAGEMENT, OFFICE; LEGISLATURE; PUBLIC FUNDS AND ACCOUNTS; SCHOOLS AND SCHOOL DISTRICTS; STATE AGENCIES AND DEPARTMENTS; TITLE ONLY BILLS; TRANSPORTATION)

Agency budget requests, discretionary tax preference listing in documents: SB 6621
 Agency budget requests, zero-based budget review in: SB 6674
 Capital construction projects, major, predesign requirements, reducing: SHB 2936
 Capital, 2019-2021 and supplemental 2019: ***SHB 1102, CH 413 (2019) PV**, SB 5134
 Capital, 2021-2023, office of Chehalis basin agency decision packages for: ***SHB 1154, CH 221 (2020)**
 Capital, biennial appropriations to public works board from assistance account: SB 5788, SB 5952
 Capital, general obligation bonds for projects: ***SHB 1101, CH 414 (2019)**, SB 5133
 Capital, higher education and state agency art appropriations: ***HB 1318, CH 240 (2019)**, SB 5375
 Capital, small scale public works projects, prevailing wage exemption: SB 5556
 Capital, state capital budget debt capacity forecast work group, creating: SB 6376
 Capital, state capital budget debt capacity forecasts, preparation of: SB 6376
 Capital, state debt reduction account, creating to finance certain projects: SB 5938
 Capital, substance use disorder programs/facilities funding, data disclosure: SB 6070
 Capital, supplemental 2019-2021: SB 6248

Children, core state services, forecasting/budgeting as maintenance-level costs: SB 5942
 Developmental disabilities, persons with, certain waivers as maintenance-level costs: SB 6040, SB 6658
 Expenditure information web site, state, accessibility from taxes database: SB 5631
 Expenditure limit, state expenditure limit committee, eliminating: SB 6660
 Expenditure limit, state, adjusting due to transfers from "related funds": SB 5609
 Expenditure limit, state, eliminating limit and tax-increase restrictions: SB 6660
 Expenditure limit, state, establishing responsible limit: SB 5609
 Federal, balanced budget, U.S. constitutional amendment for: SJM 8004
 Model toxics control revenues, budget document concerning: SB 5993
 Operating, 2019-2021: SB 5153
 Operating, 2019-2021 and supplemental 2017-2019: ***ESHB 1109, CH 415 (2019) PV**
 Operating, ambulatory surgical facility licensing fees, establishment: SB 5906
 Operating, general obligation bonds for projects: ***SHB 1101, CH 414 (2019)**, SB 5133
 Operating, medicaid behavioral health provider rate increases, use of funds for: ***EHB 2584, CH 285 (2020)**
 Operating, omnibus appropriations act, agency zero-based budget reviews: SB 6674
 Operating, omnibus appropriations bill, balancing in current and next fiscal biennia: SB 6660, SJR 8216
 Operating, school district compensation regionalization factors: SB 5773, SB 6226
 Operating, second supplemental 2017-2019: SB 5154
 Operating, state balanced budget requirement: SB 6198, SB 6660, SJR 8207, SJR 8216
 Operating, state balanced budget requirement, "related funds": SB 6198, SB 6660
 Operating, supplemental 2019-2021: SB 6168
 Outlook, state budget, discretionary tax preferences listing and fiscal impact: SB 6621
 Outlook, state budget, including "related funds": SB 6660
 Outlook, state budget, inflationary increase to public employee salaries/wages: SB 5963
 Transportation, 2019-2021: SB 5214
 Transportation, 2019-2021 and supplemental 2017-2019: ***ESHB 1160, CH 416 (2019) PV**
 Transportation, 2019-2021, additive: SB 5972
 Transportation, general obligation bonds, proceeds for projects: ***HB 2271, CH 24 (2020)**, SB 5970, SB 6094
 Transportation, motor vehicle sales/use tax revenues for budget projects: SB 6041
 Transportation, projects funding, correcting omnibus act reference: ***HB 2271, CH 24 (2020)**, SB 6094
 Transportation, projects, before including in authorization, evaluating: SB 6398
 Transportation, supplemental 2017-2019: SB 5213
 Transportation, supplemental 2019-2021: SB 6497

BUILDING CODE COUNCIL (See also BUILDING CODES AND PERMITS)

Codes, statewide, adoption and amendment deadlines: SB 5634
 Council members, provisions concerning: SB 6464
 Electric vehicles, charging infrastructure for new buildings, council rule making: SB 6684
 Gasoline operations, mobile on-demand, standards/certifications, council role: ***ESHB 2783, CH 43 (2020)**
 Hydrofluorocarbons and alternatives, rule making: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Nonpotable water systems, on-site treated, risk-based standards, rule making: ESHB 1747
 Renewable energy systems, encouraging and studying, council role: SB 5223

BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL; BUILDINGS, STATE; GROWTH MANAGEMENT; HOMES AND HOUSING)

Accessory dwelling units, provisions: SB 5812
 Adoption and amendment of statewide codes, deadlines: SB 5634
 Electric vehicles, charging infrastructure for new buildings, requiring, when: SB 6684
 Electric vehicles, charging stations at new buildings: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Energy codes, state, for nonresidential buildings: ***E3SHB 1257, CH 285 (2019)**
 Energy codes, state, for residential and nonresidential buildings: SB 5293
 Energy codes, state, for residential buildings, delaying implementation: SB 6681
 Family day care providers, not code/licensing compliant, city to notify DCYF: SB 6237
 Fire code, mobile on-demand gasoline operations, standards/certification: ***ESHB 2783, CH 43 (2020)**
 Functional recovery, post-earthquake, incentives, grants, and task force: SB 5557
 Hydrofluorocarbons and alternatives, emissions reduction: ***E2SHB 1112, CH 284 (2019)**, SB 5426

Ordinances, violations of, issuance, name of complainant required: SB 6572
 Product certification agencies, for alternate code compliance: SB 5587
 Telecommunications installations, wiring requirements, exemption: ***SHB 1594, CH 119 (2019)**
 Tiny houses, and tiny houses with wheels, international residential code: SB 5383

BUILDINGS, STATE (See also BUILDING CODES AND PERMITS; CAPITOL CAMPUS, STATE)

Facility projects, water efficient landscaping: ***HB 1165, CH 9 (2020)**
 Functional recovery, post-earthquake, incentives, grants, and task force: SB 5557
 Library-archives building, Washington state, project and account: ***ESHB 2015, CH 448 (2019)**, SB 5902
 State-/publicly-owned lands/buildings, inventory of, publication on web site: EHB 2896
 State-owned land/property, underutilized, for affordable housing: EHB 2896

BUSINESS ORGANIZATIONS (See also COOPERATIVE ASSOCIATIONS; CORPORATIONS)

Bots, using online to mislead in commercial transaction, prohibiting: HB 2396
 Cooperative finance organizations, B&O tax deduction: ***HB 1368 (2020) V**, SB 6137
 Engineering, entities practicing, registration with department of revenue: SB 5125
 Entities, corporate crime act: ***HB 1252, CH 211 (2019)**
 Entities, crimes committed by, fines/legal financial obligations: ***HB 1252, CH 211 (2019)**
 Entities, foreign nationals, corporation ownership level of/campaign contributions: SB 6152
 Entities, gender of directors on board of, reporting: SB 5142
 Entities, marijuana business or nonprofit, licensing and residency: SB 5202, SB 5409
 Family and medical leave, paid, exempting or excluding certain entities: SB 5539
 Land surveying, entities practicing, registration with department of revenue: SB 5125
 Payroll expense tax, on employers doing business in King county, imposing: SB 6692
 Uniform business organizations code, limited cooperative associations: ***SB 5002, CH 37 (2019)**

BUSINESSES (See also ACCOUNTANTS AND ACCOUNTING; ADVERTISING; AGRICULTURE; ALCOHOLIC BEVERAGES; ATTORNEYS; BUSINESS ORGANIZATIONS; CHILD CARE; CONSUMER PROTECTION; CONTRACTORS; CORPORATIONS; DISCRIMINATION; DRUGS; EMPLOYMENT AND EMPLOYEES; FARMS AND FARMING; FIREARMS; FOOD AND FOOD PRODUCTS; INSURANCE; LABOR; LODGING; MANUFACTURING AND TECHNOLOGY; MOTOR VEHICLES; NEWS MEDIA; PROFESSIONS; REAL ESTATE AND REAL PROPERTY; TAXES - BUSINESS AND OCCUPATION; TITLE ONLY BILLS; TRANSPORTATION; WATER; WORKERS' COMPENSATION)

Adult entertainment establishments, entertainer safety and advisory committee: ***EHB 1756, CH 304 (2019)**, SB 5724
 Adult entertainment establishments, entertainers not employed by, requirements: SB 6517
 Adult entertainment venues, endangering persons with dwarfism, prohibiting: SB 5486
 Auction companies, registration with department of revenue: ***HB 1176, CH 442 (2019)**, SB 5125
 Auction dealers, wholesale motor vehicle, possessory lien on stored vehicle: SB 6410
 Bags, retail carryout, standards and pass-through charge: SB 5323
 Barber shops, inapplicability of "employment" for certain barbers: SB 5326
 Bots, using online to mislead in commercial transaction, prohibiting: HB 2396
 Building business ecosystems act, building business ecosystems area financing: SB 5564
 Business improvement areas, protections for, homelessness impact grant program: SB 6196
 Call centers, relocation to other country: SB 5058
 Chamber of commerce, protections for, homelessness impact grant program: SB 6196
 Collection agencies, credit card payment, definition of and transaction fee for: SB 6118
 Collection agencies, hospital/health system connections with, notice of: ESHB 2036
 Collection agencies, serving debtor with summons and complaint: ***HB 1066, CH 201 (2019)**, SB 5034
 Commercial real property, relief for, expanding property tax exemption to, constitutional amendment: SJR 8218
 Concrete pumping services, as "constructing"/related activities, excise taxation: SB 6317
 Consumer data, Washington privacy act protections: SB 5376
 Contracts, services/equipment leasing with automatic renewal, requirements: SB 6437
 Cottage food operations, maximum sales limit for permit: HB 2218
 Cottage food operations, product labeling information requirements: ***HB 2217, CH 171 (2020)**
 Data brokers, consumer personal information, Washington privacy act: SB 5376
 Data brokers, registration and additional requirements: E2SHB 1503

Data controllers/processors, Washington privacy act: SB 6281
 Debt buyers, actions against debtors, prohibitions: ***SHB 2476, CH 30 (2020)**
 Delivery devices, personal, regulating: ***ESHB 1325, CH 214 (2019)**, SB 5378
 Electronic records, distributed ledger technology, repealing certain statutes: SB 6028
 Electronic records, distributed ledger technology, use of: SB 5638
 Electronic records/signatures, repealing certain statutes: SB 6028
 Electronic records/signatures, uniform electronic transactions act, adoption: SB 6028
 Employment agencies or directories, regulating: SB 5171
 Employment agencies, temporary, payroll expense tax to include, when/where: SB 6692
 Employment positions, creation of, B&O tax credits: SB 5215
 Engineering, entities practicing, registration with department of revenue: SB 5125
 Fitness centers, safety and sanitation: SB 5553
 Food service businesses, plastic food service products, prohibitions: SB 6627
 Food service businesses, plastic food service products, reducing waste from: SB 6627
 Food service businesses, worker schedule requirements: SB 5717
 Gas stations, motor fuel pumps, fuel tax sticker for display on: SHB 1633, 2SHB 1633
 Gift cards and certificates, provisions: ***HB 1727, CH 376 (2019)**
 Heavy equipment rental property dealers, property tax exemption for: SB 5628
 Highway sweeping program, statewide volunteer, for businesses, establishing: SB 6650
 Hospitality businesses, worker schedule requirements: SB 5717
 Hospitality industry, opportunities for employment in hospitality grant: SB 5808
 Internet/mobile application, marketing/advertising to minors via, prohibitions: HB 2442
 Investment management companies, international, tax preferences: ***ESB 6016, CH 426 (2019)**
 Investment management services, international, sales/use tax exemptions: SB 5325
 Kitchens, microenterprise home operations, permits for and regulation of: SB 6434
 Land surveying, entities practicing, registration with department of revenue: SB 5125
 Licenses, delinquent renewal fee, waiving, when: ***ESB 5402, CH 139 (2020) PV**
 Licensing service, application handling fees, increasing: SB 6632
 Licensing service, city option to opt out, when: HB 2749, ***ESB 5402, CH 139 (2020) PV**
 Lodging, employee training regarding human trafficking: SHB 2320, SB 6356
 Lodging, furnishing of lodging by business, charge for, increasing: SB 6592
 Lodging, furnishing of lodging by business, charges for, petitioning to remove: SB 6592
 Lodging, short-term agreements, standards for: SB 5863
 Lodging, short-term rental operators and platforms, requirements: ***SHB 1798, CH 346 (2019)**, SB 5870
 Marketplace facilitators, nexus threshold and retail sales tax collection: SB 5581
 Markets, international, engagement with, to aid WA companies/regions: SB 6656
 New businesses, B&O tax credit: SB 5619
 New businesses, B&O tax exemption and additional mitigation tax: SB 5974
 Noncompetition covenants, enforceable or unenforceable, when: ***ESHB 1450, CH 299 (2019)**, SB 5478
 Office space, commercial, development tax incentives: ***SHB 1746, CH 273 (2019)**, SB 5051
 Payroll expense tax, on businesses in King county, imposing, when: SB 6669
 Payroll expense tax, on employers doing business in King county, imposing: SB 6692
 Permanent cosmetics businesses, licensing and regulation: SHB 1158
 Personal data, businesses controlling/processing, WA privacy act: SB 6281
 Personal information, possessed by businesses, security breaches: ***SHB 1071, CH 241 (2019)**, SB 5064
 Pet stores, selling dog or cat in, prohibition and alternatives: SB 6221
 Pet stores, selling dog or cat in, requirements and alternatives: SB 5209
 Product certification agencies, for alternate building code compliance: SB 5587
 Public accommodation, places of, closed captioning on televisions in: SB 6182
 Regulatory agencies, business audits, inspections, and examinations by: SB 6408
 Restaurants, children's meals at, default beverage options for: SB 6455
 Restaurants, diaper-changing stations: SB 5156
 Restaurants, liquor licenses, soju endorsement: ***SHB 1034, CH 61 (2019)**, SB 5020
 Restaurants, paying new employee training period wages, certificate for: SB 6377
 Retail establishments, worker schedule requirements: SB 5717

Rewards cards, unclaimed property act exemption: SB 5654
 Sales of goods and services during time of disaster, limiting price increases for: SB 6699
 Sales representatives, payment of earned commissions to: ***HB 2474, CH 84 (2020)**
 Salon/shop licenseholders, booth renters at premises of, prohibitions: SB 5326
 Security companies, guard use of force with firearm discharge, reporting: SB 5916
 Security companies, private, licensing and license renewals: SB 6605
 Self-storage businesses, personal property in storage units, protections: SB 5957
 Signatures/messages, electronic, distributed ledger technology, use of: SB 5638
 Signatures/messages, electronic, repealing electronic authentication act: ***HB 1908, CH 132 (2019)**, SB 5501
 Signatures/records, electronic, repealing certain statutes: SB 6028
 Signatures/records, electronic, uniform electronic transactions act, adoption: SB 6028
 Small business enterprise enforceable goals program, for ferry vessel procurement: ***ESHB 2161, CH 431 (2019)**
 Small, bill of rights for small businesses, regulatory agencies to create and post: SB 5948
 Small, fairer system for, single low flat B&O tax rate for all businesses: SB 5994
 Small, small business tax credit, increasing: SB 6492
 Staffing agencies, temporary employee assignment, agency to visit worksite: SB 6122
 Staffing agencies, temporary employee-related industrial insurance claims: SB 6122
 Staffing agencies, temporary, payroll expense tax to include, when/where: SB 6692
 Taxes, multiple business, city/town imposition citing same statutory authority, prohibiting: SB 6194
 Theaters, liquor licenses for, requirements: SB 5643
 Ticket resellers, licensing and regulation: SB 5321
 Time zone and daylight saving time, impact on commerce, reviewing: SB 5139, SB 5140
 Travel agents and tour operators, preferential B&O tax rate, eliminating: SB 5997
 Veteran-owned, awarding public works and procurement contracts to: SB 5762
 Wilderness therapy programs, for troubled youth, licensing: SB 6637

CAPITOL CAMPUS, STATE (See also BUILDINGS, STATE)

Firearms/other weapons, on-campus possession or control of, prohibiting: SB 6686
 Legislative building, skylights/ceilings in house/senate chambers, restoring: SB 6691
 Legislative buildings, display of art and exhibits in, program for: SB 5869
 Legislative gift center, craft distillery and microbrewery product sales: SB 5059
 Marcus Whitman statues, in state and U.S. capitols, replacing: SB 5237

CASELOAD FORECAST COUNCIL

Dependency and termination petitions, caseload forecasting by council of: SB 5942
 Developmental disabilities, persons with, forecasting certain waivers: SB 6040, SB 6658
 Developmental disability services, forecasting as entitlements: SB 6056
 Washington college grant program, caseload of, estimating: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

CENSUS

Census taker, impersonating a, crime of, gross misdemeanor: ***SHB 2527, CH 34 (2020)**
 Interfering with census operation or discouraging participation, as unfair practices: ***SHB 2527, CH 34 (2020)**
 Mailings, seemingly official census communication when not, as deceptive practice: ***SHB 2527, CH 34 (2020)**
 Washington census bill of rights and responsibilities, affirming rights via: ***SHB 2527, CH 34 (2020)**

CHIEF INFORMATION OFFICER, OFFICE OF THE STATE

Chief privacy officer, duties related to automated decision systems: SB 5527
 Chief privacy officer, duties related to personal data: E2SHB 1503
 Cloud computing solutions and migration, state agencies, office role: SB 5662
 Privacy and data protection, office of, personal data opt-out technology, studying: SB 6281
 Privacy and data protection, office of, role: SHB 2400, SB 5376, SB 5377, SB 6281
 Privacy and data protection, office of, state agency privacy review/survey: SHB 2400

CHILD CARE (See also FOSTER CARE)

Affordability and accessibility of child care, work group on, convening: SB 5535
 Centers, new professional development requirements, delaying enforcement: ***HB 1866 (2019) V**

Certificates of parental improvement, role in licensing: ***2SHB 1645, CH 270 (2020)**
 Child care centers and homes, early learning provider demonstrated competence: SB 6297
 Child care operations, full licenses, transfer with transfer of ownership: ***HB 2619, CH 343 (2020) PV**
 Child care provider shared services hub, contracting for: SB 6253
 Child care resource and referral network, statewide, consultation with: ***SB 6507, CH 262 (2020)**
 Clients receiving DCYF services, outcomes for, reporting/recommendations: ***SB 6507, CH 262 (2020)**
 Community and technical college students, child care access: ***2SHB 1303, CH 97 (2019)**, SB 5341
 Diverse backgrounds, children from, outcomes for, reporting/recommendations: ***SB 6507, CH 262 (2020)**
 Early achievers program, improvements to: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Early achievers program, joint select committee on, recommendations: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Early achievers program, provider rating: SB 6483
 Firearms, possession on center premises, prohibitions: SB 5434
 Immunization, of children, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 License, dual, combined foster care and child care license, pilot project: ***HB 2619, CH 343 (2020) PV**
 Licensing, of facilities, standards/background checks/inspection reports for: SB 6482
 Political campaigns, child care as campaign-related expense, when: HB 2540
 Providers, career and wage ladder for, education legacy trust account funds for: SB 6581
 Providers, centers/homes, early learning provider demonstrated competence: SB 6297
 Providers, family day care, comparable subsidy and private rates: ***HB 2619, CH 343 (2020) PV**
 Providers, family day care, not code/licensing compliant, city to notify DCYF: SB 6237
 Providers, licensed child care, community-based training pathway for: ***SHB 2556, CH 342 (2020)**
 Providers, licensing of, education equivalencies: SB 5711
 State employees, child care access and affordability survey: ***2SHB 1344, CH 368 (2019)**
 Vaccination, of children, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Washington child care access now act, child care access work group: SB 5436
 Washington child care access now act, child care collaborative task force: ***2SHB 1344, CH 368 (2019)**
 Washington, child care industry in, regional assessment: ***2SHB 1344, CH 368 (2019)**
 Working connections program, consumer income and copay requirements: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Working connections program, employers with the most employees receiving: SB 6310
 Working connections program, expanding for birth-to-12 program: SB 6253
 Working connections program, homeless children, eligibility for: ***SHB 2456, CH 279 (2020)**, SB 5820, SB 6351
 Working connections program, homelessness defined for: SHB 2388, SB 6472
 Working connections program, minor parent seeking GED: SB 5379
 Working connections program, parent seeking high school equivalency certificate: ***ESHB 2455, CH 339 (2020)**, SB 6255
 Working connections program, policies and eligibility, establishing: ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 6351, SB 6540
 Working connections program, provider rating in early achievers program: SB 6483
 Working connections program, various provisions: ***2SHB 1344, CH 368 (2019)**
 Working connections program, work requirements, certain college students: ***2SHB 1303, CH 97 (2019)**, ***E2SHB 2158, CH 406 (2019)**, ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 5341, SB 6351, SB 6540

CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR

Center for deaf and hard of hearing youth, changing center name to: ***HB 1604, CH 266 (2019)**

CHILDREN (See also CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DISABILITIES, INDIVIDUALS WITH; DOMESTIC RELATIONS; ELECTIONS; FOSTER CARE; HEALTH AND SAFETY, PUBLIC; JUVENILE COURT AND JUVENILE OFFENDERS; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SPORTS AND RECREATION)

Abuse or neglect, Christian Science treatment exemption references, removing: SB 5749
 Abuse or neglect, finding of, certificate of parental improvement when, role of: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Abuse or neglect, health care faith-based practices exemption, when: SB 5749
 Abuse or neglect, investigation by multidisciplinary child protection teams: SHB 1595, SB 5461
 Abuse or neglect, reporting: HB 2033, SB 5173, SB 6556
 Abuse or neglect, reporting, web-based portal with call-back option for: SB 6556

Abuse or neglect, reports/responses, civil/criminal liability immunity: ***SB 6423, CH 71 (2020)**
 Abuse, physical, medical examinations for suspected victims: SB 6427
 Adolescents, in residential treatment facilities, when medical necessity: ***SHB 2883, CH 185 (2020)**, SB 6634
 Adverse childhood experiences, healthy youth school survey questions about: SB 6191
 Assault of a child, medical examinations for suspected victims: SB 6428
 Baby court, initiating: SB 5494
 Births, live, single comprehensive state vital records system: SB 5332
 Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Child welfare services, casework supervision if child returned home: SB 6525
 Child welfare services, certificates of parental improvement: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Child welfare services, family connections program, implementing: ***SHB 2525, CH 33 (2020)**, SB 6422
 Child welfare services, independent living services, DCYF report on: HB 2580
 Child welfare services, kinship care givers, maintenance payments to: SB 5860
 Child welfare services, kinship care legal aid coordinator, office of, creating: ***SB 5651, CH 465 (2019)**
 Child welfare, homelessness defined for: SHB 2388, SB 6472
 Child welfare, legislative bills concerning, fiscal notes to include fiscal impact: SB 5636
 Child-placing agencies, contract evaluation: SB 5645
 Dentistry, access to baby and child dentistry program, outreach/involvement: ***SHB 2905, CH 293 (2020)**
 Diaper-changing stations, in restaurants: SB 5156
 Diapers, sales and use tax exemptions: SB 5301
 Dogs, courthouse facility dogs, use by children when testifying: ***SB 5551, CH 398 (2019)**
 Dyslexia advisory council, duties of: SB 6101
 Dyslexia, school district screening for, requirements: SB 6101
 Educational savings accounts, establishing at birth, studying design options for: SB 6577
 Endangerment of child, with controlled substance, adding fentanyl to crime of: SB 6022
 Flotation devices, personal, for child on boat, when required: ESHB 2443
 Health care, minors as "protected individuals," personal information confidentiality: SB 5889
 Health care, youth access and affordability, funding for: SB 6581
 HIV, treatment to avoid infection, consent by minor 14 or older: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Internet/mobile application, marketing/advertising to minors via, prohibitions: HB 2442
 Lemonade/nonalcoholic beverages, sale by child under 16 years of age: SB 6320
 Marriage, before age 18, voiding and prohibiting: SB 6701
 Motor vehicle child restraint systems, requirements and information: ***SHB 1012, CH 59 (2019)**
 Neglect/maltreatment, finding of, certificate of parental improvement when: ***2SHB 1645, CH 270 (2020)**
 Newborns, universal home visiting and statewide family linkage programs: SB 5683
 Parents' bill of rights, right to direct child's upbringing/education/health care: SB 6664
 Products, children's, priority chemicals in, reducing: SB 5135
 Rape of a child, first degree, proof of nonmarriage as element in, eliminating: SB 6155
 Recreational organizations, youth, certified child safety policy and pilot: SB 5161
 Restaurants, children's meals at, default beverage options for: SB 6455
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Sexual abuse, investigation by multidisciplinary child protection teams: SHB 1595, SB 5461
 Sexual assault, child victim identifying information, confidentiality of: HB 2484
 Sexual assault, child victim personal information, confidentiality of: ***HB 1505, CH 300 (2019)**
 Sexual exploitation of children, adults offenders, mandatory fees: SHB 1836
 Sexual exploitation of children, advertising commercial, crime of: SB 5897
 Sexually exploited children, commercially, provisions: ***E3SHB 1775, CH 331 (2020)**
 Sexually exploited youth, commercially, provisions: SB 5744
 Upbringing/education/health care of child, right to direct, parents' bill of rights: SB 6664
 Vapor products, businesses/advertising, distance from children: SB 6333
 Women, infant, and children program, EBT card use in ATM, where and when: ***SB 6136, CH 64 (2020)**
 Women/infant/children farmers market nutrition program, fruit/vegetable benefit: SB 5583, SB 6309
 Youth courts, jurisdiction over civil infractions by juveniles: SB 5640
 Youth, at-risk, detention for failure to comply with court order, eliminating: SB 5290
 Youth, homeless, HOPE centers and outreach services for street youth: ***HB 1657, CH 124 (2019)**, SB 5470

Youth, host homes for, funding restrictions, removing: ***SB 6623, CH 265 (2020)**

Youth-serving organizations, mandatory child abuse or neglect reporting: HB 2033, SB 5173

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also CHILD CARE; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS)

Background checks, of employees, certificate of parental improvement role: ***2SHB 1645, CH 270 (2020)**, SB 5533

Background checks, portable clearance card issued by DCYF, provisions: SB 6655

Birth-to-three early intervention services, ESIT program to provide, DCYF role: ***SHB 2787, CH 90 (2020)**, SB 6547

Care, statewide system for children, youth, and families, changes to allow: SB 5955

Child abuse or neglect, reporting, web-based portal for, DCYF role: SB 6556

Child care centers and homes, early learning provider demonstrated competence: SB 6297

Child care provider shared services hub, contracting for, DCYF role: SB 6253

Child care providers, career and wage ladder for, funding of: SB 6581

Child care providers, licensed, community-based training pathway, DCYF role: ***SHB 2556, CH 342 (2020)**

Child care, affordability and accessibility of, work group on, DCYF role: SB 5535

Child care, working connections child care, birth-to-12 program: SB 6253

Child care, working connections child care, policies for, DCYF role: ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 6351, SB 6540

Child care, working connections child care, provider rating: SB 6483

Child day care centers, comparable provider subsidy and private rates: ***HB 2619, CH 343 (2020) PV**

Child protective services, ongoing investigation, records disclosure exemption: HB 2484

Child welfare housing assistance program and stakeholder group, establishing: SB 5718

Child welfare services, casework supervision if child returned home: SB 6525

Child welfare services, certificates of parental improvement: ***2SHB 1645, CH 270 (2020)**, SB 5533

Child welfare services, family connections program, implementing: ***SHB 2525, CH 33 (2020)**, SB 6422

Child welfare services, independent living services, DCYF report on: HB 2580

Child welfare services, kinship care givers, maintenance payments to: SB 5860

Child welfare services, kinship care legal aid coordinator, office of, creating: ***SB 5651, CH 465 (2019)**

Child-placing agencies, contract evaluation by DCYF: SB 5645

Children, core state services for, forecasting and budgeting, DCYF role: SB 5942

Children, of diverse backgrounds or low-income areas, services for, reporting: ***SB 6507, CH 262 (2020)**

Clients receiving DYCF services, outcomes for, department reporting: ***SB 6507, CH 262 (2020)**

Developmental disabilities, children with, early childhood program eligibility: SB 5089

Disabilities, children with, early childhood program eligibility: SB 5089

Diverse backgrounds, children from, outcomes for, eliminating disparities: ***SB 6507, CH 262 (2020)**

Early achievers program, improvements to: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484

Early achievers program, joint select committee on, recommendations: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484

Early achievers program, provider rating: SB 6483

Early achievers review subcommittee, expanding role of: ***SB 6507, CH 262 (2020)**

Early childhood education and assistance program, "homelessness" for: SHB 2388, SB 6472

Early childhood education and assistance program, outcome evaluation: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484, SB 5534

Early childhood education and assistance, birth-to-3 council, renaming: ***HB 2402, CH 114 (2020)**

Early childhood education and assistance, birth-to-3 pilot program: SB 5437

Early childhood education and assistance, enrollment-to-kindergarten eligibility: ***HB 2619, CH 343 (2020) PV**

Early childhood education and assistance, expanding: SB 6253

Early childhood education and assistance, expanding eligibility: SB 5089, SB 5437, SB 5820

Early childhood education and assistance, provider rating: SB 6483

Early learning dual language grant program, DCYF role: SB 5607

Early learning facilities, siting homeless encampment near, prohibiting: SB 5882

Early learning opportunities quality initiative, modifying: SB 6253

Early learning providers, certificate of parental improvement licensing role: ***2SHB 1645, CH 270 (2020)**

Early learning providers, experience-based competence demonstration, when: SB 6297

Early learning providers, services available to, department reporting: ***SB 6507, CH 262 (2020)**

Early learning, basic education program of, establishing: SB 5757

Early support for infants/toddlers program, birth-to-3 intervention services by: ***SHB 2787, CH 90 (2020)**, SB 6547

Facilities/institutions, when conditions deficient, DCYF and auditor duties: SB 6192
 Family day care providers, not code/licensing compliant, city to notify DCYF: SB 6237
 Family resource and referral linkage system hub, building, DCYF role: SB 6253
 Foster care-related legal proceedings, counsel for DCYF and parents for: SB 5942
 Identical cards, for homeless persons under 25 years old, DCYF role: ***SHB 2607, CH 124 (2020)**, SB 6304
 Infants/toddlers with disabilities/their families, interagency council for: ***HB 2402, CH 114 (2020)**
 Juvenile court alternative programs, DCYF-funded, youth outcomes, reporting: ***SB 6507, CH 262 (2020)**
 Juvenile rehabilitation facilities, isolation and room confinement, limiting use: ***2SHB 2277, CH 333 (2020)**, SB 6112
 Juvenile rehabilitation facilities, juvenile offenders convicted in adult court in: ***E2SHB 1646, CH 322 (2019)**, SB 5737
 Juvenile rehabilitation facilities, offender participation in programs: SB 5815
 Juvenile rehabilitation facilities, offender special education assessment: SB 5962
 Juvenile rehabilitation facilities, solitary confinement, prohibiting: ***2SHB 2277, CH 333 (2020)**, SB 6112
 Kindergarten, parent guide, DCYF to provide to parents/caregivers/guardians: SHB 2865
 Licensing, child-specific, of relative for placement of dependent child: SB 6482
 Licensing, of facilities, standards/background checks/inspection reports for: SB 6482
 Newborns, universal home visiting and statewide family linkage programs: SB 5683
 Overnight care of children, substitute caregivers, information disclosure exemption: SB 5955
 Oversight board for DCYF, membership, expanding: ***HB 1561, CH 429 (2019)**, SB 5435
 Preschool system, early childhood education and assistance program expansion: SB 6253
 Sexually exploited children, commercially, services for, DCYF role: ***E3SHB 1775, CH 331 (2020)**
 Social workers, DCYF, professional loan repayment program, establishing: SB 5950
 Street youth, services for, DCYF role: ***HB 1657, CH 124 (2019)**, SB 5470
 Technical amendments to RCW, in connection with DCYF: ***SHB 1091, CH 64 (2019)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**
 Youth development work group, creating within DCYF: SHB 1644, SB 5665
 Youth, host homes for, funding restrictions, removing: ***SB 6623, CH 265 (2020)**
 Youth-serving organizations, mandatory child abuse or neglect reporting: HB 2033, SB 5173

CITIES AND TOWNS (See also BUILDING CODES AND PERMITS; COUNTIES; GROWTH MANAGEMENT; HOMELESS PERSONS; HOMES AND HOUSING; LOCAL GOVERNMENT; PARKS; PUBLIC WORKS; TAXES - REAL ESTATE SALES EXCISE; TAXES - SALES; TAXES - USE; UTILITIES)

Annexation, unincorporated areas, code city agreement with county: ESHB 1598, SB 5522
 Annexation, unincorporated island of territory: SB 5249
 Ballard, Hiram M. Chittenden locks in, cost/benefits of dismantling, examining: SB 6380
 Beautification projects, job opportunities for homeless, pilot program: SB 5261
 Blaine, peace arch, as official state peace monument: SB 5953
 City council, PERS plan 2 or 3 retiree employment in elected position: SB 6125
 Commercial office space, development tax incentives: ***SHB 1746, CH 273 (2019)**, SB 5051
 Community preservation and development authorities, creating: ***HB 1918, CH 447 (2019)**
 Contracts, bidding, lowest responsible bidder: SB 5225
 Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 First-class cities, retirement funds of, investment: SB 5240
 Graffiti, removal of, as restitution for malicious mischief in third degree: SB 6460
 Housing benefit districts, low-/middle-income housing, establishing and funding: SB 6618
 Improvement districts, local, for off-street parking facilities: ***SHB 1083, CH 254 (2019)**
 Improvement districts, utility local, as broadband providers: SB 5085
 Infill development in urban areas, construction/improvement, tax exemptions: SB 5951
 Metropolitan municipal corporations, tax rates disclosure: SB 5024
 Ordinances, violations of, issuance, name of complainant required: SB 6572
 Parking facilities, off-street, city-owned property used for, sales of: ***SHB 1083, CH 254 (2019)**
 Payroll expense tax, on employers doing business in King county, imposing: SB 6692
 Plan of government, abandonment in favor of council-manager, resolution: SB 6643
 Seattle city light Skagit river hydroelectric project, removing dams, examining: SB 6380
 Seattle, Central District community preservation and development authority: ***HB 1918, CH 447 (2019)**
 Seattle, persistent property offender arrested for property offense in, charging: SB 6502
 Seattle, Ravenna creek in, restoring to flow above ground, examining: SB 6380

Streets, unauthorized campers/RV use, waste discharge from, general permit: SB 6283
 Taxes, basing on employee wages, hours, or positions, prohibiting imposition: SB 5589
 Taxes, multiple business, city/town imposition citing same statutory authority, prohibiting: SB 6194
 Utilities, city/town, fees/taxes imposed on, disclosure to customers of: ***SHB 2889, CH 135 (2020)**
 Utilities, municipal, surplus property disposal at low/no cost, as a lawful tax: EHB 2896
 Utilities, municipal, surplus property disposal for affordable housing: EHB 2896

CIVIL LEGAL AID, OFFICE

Address confidentiality program, participant property ownership assistance, office role: ***ESHB 1643, CH 122 (2019)**
 Guardianship appointment, legal services for low-income families, grants for: SB 6644
 Kinship care legal aid coordinator, office of, creating: ***SB 5651, CH 465 (2019)**
 Unlawful detainer, proceedings, attorney representation of tenant, studying: SB 5907

CIVIL PROCEDURE (See also ACTIONS AND PROCEEDINGS; CRIMINAL PROCEDURE; DISCRIMINATION)

Actions, abusive civil, defendant cause of action in answer to: SB 6154
 Actions, commencement of, complaint materials and summons legend: SB 5559
 Collection agencies, serving debtor with summons and complaint: ***HB 1066, CH 201 (2019)**, SB 5034
 Contracts, past due payments, impact on limitations period: ***HB 1730, CH 377 (2019)**
 Evidence, Indian tribal laws, proceedings, and records admissibility: ***SB 5083, CH 39 (2019)**
 Facial recognition technology, government data from, use as evidence: SB 5528
 Harassment, sexual, state employee claim of, personal information use to harass due to: ***ESHB 1692, CH 373 (2019)**
 Liability, person materially aiding domestic terrorism, civil action for damages: SB 6293
 Property, forfeiture of, standard of proof: SB 5060
 Stalking, state employee claim of, personal information use to harass due to: ***ESHB 1692, CH 373 (2019)**
 Survival of actions, provisions: SB 5163
 Wrongful death actions, survival and beneficiaries of: SB 5163

CLEMENCY AND PARDONS BOARD

Applications for pardon or commutation, urgent need for, expedited review: SB 5917
 Board authority and size, expanding: SB 6530
 Pardon/commutation/civil rights restoration, without regard to immigration status: SB 5917
 Prisoners, for twenty years or more, petition and board review for early release: SB 6530

CLIMATE (See also AIR QUALITY AND POLLUTION; ENERGY; ENVIRONMENT; TITLE ONLY BILLS; UTILITIES)

Carbon sequestration, forest products sector and private landowner role: ***E2SHB 2528, CH 120 (2020)**, SB 6355
 Carbon sequestration, storage in timber, riparian easement program: SHB 2714, SB 6498
 Carbon sequestration/storage capabilities of natural and working land, utilizing: ***E2SHB 2311, CH 79 (2020)**, SB 6272
 Climate change reduction, electric utility's advertised claims: SB 5347
 Climate change, counteracting, as goal of growth management act: ESHB 2427, SB 6335, SB 6453
 Climate change, emissions reduction and transportation funding strategy: SB 6700
 Climate change, GMA climate change/natural hazards resiliency element: SB 6335
 Climate impacts resilience account, creating: SB 5981
 Climate oversight board, creating: SB 5981
 Climate science standards, teacher training in, grant program: SB 5576
 Energy and climate policy advisory committee, convening: SB 5116
 Environmental and economic justice panel, establishing: SB 5981
 Heat island effects, from certain cities, ecological/salmonid impacts of, report: ESHB 2427

CODE REVISER (See also INITIATIVE AND REFERENDUM)

Employees of statute law committee, collective bargaining rights: SB 5691

COLLECTIVE BARGAINING (See also LABOR)

Administrative law judges, collective bargaining for: ***SHB 2017, CH 77 (2020)**, SB 6224
 Attorney general's office, assistant attorneys in, collective bargaining: SB 5297
 Bargaining unit representatives, adult family home training network relation to: SB 5728
 Bargaining unit representatives, determination through cross-check: ***SHB 1575, CH 230 (2019)**, SB 5623

Contractors, sick leave benefits alternative process: ***SB 5233, CH 236 (2019)**
 Corrections, department of, employee interest arbitration: ***HB 2763, CH 89 (2020)**, SB 5021, SB 6456
 Employers, public, lack of neutrality toward employee exercise of rights: SB 5169
 Fish and wildlife officers, interest arbitration/bargaining: SB 5481
 Judge and commissioner assistants, excluding from "public employee": SB 6367
 Language access providers of spoken language interpreter services: ***HB 2691, CH 289 (2020)**, SB 6207
 Legislative branch employees, collective bargaining rights: SB 5691
 Liquor and cannabis board, employee interest arbitration: SB 6629, SB 6687
 Natural resources, department of, employee interest arbitration: SB 6629
 Parks and recreation commission, employee interest arbitration: SB 6687
 Salary increases/health benefit costs, state employee contract limits for: SB 6246
 Uniformed personnel, regional jails and detention facilities, interest arbitration: ***SB 5199, CH 280 (2019)**
 Uniformed personnel, universities and state college, interest arbitration: ***SB 5022, CH 234 (2019) PV**
 Union security provisions, striking from collective bargaining statutes: ***SHB 1575, CH 230 (2019)**, SB 5623

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES; CONTRACTORS; HEALTH CARE PROFESSIONS AND PROVIDERS; SCIENCE, WASHINGTON ACADEMY OF; STATE AGENCIES AND DEPARTMENTS; STUDENT ACHIEVEMENT COUNCIL; UNEMPLOYMENT COMPENSATION; VOCATIONAL EDUCATION; WORKER TRAINING AND WORKFORCE NEEDS)

Admissions, automatic, information about, next step pilot program, creating: SB 6542
 Advanced placement (AP) exams, credit policy for: SB 5410
 Alcoholic beverages, special permit for institutions for student tastings, when: ***EHB 1563, CH 112 (2019)**
 Alcoholic beverages, spirits, beer, and wine school-operated restaurant license: SB 6506
 Alcoholic beverages, winery production work by student interns: ***EHB 1563, CH 112 (2019)**
 Application fees, waiver for low-income students: SB 5477
 Applications, common application, with fee waiver process, developing: SB 6142
 Art, higher education appropriations: ***HB 1318, CH 240 (2019)**, SB 5375
 Assistance for students, homeless or formerly in foster care, pilot program: SB 5800
 Athletes, intercollegiate, compensation of, unfair practices: SB 5875
 Athletes, student, benefits provided by athlete agents, prohibitions/restrictions: ***SB 6286, CH 157 (2020)**
 Behavioral health professionals, loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**
 Behavioral health professions, opportunity grant and scholarship programs: SB 5635
 Behavioral health workforce academic and career pathway programs: SB 5633
 Cambridge international exams, credit policy for: SB 5410
 Career connected learning coordinators, at colleges/universities: SB 5327
 Central Washington U., student teachers, technology for remotely supervising: ***E2SHB 1139, CH 295 (2019) PV**
 Child savings account program, statewide, design options for, studying: SB 6577
 Children's educational savings account program, establishing: SB 5704
 Construction, tangible personal property and labor/services, tax exemptions: SB 5348
 Credit, academic, for prior learning: SB 5236
 Credits, undergraduate, systemwide policy for certain exams, establishing: SB 5410
 Debt collection, transcript withholding and registration holds for, prohibiting: SB 6140
 Debt collection, transcript withholding and registration holds for, restricting: ***2SHB 2513, CH 281 (2020)**
 Doctorate level degrees, applied in education, regional university offering of: ***HB 1755, CH 15 (2020)**
 Drugs, opioid overdose medications, higher education access: 2SHB 1039, SB 5464
 Expressive activities, speech and public space use, requirements: SB 5538
 Faculty, higher education retirement plans, supplemental benefit contribution rates: SHB 1661, ***2SHB 1661, CH 103 (2020)**
 Faculty, ideological diversity, higher education equity act to require: SB 5914
 Fees, services and activities, waivers of, maximum revenue amount for: SB 6668
 Financial aid options, information about, next step pilot program, creating: SB 6542
 Financial aid, award letter, standards for: SB 6141
 Financial aid, behavioral health loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**
 Financial aid, college bound dual enrollment scholarship program, creating: SB 5727
 Financial aid, college bound scholarship program, eligibility: ***E2SHB 1311, CH 298 (2019)**
 Financial aid, college bound scholarship program, homeless students: HB 1278, SB 6424

Financial aid, dual enrollment scholarship pilot program, apprenticeship materials: ***SB 6374, CH 259 (2020)**
 Financial aid, dual enrollment scholarship pilot program, Washington: ***2SHB 1973, CH 176 (2019)**
 Financial aid, educator conditional scholarship and loan repayment programs: ***E2SHB 1139, CH 295 (2019) PV**
 Financial aid, evergreen promise pilot program and award: SB 5884
 Financial aid, health professional conditional scholarship program: ***E2SHB 2158, CH 406 (2019)**
 Financial aid, Native American opportunity scholarship program, establishing: SB 5709
 Financial aid, opportunity scholarship program: ***E2SHB 2158, CH 406 (2019)**, SB 5705
 Financial aid, Pell and college grant program awards, calculator tool: SB 6141
 Financial aid, social work professional loan repayment program, establishing: SB 5950
 Financial aid, state need grant, replacing with college grant program: ***E2SHB 2158, CH 406 (2019)**
 Financial aid, state need grant, replacing with college promise scholarship: SB 5393
 Financial aid, state, institutions receiving, student level data submission by: SB 5960
 Financial aid, student scholarship organizations, contributions to, tax credits: SB 6520
 Financial aid, undocumented student support loan program, establishing: SB 6561
 Financial aid, Washington American Indian cultural study grant program: SB 6425
 Financial aid, Washington college grant program, creating: ***E2SHB 2158, CH 406 (2019)**
 Financial aid, Washington college grant program, maximum grant award: SB 6559
 Financial aid, Washington college promise scholarship program, creating: SB 5393
 Financial aid, Washington national guard postsecondary education grant program: HB 1201, ***SB 5197, CH 297 (2020)**
 Financial aid, Washington student loan refinancing program, creating: ***E2SHB 2158, CH 406 (2019)**, SB 5774
 Financing for education, income share agreement pilot program, creating: SB 5774
 Food assistance, SNAP program, EBT card use on postsecondary campuses: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, postsecondary student eligibility: ***2SHB 1893, CH 407 (2019)**
 Graduation ceremonies, Native American right to wear tribal regalia/objects: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Health plan coverage for students, reproductive health care access for all act: SB 5602
 Health plan coverage for students, to include abortion, when: HB 2252, SB 6129
 High school students, automatic admissions and financial aid options information: SB 6542
 High school students, concurrent enrollment programs, accreditation: ***SHB 1734, CH 272 (2019)**, SB 5706
 High school students, dual credit courses, eliminating direct costs to students: SB 6505
 High school students, dual enrollment programs, funding of: SB 5729
 High school students, dual enrollment programs, scholarship program: SB 5727
 Incarcerated adults, postsecondary degree programs: SB 5433
 Inmates, involvement in postsecondary education before and after release: SB 6576
 International baccalaureate exams, credit policy for: SB 5410
 Medical school graduates, international, assistance program and committee: SB 5846
 Medical school graduates, international, licensure, grants, and work group: ***SB 6551, CH 325 (2020)**
 Medical school graduates, international, residency programs: SB 5846
 Medical school/faculty group practice employees, noncompetition covenants: SB 6081
 Mental health counselors, for veterans attending colleges: SB 5428
 Performance of higher education/postsecondary institutions, evaluation of: SB 5960
 Police officers, universities and TESC, interest arbitration: ***SB 5022, CH 234 (2019) PV**
 Registration holds, as debt collection tool, prohibiting: SB 6140
 Registration holds, as debt collection tool, restricting: ***2SHB 2513, CH 281 (2020)**
 Religious accommodations, by postsecondary institutions: SB 5166
 Research, dogs and cats used by postsecondary facilities for, adoption: SB 5212
 Research, records release process for, institution exemption: ***SB 5786, CH 88 (2019)**
 Running start program, certain funding prioritizing, prohibiting: SB 5729
 Running start program, dual enrollment scholarship program, creating: SB 5727
 Running start program, eliminating direct costs to students: SB 6505
 Running start program, student low-income status documentation: SB 5593
 Safety, multistage threat assessments in colleges/universities: SB 5216
 Sexual harassment, state employee claims data, reporting of: SB 5845
 Sexual misconduct, by employee, disclosures and campus assessments: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Sexual misconduct, by employee, investigations and substantiated findings of: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Sexual misconduct, employment applicant references and background checks: ***ESHB 2327, CH 335 (2020)**, SB 6439

Sexual violence, Title IX protections and compliance, task force: ESHB 1998
 Speech/expressive activities, restrictions and requirements: SB 5538
 Students, homeless, capital project plans and programs: SB 5738
 Students, housing in retirement facilities, pilot program: SB 6560
 Students, personal information collected by institution, disclosure exemption: *2SHB 1888, CH 106 (2020)
 Suicide, prevention and crisis intervention information on identification cards: *SHB 2589, CH 39 (2020), SB 6449
 Transcripts, withholding as debt collection tool, prohibiting: SB 6140
 Transcripts, withholding as debt collection tool, restricting: *2SHB 2513, CH 281 (2020)
 Tuition/fees, "resident student," criteria for veteran to qualify as: *HB 1688, CH 126 (2019), SB 5713
 Tuition/fees, "resident student," military member, spouse, or dependent as: *SHB 2543, CH 232 (2020)
 Tuition/fees, "resident student," military spouse or dependent as: SB 6116
 Tuition/fees, exemption, highway worker's spouse/children: *SB 5119, CH 144 (2019)
 Tuition/fees, waiver for disabled veterans/national guard, child's use of: HB 2542
 Tuition/fees, waiver, space available tuition waivers, educational employees: *E2SHB 1139, CH 295 (2019) PV
 Tuition/fees, waiver, veterans and national guard members: *E2SHB 2158, CH 406 (2019), ESB 5755
 Tuition/fees, waiver, veterans and national guard members, survivors of: HB 2542, SB 5231
 U. of Washington Bothell, behavioral health online courses for school staff: SB 5777
 U. of Washington, behavioral health innovation/integration campus, creating: *E2SHB 1593, CH 323 (2019), SB 5516
 U. of Washington, behavioral health partnership access line for schools: SB 5903
 U. of Washington, board of regents, adding faculty member: HB 1079
 U. of Washington, child/adolescent psychiatry residency positions: SB 5903
 U. of Washington, climate impacts group, consulting with ecology: *E2SHB 2311, CH 79 (2020), SB 6272
 U. of Washington, concussions in youth sports, web site about: SB 5238
 U. of Washington, death with dignity act, barriers to full access, studying: *SHB 2419 (2020) V
 U. of Washington, forefront suicide prevention, training for construction workers: *ESHB 2411, CH 229 (2020)
 U. of Washington, forefront suicide prevention, training for veterinarians: *ESHB 2411, CH 229 (2020)
 U. of Washington, forefront suicide prevention, training for veterinary technicians: *ESHB 2411, CH 229 (2020)
 U. of Washington, health sciences library, online access, veterinarians: *SB 5000, CH 140 (2019)
 U. of Washington, heat island effects, ecological/salmonid impacts of, report: ESHB 2427
 U. of Washington, inpatient care teaching/training facility siting, report on: *E2SHB 1593, CH 323 (2019)
 U. of Washington, inpatient care teaching/training hospital siting, report on: SB 5516
 U. of Washington, psychiatry/beh. health, gun violence victims therapy guide: SB 6553
 U. of Washington, psychiatry/beh. sciences, partnership access lines pilot: *SHB 2728, CH 291 (2020)
 U. of Washington, psychiatry/beh. sciences, partnership access lines, various: *SHB 2728, CH 291 (2020)
 U. of Washington, psychiatry/beh. sciences, psychiatric consultation call center: *SHB 2728, CH 291 (2020)
 U. of Washington, real estate research center, affordable housing reporting: *E2SHB 1923, CH 348 (2019)
 U. of Washington, student supports work group, convening: SB 5903
 U. of Washington, Washington soil health initiative role of: SB 6306
 U. of Washington, Washington state bioeconomy development, studying: SB 6435
 U. of Washington, with Project ECHO, telehealth program for at-risk youth: SB 5389
 Vapor and tobacco products, use on postsecondary institution property: SB 6333
 Veterans attending colleges, mental health counselors for: SB 5428
 Voters and voting, student engagement hubs on campuses: *ESB 6313, CH 208 (2020)
 Washington State U., board of regents, adding faculty member: HB 1079
 Washington State U., child/adolescent psychiatry residency positions: SB 5903
 Washington State U., criminal justice, domestic violence risk assessment: *E2SHB 1517, CH 263 (2019), SB 5681
 Washington State U., energy program, alternative fuel vehicles, program: *E2SHB 2042, CH 287 (2019)
 Washington State U., energy program, community solar projects: *ESHB 2248 (2020) V, SB 6223
 Washington State U., heat island effects, ecological/salmonid impacts of, report: ESHB 2427
 Washington State U., stormwater center, don't drip and drive program: 2SHB 1853
 Workforce education investment account, appropriations from: *E2SHB 2158, CH 406 (2019)

COMMERCE, DEPARTMENT (See also ENERGY; HOMELESS PERSONS; HOMES AND HOUSING; MANUFACTURED HOUSING AND MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; REENTRY COUNCIL, STATEWIDE; RETIREMENT AND PENSIONS; STUDIES)

Affordable housing advisory board, duties of: ESHB 2849

Affordable housing program, replacing with housing trust fund program: ESHB 2849
 Affordable housing, preserving through preservation program, DOC role: ESHB 2849
 Behavioral health ombuds, state office of the, establishing, DOC role: 2SHB 2386
 Building communities fund program, grant assistance award amounts: HB 1952
 Building for the arts program, modifying: HB 2352
 Carbon sequestration, forest products sector role, role of DOC: SB 6355
 Child care industry in Washington, regional assessment, DOC role: ***2SHB 1344, CH 368 (2019)**
 Clean energy building improvements, C-PACER program for, DOC role: ***E2SHB 2405, CH 27 (2020)**, SB 6222
 Crime victims advocacy, office, nonfatal strangulation victims, forensic nurse examiners for: SB 6162
 Efficiency and environmental performance office, state, duties of: ***E2SHB 2311, CH 79 (2020)**, SB 6272
 Electric utilities, system reliability evaluation, submission/updates, DOC role: SB 6135
 Electric utility net metering, work group on future of, convening: SB 5223
 Energy and climate policy advisory committee, convening: SB 5116
 Energy performance standard, commercial buildings, early adoption program: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Essential needs and housing support program, access to, when: SB 6625
 Essential needs and housing support program, and pregnant women assistance: HB 2809, SB 6495
 Essential needs and housing support program, homelessness defined for: SB 6472
 Financial fraud and identity theft crimes investigation and prosecution program: SB 6074
 Firearm violence prevention, Washington office of, creating in DOC: SB 6288
 Firearm violence, statewide helpline, counseling, and referral service: SB 6553
 Growth management, DOC guidance, analysis of effects of: SB 5524
 Hiram M. Chittenden locks, costs/benefits of dismantling, DOC to examine: SB 6380
 Homeless assistance, DOC data/data collection systems for, reliability of: SB 6647
 Homeless assistance, government spending on, LEAP internet portal for: SB 6647
 Homeless persons, identification assistance and support pilot program: SB 6475
 Homeless persons, job opportunities, local beautification projects pilot program: SB 5261
 Homeless persons, job training/housing, grant program for municipalities: SB 6385
 Homeless youth prevention and protection programs, office of, provisions: ***HB 1657, CH 124 (2019)**, SB 5470
 Homelessness impact grant program, security/sanitation services, DOC role: SB 6196
 Housing assistance program, replacing with housing trust fund program: ESHB 2849
 Housing portfolio monitoring account, using for compliance and monitoring: ESHB 2849
 Housing trust fund program, creating to replace previous programs, DOC role: ESHB 2849
 Housing trust fund, shared housing projects, moneys for, DOC role: SB 6546
 Industrial symbiosis grant program, for local waste coordination projects: ***SB 6430 (2020) V**
 Industrial waste coordination program and waste heat/materials use projects: SB 5936
 Industrial waste coordination program, for local industrial symbiosis projects: ***SB 6430 (2020) V**
 International markets, DOC engagement with, to aid WA companies/regions: SB 6656
 Local revitalization financing, project award criteria, DOC role: ESHB 2804
 Manufactured/mobile home community, purchase-opportunity notice, DOC role: EHB 2610, SB 6230
 Manufacturing, public policies for growth, studying: ESHB 2879
 Marijuana equity loan program and advisory board, creating: SB 6085
 Marijuana, licenses, technical assistance competitive grant program, DOC role: ***E2SHB 2870, CH 236 (2020)**, SB 6604
 Military spouses, employment of, statewide plan for increasing, DOC role: SHB 2730
 Ravenna creek, in Seattle, restoring to flow above ground, DOC to examine: SB 6380
 Safe station pilot program, at fire department, grant program for, DOC role: SB 6648
 Seattle city light Skagit river hydroelectric project, removing dams, examining: SB 6380
 Secure choice retirement savings trust, program, and fund, DOC role: SB 5740
 Space economy, fostering, public policy study of, DOC role: HB 2596
 State-/publicly-owned lands/buildings, inventory of, publication on DOC web site: EHB 2896
 State-owned land/property, underutilized, for affordable housing, DOC role: EHB 2896
 Supports and basic income pilot program, creating: SB 6625
 Time zone and daylight saving time, impact on commerce, reviewing: SB 5139, SB 5140

COMMERCIAL VESSELS AND SHIPPING (See also BOATS AND BOATING; FISHING)

Bellingham, port of, new salmon hatchery, construction of: SB 5824
 Bellingham, port of, new salmon hatchery, feasibility of: SB 6509

Electric vessels, retail sales and use tax exemptions, when: ***E2SHB 2042, CH 287 (2019)**
 Fishing vessels, commercial, crewmember license: SHB 1769
 Fishing vessels, commercial, crewmember license, identification requirements: SB 6485
 Harbor maintenance tax, federal, requesting that congress reform: SJM 8016
 Hiram M. Chittenden locks, costs/benefits of dismantling, examining: SB 6380
 Oil facilities and tankers, crude oil type and gravity: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil transport, risk model, vessel restrictions, tug escorts, and response system: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Pilots and pilot trainees, rest periods: ***HB 1647, CH 123 (2019)**, SB 5563
 Ports, Washington ports grant program, appropriations for establishing: SB 5972
 Salish Sea shared waters forum, emergency response system funding: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Vehicles shipped as marine cargo, registration exemption: SB 5267
 Vehicles shipped as marine cargo, unregistered, public roadway operation: ***SHB 1254, CH 94 (2019)**

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR; CONTRACTORS; STATE AGENCIES AND DEPARTMENTS; UNEMPLOYMENT COMPENSATION; VOCATIONAL EDUCATION; WORKER TRAINING AND WORKFORCE NEEDS)

Advanced placement (AP) exams, credit policy for: SB 5410
 Alcoholic beverages, special permit for institutions for student tastings, when: ***EHB 1563, CH 112 (2019)**
 Alcoholic beverages, spirits, beer, and wine school-operated restaurant license: SB 6506
 Alcoholic beverages, winery production work by student interns: ***EHB 1563, CH 112 (2019)**
 Application fees, waiver for low-income students: SB 5477
 Applications, common application, with fee waiver process, developing: SB 6142
 Art, higher education appropriations: ***HB 1318, CH 240 (2019)**, SB 5375
 Assistance for students, homeless or formerly in foster care, pilot program: SB 5800
 Athletes, intercollegiate, compensation of, unfair practices: SB 5875
 Behavioral health professionals, loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**
 Behavioral health professions, opportunity grant and scholarship programs: SB 5635
 Behavioral health workforce academic and career pathway programs: SB 5633
 Cambridge international exams, credit policy for: SB 5410
 Career connected learning coordinators, at colleges: SB 5327
 Child care, working connections, removing student work requirement, when: ***2SHB 1303, CH 97 (2019)**, ***E2SHB 2158, CH 406 (2019)**, ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 5341, SB 6351, SB 6540
 Child savings account program, statewide, design options for, studying: SB 6577
 Children's educational savings account program, establishing: SB 5704
 Construction, tangible personal property and labor/services, tax exemptions: SB 5348
 Counselors, standards and staffing ratio, legislative task force: ***ESHB 1355, CH 113 (2019)**
 Course materials, low-cost required instructional, use of, notice: ***HB 1702, CH 104 (2020)**
 Credit, academic, for prior learning: SB 5236
 Credits, systemwide policy for certain exams, establishing: SB 5410
 Debt collection, transcript withholding and registration holds for, prohibiting: SB 6140
 Debt collection, transcript withholding and registration holds for, restricting: ***2SHB 2513, CH 281 (2020)**
 Drugs, opioid overdose medications, higher education access: 2SHB 1039, SB 5464
 Emergency assistance for students, grant program for: ***2SHB 1893, CH 407 (2019)**
 Expressive activities, speech and public space use, requirements: SB 5538
 Faculty, full-time tenured/tenure-track, increasing positions: SB 6405
 Faculty, higher education retirement plans, supplemental benefit contribution rates: SHB 1661, ***2SHB 1661, CH 103 (2020)**
 Faculty, ideological diversity, higher education equity act to require: SB 5914
 Faculty, tenure- and nontenure-track, equal pay for equal work: SB 6405
 Faculty, various provisions: SB 6405
 Fees, services and activities, waivers of, maximum revenue amount for: SB 6668
 Financial aid, award letter, standards for: SB 6141
 Financial aid, behavioral health loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**
 Financial aid, college bound dual enrollment scholarship program, creating: SB 5727
 Financial aid, college bound scholarship program, eligibility: ***E2SHB 1311, CH 298 (2019)**

Financial aid, college bound scholarship program, homeless students: HB 1278, SB 6424
 Financial aid, dual enrollment scholarship pilot program, apprenticeship materials: ***SB 6374, CH 259 (2020)**
 Financial aid, dual enrollment scholarship pilot program, Washington: ***2SHB 1973, CH 176 (2019)**
 Financial aid, evergreen promise pilot program and award: SB 5884
 Financial aid, Native American opportunity scholarship program, establishing: SB 5709
 Financial aid, nurse educator incentive grant program, establishing: SB 5931
 Financial aid, opportunity scholarship program: ***E2SHB 2158, CH 406 (2019)**, SB 5705
 Financial aid, Pell and college grant program awards, calculator tool: SB 6141
 Financial aid, pipeline for paraeducators conditional scholarship program: SB 5413
 Financial aid, rural college promise awards and program: SB 6614
 Financial aid, social work professional loan repayment program, establishing: SB 5950
 Financial aid, state need grant, replacing with college grant program: ***E2SHB 2158, CH 406 (2019)**
 Financial aid, state need grant, replacing with college promise scholarship: SB 5393
 Financial aid, state, institutions receiving, student level data submission by: SB 5960
 Financial aid, student scholarship organizations, contributions to, tax credits: SB 6520
 Financial aid, undocumented student support loan program, establishing: SB 6561
 Financial aid, Washington American Indian cultural study grant program: SB 6425
 Financial aid, Washington college grant program, creating: ***E2SHB 2158, CH 406 (2019)**
 Financial aid, Washington college grant program, maximum grant award: SB 6559
 Financial aid, Washington college promise scholarship program, creating: SB 5393
 Financial aid, Washington national guard postsecondary education grant program: HB 1201, ***SB 5197, CH 297 (2020)**
 Financial aid, Washington student loan refinancing program, creating: ***E2SHB 2158, CH 406 (2019)**, SB 5774
 Financing for education, income share agreement pilot program, creating: SB 5774
 Food assistance, basic food work requirements, educational programs for: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, EBT card use on postsecondary campuses: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, postsecondary student eligibility: ***2SHB 1893, CH 407 (2019)**
 Graduation ceremonies, Native American right to wear tribal regalia/objects: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Health plan coverage for students, reproductive health care access for all act: SB 5602
 Health plan coverage for students, to include abortion, when: HB 2252, SB 6129
 High school diplomas, through community or technical college: ***HB 1714, CH 269 (2019)**, SB 5113
 High school students, concurrent enrollment programs, accreditation: ***SHB 1734, CH 272 (2019)**, SB 5706
 High school students, dual credit courses, eliminating direct costs to students: SB 6505
 High school students, dual enrollment programs, funding of: SB 5729
 High school students, dual enrollment programs, scholarship program: SB 5727
 Incarcerated adults, postsecondary degree programs: SB 5433
 Inmates, involvement in postsecondary education before and after release: SB 6576
 International baccalaureate exams, credit policy for: SB 5410
 Levies, for community and technical college districts by county: SB 6484
 Nursing programs, academic employees in, salary increases: SB 5932
 Nursing programs, nurse educator incentive grant program, establishing: SB 5931
 Performance of higher education/postsecondary institutions, evaluation of: SB 5960
 Registration holds, as debt collection tool, prohibiting: SB 6140
 Registration holds, as debt collection tool, restricting: ***2SHB 2513, CH 281 (2020)**
 Religious accommodations, by postsecondary institutions: SB 5166
 Research, records release process for, institution exemption: ***SB 5786, CH 88 (2019)**
 Running start program, certain enrollment prioritizing, prohibiting: SB 5729
 Running start program, dual enrollment scholarship program, creating: SB 5727
 Running start program, eliminating direct costs to students: SB 6505
 Running start program, student low-income status documentation: SB 5593
 Running start program, summer school pilot program, establishing: ***2SHB 2864, CH 348 (2020)**
 Rural college promise program, implementing via pilot colleges: SB 6614
 Safety, multistage threat assessments in colleges: SB 5216
 Security on campuses, various measures, authority: SB 5150
 Sexual harassment, state employee claims data, reporting of: SB 5845
 Sexual misconduct, by employee, disclosures and campus assessments: ***ESHB 2327, CH 335 (2020)**, SB 6439

Sexual misconduct, by employee, investigations and substantiated findings of: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Sexual misconduct, employment applicant references and background checks: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Sexual violence, Title IX protections and compliance, task force: ESHB 1998
 Speech/expressive activities, restrictions and requirements: SB 5538
 Students, homeless, capital project plans and programs: SB 5738
 Students, housing in retirement facilities, pilot program: SB 6560
 Students, personal information collected by institution, disclosure exemption: ***2SHB 1888, CH 106 (2020)**
 Suicide, prevention and crisis intervention information on identification cards: ***SHB 2589, CH 39 (2020)**, SB 6449
 Textbooks, low-cost required instructional materials, use of, notice: ***HB 1702, CH 104 (2020)**
 Transcripts, withholding as debt collection too, restricting: ***2SHB 2513, CH 281 (2020)**
 Transcripts, withholding as debt collection tool, prohibiting: SB 6140
 Tuition/fees, "resident student," criteria for veteran to qualify as: ***HB 1688, CH 126 (2019)**, SB 5713
 Tuition/fees, "resident student," military member, spouse, or dependent as: ***SHB 2543, CH 232 (2020)**
 Tuition/fees, "resident student," military spouse or dependent as: SB 6116
 Tuition/fees, waiver for disabled veterans/national guard, child's use of: HB 2542
 Tuition/fees, waiver, veterans and national guard members: ***E2SHB 2158, CH 406 (2019)**, ESB 5755
 Tuition/fees, waiver, veterans and national guard members, survivors of: HB 2542, SB 5231
 Vapor and tobacco products, use on postsecondary institution property: SB 6333
 Voters and voting, student engagement hubs on campuses: ***ESB 6313, CH 208 (2020)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR (See also COMMUNITY AND TECHNICAL COLLEGES)

Adult diploma and workforce training program, Washington, establishing: SB 5891
 Assistance for students, homeless or formerly in foster care, pilot program: SB 5800
 Child care providers, licensed, community-based training pathway, board role: ***SHB 2556, CH 342 (2020)**
 Faculty, full-time tenured/tenure-track, plan for increasing positions, board role: SB 6405
 Running start program, summer school pilot program, establishing, board role: ***2SHB 2864, CH 348 (2020)**
 Sexual misconduct, campus climate assessments, state board role: SB 6439

COMPUTERS (See also ADVERTISING; CHIEF INFORMATION OFFICER, OFFICE OF THE STATE; LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP) COMMITTEE; REVENUE, DEPARTMENT; TELECOMMUNICATIONS; UTILITIES)

Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Broadband access, in unserved areas, grant and loan program for: 3SHB 1498, SB 5511
 Broadband internet services, local government authority to provide: SB 5085
 Broadband office, governor's statewide, establishing: 3SHB 1498, SB 5511
 Cloud computing solutions and migration, state agency requirements: SB 5662
 Computer science education programs, K-12, data concerning: ***SHB 1577, CH 27 (2019)**, SB 5574
 Cyber harassment, renaming cyberstalking as, and modifying provisions: HB 2129
 Data centers, server equipment/power infrastructure, sales/use tax exemptions: SB 5989, SB 6642, SB 6695
 Data systems of agencies, breach notification, "personal information": ***SB 6187, CH 65 (2020)**
 Data systems, department of corrections, for offenders/jail interaction, studying: SB 6308
 Data use and security, state agencies, privacy review and survey: SHB 2400
 Databases, state agency, limiting availability for immigration enforcement: SB 5497
 Digital goods, codes, and services, sales/use tax preference provisions: ***ESB 5402, CH 139 (2020) PV**
 Electronic data storage devices, tribal casino sporting event wagering role of: ***ESHB 2638, CH 127 (2020)**
 Electronic signatures/messages, distributed ledger technology, use of: SB 5638
 Electronic signatures/messages, electronic authentication act, repealing: ***HB 1908, CH 132 (2019)**, SB 5501
 Electronic signatures/records, distributed ledger technology, repealing statutes: SB 6028
 Electronic signatures/records, repealing certain statutes: SB 6028
 Electronic signatures/records, uniform electronic transactions act, adoption: SB 6028
 Hours worked on computer, for state agency services contracts, verifying: SB 5809
 Internet, advertising commercial sexual exploitation of children, crime of: SB 5897
 Internet, bots, using to mislead for political or commercial purposes, prohibiting: HB 2396
 Internet, broadband services, local government authority to provide: SB 5085

Internet, marketing/advertising products or services to minors via, prohibitions: HB 2442
 Internet, ticket resellers, licensing and regulation: SB 5321
 Internet, tribal casino sporting events wagering role of: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Journals, peer-reviewed, electronic access for state employees, studying: SB 5504
 Media literacy/digital citizenship, school support of: SB 5594
 Personal data, businesses controlling/processing, WA privacy act: SB 6281
 Personal data, public agency use of, data management and protection act: SB 5377
 Personal information, brokered, acquiring or using of, prohibitions: E2SHB 1503
 Personal information, consumer data and related, Washington privacy act: SB 5376
 Personal information, data broker registration and additional requirements: E2SHB 1503
 Personal information, data systems protections and security breaches: ***SHB 1071, CH 241 (2019)**, SB 5064
 Records, electronic, distributed ledger technology, use of: SB 5638
 Records/signatures, electronic, repealing certain statutes: SB 6028
 Records/signatures, electronic, uniform electronic transactions act, adoption: SB 6028
 Repair and servicing of digital products, fair repair act: SB 5799
 School district surplus equipment, purchase by students: SB 5086
 Schools, elective computer science course access: ***SB 5088, CH 180 (2019)**
 Schools, K-12 student internet data privacy, attorney general actions: SB 5598
 Schools, middle-school computer science grant program, establishing: SB 6339
 Sexually explicit or intimate images of minors, minors possessing/dealing in: ***SHB 1742, CH 128 (2019)**
 Social media extortion, by means of threat, crime of: SB 5495
 Social media providers, removal of negative communications by: SB 5495
 Vapor products, online marketing/advertising to children, prohibiting: SB 6333
 Video games, casino-style, impact on consumers, studying: SB 6689
 Video games, casino-style, randomized rewards/no confirmation step, prohibitions/requirements: SB 6689

CONCURRENT RESOLUTIONS

Bump-fire stock buy-back program, SB 6025 concerning, authorizing consideration of: ***SCR 8406 (2019)**
 Legislature, 2019 regular session, adjourning SINE DIE: ***SCR 8410 (2019)**
 Legislature, 2019 regular session, returning bills, memorials, and resolutions to house of origin: ***SCR 8409 (2019)**
 Legislature, 2020 regular session, adjourning SINE DIE: ***SCR 8414 (2020)**
 Legislature, 2020 regular session, reintroduction of bills, memorials, and resolutions: ***HCR 4402 (2020)**
 Legislature, 2020 regular session, returning bills, memorials, and resolutions to house of origin: ***SCR 8413 (2020)**
 Legislature, bills/other legislation, cutoff dates: ***SCR 8400 (2019)**, ***SCR 8411 (2020)**
 Legislature, bills/other legislation, cutoff dates, exempting K-12 funding legislation from: ESCR 8405
 Legislature, code of conduct: ***HCR 4401 (2019)**
 Legislature, joint session, address by British Columbia premier John Horgan: ***SCR 8402 (2019)**
 Legislature, joint session, honoring deceased former members of legislature: ***SCR 8404 (2019)**
 Legislature, joint session, state of state message: ***HCR 4400 (2019)**, ***HCR 4403 (2020)**
 Legislature, joint session, state of the judiciary message: ***SCR 8401 (2019)**
 Legislature, modernization of, joint select committee on, establishing: SCR 8412
 Samuelson, Joan Benoit, renaming Marathon Park as Joan Benoit Samuelson Marathon Park: SCR 8403

CONSERVATION (See also CONSERVATION COMMISSION)

Conservation districts, fish habitat projects sponsored by: ***EHB 1187, CH 166 (2020)**, SB 5567
 Conservation districts, joint engineering activities between: ***HB 1426, CH 103 (2019)**, SB 5585
 Critical habitat for wildlife, to include habitat for bees/pollinators: SB 5552
 Fish, wildlife, and conservation account, establishing: SB 6072
 Marbled murrelet, long-term conservation strategies: SB 5547
 Soil, Washington soil health initiative, creating: SB 6306

CONSERVATION COMMISSION (See also CONSERVATION)

Agricultural land, state agency acquisitions, land assessments for: 2SHB 1733, SB 5543
 Food policy forum, Washington, commission role in establishing: SB 6091
 Forest carbon reforestation/afforestation, grants for, commission role: SB 6355
 Soil, Washington soil health initiative, creating, commission role: SB 6306

CONSTITUTION, STATE (See also JOINT RESOLUTIONS)

Election campaign contributions, regulating, amendment convention: SJM 8002

CONSTITUTION, U.S.

Election contributions, authority to regulate, constitutional amendment: SJM 8001

Federal balanced budget, constitutional amendment: SJM 8004

Firearms, right to bear/personal protection, Washington personal protection act: SB 6673

First amendment activity, fire service risk resources mobilization for, restricting: *SHB 1170, CH 259 (2019)

Rights/freedoms/liberties, repealing all laws passed during 2020 session to restore: SB 6703

U.S. government and congress, limits on, amendment convention: SJM 8007

CONSUMER PROTECTION (See also COMPUTERS; HEALTH AND SAFETY, PUBLIC; MANUFACTURING AND TECHNOLOGY; RECORDS)

Athletes, intercollegiate, compensation of, unfair practices: SB 5875

Automated decision systems, agency development, procurement, and use of: SB 5527

Census, interfering with operation or discouraging participation, unfair practices: *SHB 2527, CH 34 (2020)

Census, mailings seemingly official communication when not, as deceptive practice: *SHB 2527, CH 34 (2020)

Chemicals, priority, reducing use in consumer products: SB 5135

Contractors, safeguards for consumers engaging, convening work group on: *SB 5795, CH 155 (2019)

Debt, consumer, interest on and garnishment of, protections: *SHB 1602, CH 371 (2019)

Disaster, time of, sales of goods/services during, limiting price increases for: SB 6699

Dogs or cats, selling in pet stores, prohibition and alternatives: SB 6221

Dogs or cats, selling in pet stores, requirements and alternatives: SB 5209

Employment agencies or directories, regulating: SB 5171

Eye care, prescriptions and remote technology: SB 5759

Medical services, balance billing protection act: *2SHB 1065, CH 427 (2019), SB 5031, SB 5699

Medical services, balance billing, prohibitions: *2SHB 1065, CH 427 (2019)

Medical services, out-of-network costs at facilities, protections: *2SHB 1065, CH 427 (2019), SB 5031, SB 5699

Noncompetition covenants, enforceable or unenforceable, when: *ESHB 1450, CH 299 (2019), SB 5478

Patient protection and affordable care act, federal, codifying provisions of: *SHB 1870, CH 33 (2019), SB 5805

Personal data, businesses controlling/processing, WA privacy act: SB 6281

Personal data, public agency use of, data management and protection act: SB 5377

Personal data, state agency use/security, privacy review and survey: SHB 2400

Personal information, brokered, acquiring or using of, prohibitions: E2SHB 1503

Personal information, data broker registration and additional requirements: E2SHB 1503

Personal information, protections and security breaches: *SHB 1071, CH 241 (2019), SB 5064

Privacy act, Washington, consumer data and related information: SB 5376

Self-storage units, personal property in, protections: SB 5957

Wireless services, services and fees/charges disclosure: SB 5271

CONTRACTORS (See also COLLECTIVE BARGAINING; ELECTRICIANS AND ELECTRICAL INSTALLATIONS; EMPLOYMENT AND EMPLOYEES; PLUMBERS AND PLUMBING; PUBLIC WORKS; STATE AGENCIES AND DEPARTMENTS)

Archaeological/cultural sites, impact of state-funded project groundbreaking on: SB 6448, SB 6519

Asbestos-containing building material, nonresidential construction prohibitions: SB 6473

Building trades, education-based apprenticeship preparation program: SB 5458

Concrete pumping services, as "constructing"/related activities, excise taxation: SB 6317

Construction defect actions, against construction professionals, requirements: SHB 1576

Construction stormwater general permit, permit applicant under, electronic notice: SB 6635

Consumers, safeguards for engaging contractors, work group on, convening: *SB 5795, CH 155 (2019)

Cranes, tower crane disassembling, L&I to be present for: SB 6171

Dampers, fire and/or smoke, buildings equipped with, inspection by contractor: *HB 2701, CH 88 (2020)

Direct contractors, wage and benefit payment liability: SB 5565

Energy service contractors, performance-based contracting services: SB 5308

Fire control systems, buildings equipped with, inspection by contractor: *HB 2701, CH 88 (2020)

Groundbreaking activities, projects involving, notice/consultation requirements: SB 6448, SB 6519

Sick leave benefits, collective bargaining alternative process: ***SB 5233, CH 236 (2019)**
 Smoke control systems, buildings equipped with, inspection by contractor: ***HB 2701, CH 88 (2020)**
 State procurement, "contracting out" requirements and contractor ethics: ***E2SHB 1521, CH 269 (2020)**, SB 5655
 Suicide prevention training module for construction workers, developing: ***ESHB 2411, CH 229 (2020)**

CONVENTION AND TRADE CENTERS

Public facilities district convention center, expansion, tax deferrals: SHB 2032

CONVEYANCES

Elevators, elevator safety advisory committee, members of: SB 5471
 Elevators, permits and licenses for working on, various: SB 5471
 Lifts, stairway chair or platform, removal from residence: SB 5471

COOPERATIVE ASSOCIATIONS (See also BUSINESS ORGANIZATIONS)

Homeownership development, by association, property tax exemption: ***ESHB 1107, CH 361 (2019)**, SB 5289
 Limited cooperative association act, Washington, creating: ***SB 5002, CH 37 (2019)**

CORPORATIONS (See also BUSINESS ORGANIZATIONS; BUSINESSES; RECORDS)

Boards, female directors on, requirements: SB 5142, SB 6037
 Boards, members self-identifying as women on, requiring: SB 6037
 Business corporation act, revisions: SB 5003, SB 6037
 Crimes committed by business entities, corporate crime act: ***HB 1252, CH 211 (2019)**
 Election campaign contributions by corporations, U.S. constitutional amendment convention: SJM 8002
 Election campaign contributions, corporation's foreign national ownership level: SB 6152
 Nonprofit corporations, "search and rescue organization": SB 6179
 Nonprofit corporations, crimes committed by, corporate crime act: ***HB 1252, CH 211 (2019)**
 Nonprofit corporations, religious or scientific, gambling activities licensing of: ***SB 6120, CH 150 (2020)**
 Public, property sale to, for affordable rental housing, excise tax exemption: ***SHB 2634 (2020) V**, SB 6366
 Shares and shareholders, various provisions: SB 5003, SB 6037
 Washington community development authority, creating: SB 5084
 Women on corporate boards act: SB 6037

CORRECTIONAL FACILITIES AND JAILS (See also CORRECTIONS, DEPARTMENT; CRIMINAL OFFENDERS; JUVENILE COURT AND JUVENILE OFFENDERS; REENTRY COUNCIL, STATEWIDE)

Chaplain, changing to "religious coordinator": ***SHB 1485, CH 107 (2019)**, SB 5013
 Commissary programs, raising "indigent cap" and ensuring access to: SB 6476
 Contraband, full body scanners for eliminating in facilities: SB 6064
 Contraband, possession on premises of state correctional institution, crime of: SB 5888
 Correctional industries advisory committee, dropping "advisory" from name: SB 5838
 Correctional industries, unfair competition rate, setting: SB 5838
 Coyote Ridge corrections center, wild horse training/holding program at: ***HB 2579 (2020) V**
 Data systems, DOC, for offenders and interaction with jail systems, studying: SB 6308
 Detention facilities, certain private, not essential public facilities under GMA: ***HB 2640, CH 128 (2020)**, SB 6504
 Detention facilities, private, health and safety inspections/enforcement, studying: ***ESHB 2576, CH 284 (2020)**
 Detention facilities, private, prohibiting: SB 6375, SB 6442
 Employees, concealed pistol license requirement exemption for, when: ***HB 1589, CH 231 (2019)**
 Health care facilities, offender transfer to, guidelines: SB 6063
 Health care services, prison medical director, qualifications for: SB 6063
 Inmates or detainees, bloodborne pathogen testing for, ordering, when: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Inmates, aggravated first degree murder by, death penalty option: SB 5364
 Inmates, corrections as comprehensive system of rehabilitation/reentry for: SB 6203
 Inmates, drug offender prison-based special sentencing alternative, modifying: SB 6211
 Inmates, family visitation, broadening "immediate family" definition for: SB 6476
 Inmates, health care, making jail records available to managed care system: ***HB 2545, CH 282 (2020)**
 Inmates, housing voucher in connection with release plan: SB 5441
 Inmates, involvement in postsecondary education before and after release: SB 6576
 Inmates, Monroe CC, apprenticeship opportunity pilot program, establishing: SB 5203

Inmates, offender reentry community safety program, renaming: SB 6638
 Inmates, postsecondary degree programs: SB 5433
 Inmates, prisoner fatality and near fatality reviews and review teams: SB 6204
 Inmates, reentry community services program, renaming previous program as: SB 6638
 Inmates, reentry community services work group, convening: SB 6638
 Inmates, reentry services before and after release: SB 6638
 Inmates, services inside facility, expanding access to: SB 6476
 Inmates, telecommunication/electronic media services contracts, posting of: SB 6476
 Inmates, voting rights restoration process notification: ***SB 5207, CH 43 (2019)**, SB 6228
 Inmates, with child support obligation, abatement of orders, when: ***SHB 2302, CH 227 (2020)**, SB 6343
 Jails, overtime work by correctional officers: SB 5200
 Jails, regional, uniformed personnel binding interest arbitration: ***SB 5199, CH 280 (2019)**
 Jails/holding facilities, adult, limiting time juvenile may be held in: ***2SHB 2277, CH 333 (2020)**
 King county facility, HIV/hepatitis C pilot project, King county/DOH to conduct: SB 6303
 Officers, certification and termination: ***2SHB 2499, CH 119 (2020)**
 Officers, use of force with firearm discharge, reporting: SB 5916
 Ombuds advisory council, governor to convene: SB 6322
 Ombuds, office of corrections, prisoner fatality review teams role of: SB 6204
 Ombuds, office of corrections, transferring to nonprofit organization: SB 6322
 Opioid use disorder, behavioral health needs of incarcerated individuals: SB 5380
 Opioid use disorder, FDA-approved medications for, allowing jail inmate use: SB 6585
 Peer support group counselors, jail staff privileged communications to: ***SHB 1356, CH 98 (2019)**, ***HB 2762, CH 42 (2020)**
 Private detention facilities, certain, not essential public facilities under GMA: ***HB 2640, CH 128 (2020)**, SB 6504
 Private detention facilities, health and safety inspections/enforcement, studying: ***ESHB 2576, CH 284 (2020)**
 Private detention facilities, prohibiting: SB 6375, SB 6442
 Private/for-profit correctional facilities, contracts with, prohibitions: SB 6558
 Privately owned correctional facilities, contracts with, prohibitions: SB 5120
 Privately owned correctional or detention facilities, exclusion under GMA: SB 5117
 Rehabilitation and reentry, comprehensive system of, corrections as: SB 6203
 Women's division, permanent, within department of corrections, creating: SB 5876
 Women, WA corrections center for, substance abuse treatment pilot program: SB 6646

CORRECTIONS, DEPARTMENT (See also CORRECTIONAL FACILITIES AND JAILS; CRIMINAL OFFENDERS)

Community corrections staffing model, reviewing and updating, DOC role: ***SHB 2417, CH 82 (2020)**
 Community custody, DOC recalculation of scheduled end dates for terms of: ***SHB 2394, CH 276 (2020)**
 Community custody, DOC recalculation of terms of: SB 6370
 Community custody, violations/sanctions, data/information reporting, DOC role: ***SHB 2417, CH 82 (2020)**
 Correctional industries advisory committee, dropping "advisory" from name: SB 5838
 Correctional industries, wild horse training/holding program study and plan: ***HB 2579 (2020) V**
 Correctional personnel, concealed pistol license requirement exemption for: ***HB 1589, CH 231 (2019)**
 Corrections, legislative bills concerning, fiscal notes to include fiscal impact: SB 5636
 Data systems, DOC, for offenders and interaction with jail systems, studying: SB 6308
 Employees, civil service, interest arbitration: SB 5021
 Employees, nonsupervisory marine department employees, interest arbitration: ***HB 2763, CH 89 (2020)**, SB 6456
 Health care facilities, offender transfer to, guidelines: SB 6063
 Health care services, prison medical director, qualifications for: SB 6063
 Information technology and records related units at DOC, performance audit of: SB 6298
 Inmates, postsecondary education before/after release, DOC role: SB 6576
 Inmates, prisoner fatality and near fatality reviews and review teams, DOC role: SB 6204
 Medical and health related units of DOC, performance audit of: SB 6298
 Officers, certification and termination: ***2SHB 2499, CH 119 (2020)**
 Officers, use of force with firearm discharge, reporting: SB 5916
 Ombuds advisory council, governor to convene: SB 6322
 Ombuds, office of corrections, prisoner fatality review teams role of: SB 6204

Ombuds, office of corrections, transferring to nonprofit organization: SB 6322
 Peer support group counselors, corrections staff privileged communications to: ***HB 2762, CH 42 (2020)**
 Pharmacy, of DOC, returned unit dose packages/medication cards, using: SB 6526
 Rehabilitation and reentry, comprehensive system of, corrections as: SB 6203
 Security threat group database, public records act exemption for: SB 5888
 Sentencing elements worksheet, mandatory, DOC development and use of: SB 6298
 State-owned land/property, underutilized, inventory of, DOC role: EHB 2896
 Women's division, permanent, within department, creating: SB 5876

COUNSELORS AND COUNSELING (See also COMMUNITY AND TECHNICAL COLLEGES; MENTAL HEALTH; SCHOOLS AND SCHOOL DISTRICTS)

Agency affiliated counselors, applicants for registration: SHB 1529, ***2SHB 1907, CH 446 (2019)**, SB 5053
 Agency affiliated counselors, as agency or facility peer counselors: SHB 1529, ***2SHB 1907, CH 446 (2019)**
 Agency affiliated counselors, wilderness therapy programs delivery by: SB 6637
 Chemical dependency counselors, mental health provider training to become: SB 5715
 Marriage and family therapists, reciprocity program: ***SB 5054, CH 351 (2019) PV**
 Mental health counselors, for veterans attending colleges: SB 5428
 Mental health counselors, reciprocity program: ***SB 5054, CH 351 (2019) PV**
 Mental health professionals, providers who qualify as: SB 5904
 Peer counselors, agency affiliated counselors with substance use disorder as: SHB 1529, ***2SHB 1907, CH 446 (2019)**
 Peer counselors, certified, safe station pilot program role of: SB 6648
 Peer counselors, substance use disorder, certification program: ***2SHB 1907, CH 446 (2019)**, SB 5055
 Peer support counselor certification program, transfer to DOH, sunrise review of: ***2SHB 1907, CH 446 (2019)**
 Peer support group counselors, critical incident stress management programs: ***HB 2926, CH 294 (2020)**
 Peer support group counselors, privileged communications to: ***SHB 1356, CH 98 (2019)**, ***HB 2762, CH 42 (2020)**
 Peer support services, advanced specialist credential: ***2SHB 1907, CH 446 (2019)**, SB 5055
 Social workers, reciprocity program: ***SB 5054, CH 351 (2019) PV**
 Social workers, social work professional loan repayment program, establishing: SB 5950
 Suicide assessment/treatment training for mental health professionals: ***ESHB 2411, CH 229 (2020)**
 Wilderness therapy programs, for troubled youth, delivery: SB 6637

COUNTIES (See also AUDITORS AND AUDITING; CITIES AND TOWNS; DEATH; ELECTIONS; GROWTH MANAGEMENT; HOMELESS PERSONS; HOMES AND HOUSING; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; LOCAL GOVERNMENT; PARKS; PUBLIC WORKS; TAXES - PROPERTY; TAXES - REAL ESTATE SALES EXCISE; TAXES - SALES; TAXES - USE)

Aircraft, vehicle, or vessel, failure to register, deferred prosecution, program for: SB 5362
 Annexation, unincorporated areas, code city agreement with county: ESHB 1598, SB 5522
 Annexation, unincorporated island of territory: SB 5249
 Boarding homes, using residential dwellings as, county authority to authorize: ESHB 2890
 Clark, 2019 measles outbreak, budget stabilization account appropriations for: SB 6009
 Clark, increasing superior court judges for: ***ESB 5450, CH 53 (2020)**
 Clerks, new bond requirement, repealing: HB 2347
 Community and technical college districts, tax levy for, by county: SB 6484
 Community facilities districts, formation of, SEPA exemption: ***HB 1366, CH 260 (2019)**, SB 5939
 Community facilities districts, special assessments, term of: ***HB 1366, CH 260 (2019)**, SB 5939
 County council, PERS plan 2 or 3 retiree employment in elected position: SB 6125
 Court appointed resource executor (CARE) officers, pilot program, where: SB 6109
 Ferry, Pend Oreille, and Stevens, jointly, increasing superior court judges in: ***ESB 5450, CH 53 (2020)**, SB 6178
 Franklin, GMA plans and SMA master programs updates schedules: ***ESHB 2342, CH 113 (2020)**
 High capacity transportation systems, certain taxes for, nullification, where: SB 6108
 Housing benefit districts, low-/middle-income housing, establishing and funding: SB 6618
 King county, payroll expense tax on businesses in, imposing, when: SB 6669
 King county-owned Harborview medical center, B&O tax exemption for: ***SHB 2168, CH 451 (2019)**
 King, emergency medical personnel of local consortium in, PERS service credit: SB 6616
 King, HIV/STD program and county correctional facility, pilot project: SB 6303
 King, limiting mandatory comprehensive planning under GMA to: SB 5915

King, operation of non-county shared employee shuttles in: SB 5896
 King, payroll expense tax on employers doing business in, imposing, when: SB 6692
 King, persistent property offender arrested for property offense in, charging: SB 6502
 Kitsap, GMA comprehensive planning updates schedule: SB 6566
 Kitsap, GMA plans and SMA master programs updates schedules: ***ESHB 2342, CH 113 (2020)**
 Lewis, GMA plans and SMA master programs updates schedules: ***ESHB 2342, CH 113 (2020)**
 Lewis, south sound region enhanced 211 drug line pilot project participation: SB 5546
 Mason, recreational target shooting areas in: SB 5099
 New counties, formation of, establishing procedures: SB 5760
 Officers, county, disputes between elected/appointed officials, mediation: SB 5560
 Officials, county, Washington association of, irrigation district elections practices, studying: ***ESB 5453, CH 462 (2019)**
 Ordinances, violations of, issuance, name of complainant required: SB 6572
 Pierce, sheriff's deputy Daniel McCartney, deputy Daniel McCartney act: SB 5050
 Pierce, south sound region enhanced 211 drug line pilot project participation: SB 5546
 Planning updates schedules, for GMA and SMA, schedules for, revising: ***ESHB 2342, CH 113 (2020)**
 Puget Sound counties, central, GMA planning updates schedule: SB 6566
 Rural counties, new road usage charges in, prohibiting: SB 5255
 Rural counties, sales/use taxes for public facilities, to include border counties: SB 5899
 San Juan, San Juan Islands special license plates, creating: ***EHB 1996, CH 177 (2019)**
 San Juan, San Juan Islands stewardship special license plates, creating: SB 5919
 Skagit, recreational target shooting areas in: SB 5099
 Snohomish, community residential service businesses, benchmark rate: SB 5281
 State forestlands, payments from exchange of, county prorating, when: ***HB 2119, CH 309 (2019)**, SB 5975
 Thurston, south sound region enhanced 211 drug line pilot project participation: SB 5546
 Treasurers, contracting with another treasurer to perform services or duties, when: ***HB 2072, CH 20 (2019)**
 Treasurers, property tax collection, refusal and liability: ***SB 5132, CH 433 (2019)**
 Wages, median hourly in each county, basing wage laws and rules on: SB 6602
 Walla Walla, GMA plans and SMA master programs updates schedules: ***ESHB 2342, CH 113 (2020)**

COUNTY ROAD ADMINISTRATION BOARD

County road administration board emergency loan account, creating: ***SB 5923, CH 157 (2019)**
 County road administration board emergency loan revolving account, creating: SB 5972
 Emergency revolving loan program, for roads and bridges, creating: ***SB 5923, CH 157 (2019)**, SB 5972
 Members, qualifications: ***HB 1020, CH 22 (2019)**
 Motor vehicle fuel tax revenues, in motor vehicle fund, transfer to board: SB 5521

COURTS (See also ADMINISTRATIVE PROCEDURE; CIVIL PROCEDURE; COUNTIES; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; ETHICS IN GOVERNMENT; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; JUDGES; JUDICIAL CONDUCT, COMMISSION ON; LAND USE PLANNING AND DEVELOPMENT; PUBLIC DEFENSE, OFFICE; TRAFFIC OFFENSES)

Baby court, initiating: SB 5494
 Bar associations, repealing state bar act and shifting regulatory authority to supreme court: ESHB 1788
 Commissioners, district and municipal courts, authority of: ***SB 5622, CH 52 (2019)**
 Courthouses/facilities, civil arrests at, prohibitions/exceptions/requirements: ***SHB 2567, CH 37 (2020)**, SB 6522
 Courthouses/facilities, law enforcement actions at, security personnel role: ***SHB 2567, CH 37 (2020)**, SB 6522
 Dogs, courthouse facility dogs for use by certain witnesses: ***SB 5551, CH 398 (2019)**
 Indigency, defendant proof of, receipt of public assistance as, provisions: SB 6215
 Indigent defendants, public defense services, funding: ***2SHB 1048, CH 251 (2019)**, SB 5098
 Judiciary, state of the, joint legislative session for message: ***SCR 8401 (2019)**
 Juries, informant testimony, jury instruction concerning: SB 5714
 Jurors, qualifications, "civil rights restored": ***SB 5162, CH 41 (2019)**
 Limited jurisdiction courts, commissioners, authority of: ***SB 5622, CH 52 (2019)**
 Limited jurisdiction courts, commissioners, solemnizing of marriages: ***SB 5622, CH 52 (2019)**
 Limited jurisdiction courts, judicial officers, notices of disqualification of: HB 1305
 Public records act, courts and judicial branch offices, applying act to: SB 6438
 Records, access to, changes relevant to uniform parentage act: SB 5333

Reporters, court, licensing, out-of-state applicants, equivalent in-state license: SB 6465
 Small claims courts, judgment enforcement by prevailing party: ***SHB 2295, CH 25 (2020)**
 Small claims courts, judgment recovery process: ***2SHB 1048, CH 251 (2019)**
 Small claims courts, jurisdiction, monetary limit for claims: SB 5621
 State agency rules and procedures, role of courts/judiciary: SB 6044
 Superior courts, covered voting practices declaratory judgment by, when: SB 6688
 Superior courts, judges, increasing number in certain counties: ***ESB 5450, CH 53 (2020)**, SB 6178
 Supreme court, fiscal notes for revenue-altering decisions, provision of: SB 6353
 Supreme court, gender and justice commission, domestic violence work groups: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Supreme court, justices, election by electors of supreme court judicial districts, constitutional amendment: SJR 8215
 Supreme court, shifting practice of law regulatory authority to: ESHB 1788
 Tax court, authorizing: SJR 8205
 Tax court, state, establishing: SB 5632
 Therapeutic courts, allowing medication-assisted treatment: SB 5380
 Youth courts, jurisdiction over civil infractions by juveniles: SB 5640

CREDIT AND DEBIT CARDS

Collection agencies, credit card payment, definition of and transaction fee for: SB 6118
 Debt buyers, actions against debtors, prohibitions: ***SHB 2476, CH 30 (2020)**

CRIMES (See also CLEMENCY AND PARDONS BOARD; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; DRUGS; FIREARMS; GAMBLING; JUVENILE COURT AND JUVENILE OFFENDERS; ORDERS OF COURT; SENTENCING; SEX OFFENSES AND OFFENDERS)

Abuse of children, physical, medical examinations for suspected victims: SB 6427
 Abuse or neglect of children, failing to report or obstructing reporting of: HB 2033, SB 5173
 Abuse or neglect of children, investigations, information sharing for: SHB 1595, SB 5461
 Abuse or neglect of children, mandatory reporting: HB 2033, SB 5173, SB 6556
 Abuse or neglect of children, reporting, web-based portal with call-back option: SB 6556
 Abuse or neglect of children, reports/responses, civil/criminal liability immunity: ***SB 6423, CH 71 (2020)**
 Abuse or neglect, Christian Science treatment exemption references, removing: SB 5749
 Abuse or neglect, health care faith-based practices exemption, when: SB 5749
 Aircraft, vehicle, or vessel, failure to register, deferred prosecution, program for: SB 5362
 Animal cruelty, convicted offender, restrictions imposed when sentenced: SB 6300
 Animal cruelty, first degree, provisions: SB 6300
 Animal cruelty, second degree, provisions: ***SHB 1919, CH 174 (2019)**, EHB 2623, SB 6300
 Animal fighting, crime of, provisions: ***SHB 1919, CH 174 (2019)**
 Animals, police, harming, class B felony when animal killed: SB 5614
 Appear or surrender, failure to, crime of, creating: ***ESHB 2231, CH 19 (2020)**
 Assault, custodial, with prior conviction, discretionary decline hearing: SB 5880
 Assault, first degree, removing HIV exposure element: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Assault, first degree, transmitting HIV to child or vulnerable adult: ***ESHB 1551, CH 76 (2020)**
 Assault, fourth degree with sexual motivation, juvenile offenders: SB 5351, ***ESB 6180, CH 249 (2020)**
 Assault, fourth degree, with domestic violence against intimate partner: ***SHB 2473, CH 29 (2020)**
 Assault, of a child, medical examinations for suspected victims: SB 6428
 Assault, of utility employee, as aggravating circumstance: ***HB 1380, CH 219 (2019)**, SB 5857
 Assault, second degree, as most serious offense, resentencing, when: SB 5288
 Assault, third or fourth degree, prostitution charge immunity when seeking aid: ***HB 1382, CH 114 (2019)**
 Bail jumping, when convicted of violent or sex offense, felony: ***ESHB 2231, CH 19 (2020)**
 Business entities, crimes committed by, fines/legal financial obligations: ***HB 1252, CH 211 (2019)**
 Camping on public property, unauthorized, misdemeanor, SHELTER act: SB 6459
 Census taker, impersonating a, crime of, gross misdemeanor: ***SHB 2527, CH 34 (2020)**
 Communicating a threat of mass violence: SB 6307
 Contraband, possession on premises of state correctional institution, crime of: SB 5888
 Controlled substance tableting/encapsulating/imitation equipment, prohibitions: SB 6159
 Controlled substance, endangerment with a, adding fentanyl to crime of: SB 6022

Cyber harassment, renaming cyberstalking as, and modifying provisions: HB 2129
 Dogs, devocalizing or ear or tail cropping/cutting off, prohibition, when: SB 6300
 Drive-by shooting, at age 16-17, sentencing range: SB 5880
 Driving under the influence, provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**, ***SHB 2483, CH 117 (2020)**, SB 5286, SB 5299, SB 6160, SB 6163, SB 6555
 Driving, negligent, second degree, with vulnerable user victim rider: ***SB 6045, CH 146 (2020)**
 Drug offenses, persons convicted of, resentencing hearings for: SB 5867
 Drug offenses, special sentencing alternatives, modifying: SB 6211
 Embezzlement, theft by color or aid of deception, establishing crime of: SB 5121
 False reporting of a crime or emergency, classification and penalties: SB 6295
 False reporting of a crime or emergency, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 Fentanyl, manufacture of, moving from drug offense seriousness level II to III: SB 6583
 Financial fraud and identity theft crimes investigation and prosecution program: SB 6074
 Food assistance, SNAP program, unauthorized benefits, criminal penalties: SB 5531
 Fraud, using financial institution payment card, aiding reporting of: SB 5278
 Harassment, cyber, renaming cyberstalking as, and modifying provisions: HB 2129
 Harassment, malicious, renaming as "hate crime" or "hate crime offense": ***ESHB 1732, CH 271 (2019)**, SB 5850
 Hate crimes, "hate crime" and "hate crime offense," provisions: ***ESHB 1732, CH 271 (2019)**, SB 5850
 Hate crimes, gender identity and expression as protected classes for: ***ESHB 1732, CH 271 (2019)**, SB 5850
 Hate crimes, multidisciplinary hate crime advisory working group, convening: ***ESHB 1732, CH 271 (2019)**, SB 5850
 HIV, transmission by unlawful sexual intercourse: ***ESHB 1551, CH 76 (2020)**
 Human remains, unlawful disposition of, changing to class C felony: SB 6501
 Human trafficking, agricultural product supply chain disclosures concerning: SB 5693
 Human trafficking, hearsay evidence by child under 16, admissibility: SB 5885
 Human trafficking, human trafficking awareness month, designating January as: SB 6633
 Human trafficking, noncitizen victims/family members, public assistance: SB 5164
 Human trafficking, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Human trafficking, sexual, minor victimized by, private right of action/claim: SB 5897
 Knives, spring blade, legalizing manufacture, sale, and possession: SB 5782
 Knives, spring blade, unlawful carrying or possession on certain premises: SB 5782
 Malicious mischief, third degree, graffiti removal as restitution for: SB 6460
 Marijuana retail outlets, robbery of, forwarding incident details: SB 6033
 Marijuana retail outlets, robbery of, special allegation: SB 6033
 Marijuana retailers, employee crimes involving underage persons: ***HB 1792, CH 379 (2019)**
 Marijuana, possession, misdemeanor convictions, vacation of: ***SB 5605, CH 400 (2019)**
 Mass violence, communicating a threat of: SB 6307
 Money laundering, forfeited proceeds from, gambling enforcement use of: ***SB 6119, CH 62 (2020)**
 Motor vehicle-related felonies, driver's license revocation, when: EHB 2066, ***2SHB 2066, CH 16 (2020)**
 Motor vehicle-related felonies, offender community custody: SB 5492
 Motor vehicles, safety glazing/film suncreening materials on windows, unlawful installation: ***SB 5881, CH 438 (2019)**
 Motor vehicles, safety glazing/film suncreening materials on windows, unlawful purchase/sale of installation services: ***SB 5881, CH 438 (2019)**
 Murder, first degree, aggravated, death penalty when committed by inmate: SB 5364
 Murder, first degree, aggravated, eliminating death penalty: SB 5339
 Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**, SB 6115
 Physical control of vehicle under the influence, provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**, ***SHB 2483, CH 117 (2020)**, SB 5286, SB 5299, SB 6160, SB 6163, SB 6555
 Potential criminal acts, hotline/program for reporting, establishing: SB 5835
 Property offense, persistent property offender arrested for, charging, when: SB 6502
 Rape, third degree, prostitution charge immunity when seeking assistance: ***HB 1382, CH 114 (2019)**
 Reporting of a crime or emergency, false, classification and penalties: SB 6295
 Reporting of a crime or emergency, false, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 Robbery, first degree, at age 16-17, sentencing range: SB 5880
 Robbery, second degree, as most serious offense, resentencing, when: SB 5288
 Robbery, second degree, as persistent offender finding basis, resentencing: SB 6202

Sexually transmitted disease, transmission by unlawful sexual intercourse: SB 5562
 Snowmobiles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**
 Social media extortion, by means of threat, crime of: SB 5495
 Stalking, including electronic surveillance and modifying provisions: HB 2129
 Theft, by color or aid of deception, establishing crime of: SB 5121
 Theft, concealing property to deprive other person: SB 5248
 Theft, of financial institution payment card, aiding reporting of: SB 5278
 Trafficking, human sex, minor victimized by, private right of action/claim: SB 5897
 Trafficking, human sex, transient accommodating employee training: SHB 2320, SB 6356
 Trafficking, human, agricultural product supply chain disclosures concerning: SB 5693
 Trafficking, human, hearsay evidence by child under 16, admissibility: SB 5885
 Trafficking, human, noncitizen victims/family members, public assistance: SB 5164
 Trafficking, human, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Violent offenses, prostitution charge immunity when seeking assistance: ***HB 1382, CH 114 (2019)**
 Whale watching, commercial: 2SHB 1580

CRIMINAL JUSTICE TRAINING COMMISSION

Basic law enforcement training, commencement date after hiring: SB 5944
 Certification of corrections officers, denying or revoking, CJTC role: ***2SHB 2499, CH 119 (2020)**
 Certification of peace officers, polygraph requirement, removing: SB 6148
 Commission membership, changes to: ***SHB 2785, CH 44 (2020)**, SB 6537
 Deadly force, law enforcement training relevant to: ***SHB 1064, CH 4 (2019)**, SB 5029
 Domestic violence, officer handling of, CJTC course of instruction: ***SHB 1225, CH 367 (2019)**, SB 5143
 Domestic violence, traumatic brain injuries risk, CJTC curriculum to include: ***ESB 5573 (2019) V**
 School district permanent employees, firearms training/education program for: SB 5977
 School resource officers, CJTC role: SB 5052
 School safety drills, types/frequency and evaluator team to review, CJTC role: SB 6389
 Sexual assault investigations, case review program, commission role: ***ESHB 2318, CH 26 (2020)**
 Sexual assault kit analysis, victim notification, investigator training for: ***2SHB 1166, CH 93 (2019)**
 Sheriffs, preparation course for person who is not a peace officer, CJTC role: HB 2664
 Sheriffs, training program for newly elected, CJTC role: HB 2664
 Stress management, critical incident, programs access, CJTC role: ***HB 2926, CH 294 (2020)**

CRIMINAL OFFENDERS (See also CLEMENCY AND PARDONS BOARD; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; MENTAL HEALTH; ORDERS OF COURT; PUBLIC DEFENSE, OFFICE; REENTRY COUNCIL, STATEWIDE; SENTENCING; SEX OFFENSES AND OFFENDERS)

Apprenticeship opportunity pilot program, establishing at Monroe CC: SB 5203
 Community corrections staffing model, reviewing and updating: ***SHB 2417, CH 82 (2020)**
 Community custody, concurrent terms of: ***SHB 2394, CH 276 (2020)**, SB 6370
 Community custody, for motor vehicle-related felonies: SB 5492
 Community custody, low-level violations of: SB 5848
 Community custody, recalculation of terms of: ***SHB 2394, CH 276 (2020)**, SB 6370
 Community custody, supervision compliance credit: ***SHB 2393, CH 275 (2020)**
 Community custody, supervision, placement, probation/parole, terms of: ***SHB 2394, CH 276 (2020)**
 Community custody, terms of, provisions: ***SHB 2393, CH 275 (2020)**, ***SHB 2394, CH 276 (2020)**, SB 5848
 Community custody, violation of, loss of right to vote: SB 5076
 Community custody, violation of, underlying offenses and procedures: ***SHB 2417, CH 82 (2020)**, SB 6369
 Community custody, violations and sanctions, data/information collection: ***SHB 2417, CH 82 (2020)**
 Community custody, violators of, pursuing active warrants of: SB 6298
 Community placements, generally, provisions: SB 5848
 Convicted of felony, tax credits for employers who hire offender who has been: SB 6564
 Conviction in adult court at 16 or 17, offense vacation/transfer to juvenile court: SB 6443
 Conviction records, vacating: ***SHB 1041, CH 331 (2019)**
 Convictions, vacation of, process for streamlining, pilot program: ***2SHB 2793 (2020) V**
 Discharge, certificates of, obtaining: ***SHB 1041, CH 331 (2019)**

DNA sample, collection and analysis, Jennifer and Michella's law: ***SHB 1326, CH 443 (2019)**
 Drug offenders, special sentencing alternatives, modifying: SB 6211
 Drug offenses, persons convicted of, resentencing hearings for: SB 5867
 Early release, petitions for: SB 5819
 Earned release time, limiting, when: SB 5848
 Earned release time, various provisions: SB 5080, SB 5441
 Education, postsecondary, cognitive impairments and special education: SB 6576
 Education, postsecondary, inmate involvement before and after release: SB 6576
 Educational opportunities, earned release time, and community supervision: SB 5080
 Educational opportunities, postsecondary degree programs for inmates: SB 5433
 Electronic home monitoring, impaired driving provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Electronic monitoring, with victim notification: SB 5149
 Fugitives from tribal jurisdiction, Indian fugitive extradition act: SB 5081
 Graduated reentry program, participation in education: SB 5080
 Incarcerated individuals, comprehensive system of rehabilitation/reentry: SB 6203
 Incarcerated individuals, medicaid suspension, restoring benefits before release: SB 6638
 Incarcerated individuals, reentry community services work group, convening: SB 6638
 Incarcerated individuals, reentry services before and after release: SB 6638
 Incarcerated individuals, untried indictment pending, bringing to trial: SB 6270
 Incompetent to stand trial, competency evaluators: SHB 1100, SB 5046
 Incompetent to stand trial, competency restoration treatment: SB 5039, SB 5444
 Incompetent to stand trial, competency restoration workers for, PSERS plan 2: ***HB 2189, CH 108 (2020)**
 Incompetent to stand trial, firearm possession prohibition, when: ***SB 5205, CH 248 (2019)**
 Offender reentry community safety program, renaming: SB 6638
 Pardon/commutation/civil rights restoration, without regard to immigration status: SB 5917
 Parents with minor children, sentencing alternative to total confinement: SB 5291
 Parents with minor children, sentencing, community parenting alternative: SB 5291
 Persistent offenders, resentencing hearings, when: SB 5288, SB 6202
 Persistent offenders, sentencing as, criteria: SB 5491
 Persistent property offenders, arrested for property offense, charging when: SB 6502
 Prisoners, for twenty years or more, petition and case review for early release: SB 6530
 Professional licensing, applicants with criminal convictions, process for: SHB 2356
 Reentry community services program, renaming previous program as: SB 6638
 Students, sex or violent offenders, district/school notification: ***2SHB 1191, CH 167 (2020)**, SB 5554
 Voting districts, inmates' last known addresses, redistricting commission use: SB 5287
 Voting rights restoration, inmate notification of process for: ***SB 5207, CH 43 (2019)**, SB 6228
 Voting, right to vote, offender not in total confinement to have: SB 6228

CRIMINAL PROCEDURE (See also BAIL AND BAIL BONDS; CLEMENCY AND PARDONS BOARD; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; ORDERS OF COURT; PUBLIC DEFENSE, OFFICE; SEX OFFENSES AND OFFENDERS)

Arrests, restraining order violation, when: ***HB 1055, CH 18 (2019)**
 Competency to stand trial, evaluators: SHB 1100, SB 5046
 Competency to stand trial, restoration treatment duration: SB 5039
 Competency to stand trial, restoration treatment, outpatient: SB 5444
 Convictions, vacation of, process for streamlining, pilot program: ***2SHB 2793 (2020) V**
 Declarations, unsworn, declarants within and outside U.S.: SB 5017
 Defenses, based on victim's gender/identity/expression/sexual orientation, limiting: ***EHB 1687, CH 3 (2020)**
 Detention, during proceedings, private facilities for, GMA exclusion, when: ***HB 2640, CH 128 (2020)**, SB 6504
 DNA sample, biological materials collection and analysis: ***ESHB 2318, CH 26 (2020)**
 DNA sample, collection and analysis, Jennifer and Michella's law: ***SHB 1326, CH 443 (2019)**
 Electronic home monitoring, impaired driving provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Electronic monitoring, with victim notification: SB 5149
 Evidence, hearsay, by child under 16 concerning human trafficking: SB 5885
 Evidence, Indian tribal laws, proceedings, and records admissibility: ***SB 5083, CH 39 (2019)**

Evidence, informant testimony, jury instruction: SB 5714
 Evidence, reliability of, eyewitness evidence and informant work groups: SB 5714
 Extradition to tribal jurisdiction, Indian fugitive extradition act: SB 5081
 Facial recognition technology, government data from, use as evidence: SB 5528
 Incompetent to stand trial, firearm possession prohibition, when: ***SB 5205, CH 248 (2019)**
 Insanity, not guilty by reason of, restoration of right to possess firearms: SB 6289
 Privileged communications, with peer support group counselors: ***SHB 1356, CH 98 (2019), *HB 2762, CH 42 (2020)**
 Property offense, persistent property offender arrested for, charging, when: SB 6502
 Property, forfeiture of seized, money laundering proceeds use: ***SB 6119, CH 62 (2020)**
 Seizure and forfeiture of property, drug offenses, recordkeeping and reporting: SB 6266
 Self-defense legal service subscription providers, excluding from "insurer": SB 6043
 Sex offenses, various felony, eliminating or extending statute of limitations for: SHB 1231, ***SB 5649, CH 87 (2019)**

CURRENCY (See also CREDIT AND DEBIT CARDS)

Money laundering, forfeited proceeds from, gambling enforcement use of: ***SB 6119, CH 62 (2020)**
 Transactions, blockchain technology work group, establishing: SB 6065

DEAF (See also CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR)

Closed captioning, on televisions in places of public accommodation: SB 6182
 Drivers' licenses, deafness designation on: EHB 2440
 Identicons, deafness designation on: EHB 2440
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**

DEATH (See also HUMAN REMAINS)

Certificates, abbreviated, requesting: ESHB 1799
 Certificates, birth resulting in stillbirth, issuance, when: SB 6523
 Coroner, death investigations, subpoena authority: ***SB 5300, CH 237 (2019)**
 Death penalty, eliminating: SB 5339
 Death penalty, for aggravated first degree murder committed by inmate: SB 5364
 Death with dignity act, barriers to full access, studying: ***SHB 2419 (2020) V**
 Death with dignity act, hospital access-to-care policies: SHB 2326
 Death with dignity act, provider provision of information to patient regarding: ***ESHB 1608, CH 102 (2020)**, SB 5542
 Natural death act, advance directives: ***EHB 1175, CH 209 (2019)**
 Vital records, single comprehensive state system: SB 5332
 Vulnerable adults, autopsy and postmortem reports or records: ESHB 1422, SB 5338
 Women, maternal mortality reviews and data-sharing: SB 5425
 Wrongful death actions, survival and beneficiaries of: SB 5163

DENTISTS AND DENTISTRY (See also INSURANCE)

Access to baby and child dentistry program, outreach/involvement: ***SHB 2905, CH 293 (2020)**
 Dental assistants, scope of services and duties: SB 5833
 Dental hygiene examining committee, members of: ***HB 1554, CH 111 (2019)**
 Dental hygienists, licensing and duties: ***HB 1554, CH 111 (2019)**
 Dental therapists, practice of dental therapy, establishing: SB 5392
 Expanded function dental auxiliaries, scope of services: SB 5833
 Hygienists, dental, licenses and hygiene procedures: SB 5833
 Insurance, dental only plans, all provider categories and carrier disclosure: SB 6330
 Laboratories, dental, registry of: ***HB 1177, CH 68 (2019)**, SB 5674
 Medicaid, access to baby and child dentistry, children with disabilities: SB 5976
 Medicare, asking congress to include dental care coverage in: SHJM 4014, SJM 8010
 Pacific islanders, COFA citizens, dental coverage: ***ESB 5274, CH 311 (2019) PV**
 Workforce education B&O tax surcharges, exemption for certain providers: SB 6055, SB 6059

DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH (See also DISABILITIES, INDIVIDUALS WITH; DISCRIMINATION; MENTAL HEALTH; VULNERABLE ADULTS)

Adult family homes, serving persons with developmental disabilities, specialty contract: SB 5672
 Background checks, unsupervised access, employees with, when: ***HB 2259, CH 22 (2020)**, SB 6100

Basic plus waiver, forecasting and budgeting: SB 6040, SB 6658
 Behavioral health needs, persons with developmental disabilities and: ***2SHB 1394, CH 324 (2019)**
 Birth-to-three early intervention services, ESIT program to provide, DCYF role: ***SHB 2787, CH 90 (2020)**, SB 6547
 Caregivers and attendants, access to admission-charging public places: SB 5487
 Case resource management services, for clients not receiving paid services: SB 6056
 Community engagement and guide services, reimbursement rate for providers: SB 5922
 Community residential service businesses, public utility tax on and payments to: SB 5990
 Community residential service businesses, Snohomish county benchmark rate: SB 5281
 Community respite services, reimbursement rate for providers: SB 5921
 Community trust, account, use of funds: SB 6190
 Dan Thompson memorial developmental disabilities community trust account: SB 6190
 Day training centers, as employment and day program service options: SB 5510
 Dogs, courthouse facility dogs, use by individuals when testifying: ***SB 5551, CH 398 (2019)**
 Driver's license, developmental disability designation on: EHB 2440
 Driver's license, developmentally disabled designation on: SB 6429
 Early childhood education and assistance program, eligibility, when: SB 5089
 Early support for infants/toddlers program, birth-to-3 intervention services by: ***SHB 2787, CH 90 (2020)**, SB 6547
 Identocard, developmental disability designation on: EHB 2440
 Identocard, developmentally disabled designation on: SB 6429
 Individual and family services waiver, forecasting and budgeting: SB 6040, SB 6658
 Intellectual disabilities, individuals with, intermediate care facilities for: SB 5536
 Intermediate care facilities, definition and resident assessments: SB 5536
 Medicaid, access to baby and child dentistry, children with disabilities: SB 5976
 Ombuds, developmental disabilities, providing with various information: SB 5483
 Organ transplants, denying due to physical or mental disability, prohibition: SB 5405
 Out-of-home services, through person-centered service planning process: ***HB 2682, CH 41 (2020)**
 Residential habilitation center clients, plan and report, joint task force on: SB 6419
 Residential habilitation centers, relation to intermediate care facilities: SB 5536
 Residential services/supports, complaint investigations, certification fees for: ***SB 5359, CH 458 (2019)**
 Respectful language in RCW, developmental disabilities/disabilities: ***HB 2390, CH 274 (2020)**
 Rights, as DSHS clients, of individuals with development disabilities: ***2SHB 1651, CH 271 (2020)**, SB 5843, SB 6590
 Services, caseload forecasting as entitlements: SB 6056
 Services, clients receiving, DSHS tracking and monitoring: SB 5483
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Special education, advocates, advisory committees, and cooperatives: SB 5532
 Special education, assessment, students in juvenile rehabilitation institutions: SB 5962
 Special education, comprehensive approach for improving: SB 5532
 Special education, each student's family's preferred language, documenting: ***ESHB 1130, CH 256 (2019)**
 Special education, excess cost allocation: ***SHB 2787, CH 90 (2020)**, SB 5312, SB 5532, SB 5736, SB 6021, SB 6117, SB 6547
 Special education, excess cost allocation and cost multiplier rate: SB 5312, SB 5736, SB 6117
 Special education, IEP noncompliance, reporting of, prohibiting retaliation: SB 6047
 Special education, incarcerated individuals eligible for: SB 6576
 Special education, safety net funding: SB 5091, SB 5532, SB 6021
 Special education, service models description and IEP meetings handout: SB 5262
 Special education, students in early childhood education and assistance: SB 6253
 Volunteer programs, in state government, review of: SB 5265
 Wages, subminimum, certificates for persons with disabilities for, eliminating: ***EHB 1706, CH 374 (2019)**, SB 5753
 Waivers, certain services, forecasting/budgeting as maintenance-level costs: SB 6040, SB 6658

DIKING AND DRAINAGE

Diking districts, commissioner compensation: SB 6046
 Diking, drainage, and sewerage improvement districts, supervisor compensation: SB 6046
 Diking, drainage, and sewerage improvement districts, tax rates disclosure: SB 5024
 Drainage districts, commissioner compensation: SB 6046

DISABILITIES, INDIVIDUALS WITH (See also DEAF; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DISCRIMINATION; RETIREMENT AND PENSIONS)

Birth-to-three early intervention services, ESIT program to provide, transferring: ***SHB 2787, CH 90 (2020)**, SB 6547
 Caregivers and attendants, access to admission-charging public places: SB 5487
 Cognitive impairments, incarcerated persons, educational accommodation: SB 6576
 Demographic details, personal, state employee disclosure exemption: SB 6431
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Dwarfism, persons with, endangerment by business venues, prohibiting: SB 5486
 Dyslexia advisory council, duties of: SB 6101
 Dyslexia, school district screening for, requirements: SB 6101
 Early childhood education and assistance program, eligibility, when: SB 5089
 Early support for infants/toddlers program, birth-to-3 intervention services by: ***SHB 2787, CH 90 (2020)**, SB 6547
 Highway workers, spouse/children college tuition/fees exemption: ***SB 5119, CH 144 (2019)**
 Homeless persons with disabilities, personal care services pilot project for: SB 5839
 Medicaid, access to baby and child dentistry, children with disabilities: SB 5976
 Military members/veterans, recreational/rehabilitation facility, tax exemptions: SB 5890
 Mobility enhancing equipment, sales and use tax exemptions: SB 6658
 Multiple disabilities, services for children with, repealing Ch. 74.26: ***HB 2599, CH 122 (2020)**, SB 6362
 Organ transplants, denying due to physical or mental disability, prohibition: SB 5405
 Parking spaces, van accessible, requirements for use of: SB 5253
 Pregnancy disability, parental leave via shared leave when resolved: SB 6336
 Property tax exemption program, retirees and veterans: SB 5160, SB 5390, SB 6199, SB 6319
 Protection orders, extreme risk, when threat of harm to certain groups: SB 5745
 Respectful language in RCW, disabilities/developmental disabilities: ***HB 2390, CH 274 (2020)**
 School employees, who served as locally elected officials, health coverage: SB 5686
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Special education, advocates, advisory committees, and cooperatives: SB 5532
 Special education, assessment, students in juvenile rehabilitation institutions: SB 5962
 Special education, comprehensive approach for improving: SB 5532
 Special education, each student's family's preferred language, documenting: ***ESHB 1130, CH 256 (2019)**
 Special education, excess cost allocation: ***SHB 2787, CH 90 (2020)**, SB 5312, SB 5532, SB 5736, SB 6021, SB 6117, SB 6547
 Special education, excess cost allocation and cost multiplier rate: SB 5312, SB 5736, SB 6117
 Special education, IEP noncompliance, reporting of, prohibiting retaliation: SB 6047
 Special education, incarcerated individuals eligible for: SB 6576
 Special education, safety net funding: SB 5091, SB 5532, SB 6021
 Special education, service models description and IEP meetings handout: SB 5262
 Special education, students in early childhood education and assistance: SB 6253
 Veterans, disabled American veteran or former POW license plates, criteria: HB 1707
 Veterans, totally disabled, child's use of college tuition/fees waiver: HB 2542
 Wages, subminimum, certificates for persons with disabilities for, eliminating: ***EHB 1706, CH 374 (2019)**, SB 5753
 Working individuals with disabilities, buy-in program, eligibility: ***SHB 1199, CH 70 (2019)**, SB 5754

DISCOVER PASS

Libraries, passes provided to, checking out to patrons: SB 6670
 Repealing discover pass, initiating free park/lands access by: SB 6093, SB 6174
 Requirements, failure to comply, monetary penalty distribution: ***SHB 1293, CH 268 (2020)**, SB 5420

DISCRIMINATION (See also ETHICS IN GOVERNMENT; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; MINORITIES; WOMEN)

Automated decision systems, discrimination by, prohibition: SB 5527
 Caregivers for persons with disabilities, public places denying access to: SB 5487
 Citizenship/immigration status, discrimination based on: ***ESB 5165, CH 52 (2020)**
 Complete equity act, prohibiting preferential treatment by state: SB 5935
 Complete equity act, repealing state civil rights act and replacing it with: SB 5935
 Demographic details, personal, state employee disclosure exemption: SB 6431

Discrimination by the state, prohibiting: SB 5935
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Employees, off-duty conduct, employer discrimination due to: SB 5226, SB 5807
 Facial recognition technology, government use, restrictions: SB 5528
 Harassment, discrimination, and retaliation prevention, trainers on, qualifying of: SB 6169
 Hate crimes, provisions: ***ESHB 1732, CH 271 (2019)**, SB 5850
 Hospitals, access to care policies for nondiscrimination: SHB 1686
 Injury, diagnosed physical/psychological, noneconomic damages waiver: ***SB 6236, CH 254 (2020)**
 Organ donors, living, prohibiting insurance coverage discrimination against: SB 6039
 Organ transplants, denying due to physical or mental disability, prohibition: SB 5405
 Pregnancy discrimination, as employer unfair practice, complaint deadline: ***SB 6034, CH 145 (2020)**
 Public accommodation, closed captioning on televisions in places of, requiring: SB 6182
 Race, hair texture/protective styles associated with, discrimination based on: ***HB 2602, CH 85 (2020)**
 Reproductive health care access for all act, eliminating discriminatory barriers: SB 5602
 Sexual discrimination, in workplace, prevention measures: SB 5258
 State procurement, "contracting out" requirements and contractor ethics: ***E2SHB 1521, CH 269 (2020)**
 Transgender students, policy and procedure, school district requirements: SB 5689
 Voter qualifications/prerequisites, declaratory judgment for/certification of, when: SB 6688
 Voting practices, covered, covered jurisdiction initiation of, requirements: SB 6688

DOMESTIC RELATIONS (See also CHILD CARE; CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DISCRIMINATION; DOMESTIC VIOLENCE; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS; MARRIAGE AND MARRIED PERSONS; MILITARY)

Baby court, for dependent children under age 3: SB 5494
 Child support, incarcerated obligors, abatement of orders, when: ***SHB 2302, CH 227 (2020)**, SB 6343
 Child support, orders for, modification and adjustment of: ***ESHB 1916, CH 275 (2019)**, ***SHB 2302, CH 227 (2020)**, SB 6343
 Child support, pass-through payments, reinstating: SB 5144
 Child support, quadrennial work groups, review reports and data: ***ESHB 1916, CH 275 (2019)**
 Child support, support enforcement in non-assistance cases, annual fee: ***ESHB 1916, CH 275 (2019)**
 Child support, when owed, paid family and medical leave benefit deduction: ***SHB 2614, CH 125 (2020)**, SB 6349
 Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Family and medical leave, paid, and family resource/referral/linkage system: SB 6467
 Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017
 Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019)**, ***SHB 2614, CH 125 (2020)**, ***ESB 5439, CH 81 (2019)**, SB 5449, SB 5539, SB 6349
 Family connections program, organization to implement: ***SHB 2525, CH 33 (2020)**, SB 6422
 Family reconciliation services, for families or youth experiencing conflict: ***SHB 2873, CH 51 (2020)**, SB 6611
 Family reunification services, provisions: ***HB 1900, CH 172 (2019)**, SB 5826
 Home visits, universal home visiting and statewide family linkage programs: SB 5683
 Intimate partner, adding term to various domestic violence statutes: ***SHB 2473, CH 29 (2020)**
 Intimate partners, abusive litigation between, orders restricting: SB 6268
 Parentage act, restraining orders under, violation and arrest: ***HB 1055, CH 18 (2019)**
 Parentage act, uniform, comprehensive changes related to: SB 5333
 Parental improvement, certificates of, issuance of: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Parenting plans, when dissolution or separation, various provisions: SB 6023
 Parents who are minors, TANF, child care, and school district grants: SB 5379
 Parents with minor children, sentencing alternative to total confinement: SB 5291
 Parents with minor children, sentencing, community parenting alternative: SB 5291
 Parents' bill of rights, right to direct child's upbringing/education/health care: SB 6664
 Parents, abusive use of conflict, to include intimate partner abusive litigation: SB 6268
 Prevention and family services and programs, relation to foster care: ***HB 1900, CH 172 (2019)**, SB 5826
 Relocation of child by parent, when dissolution or separation: SB 5399

DOMESTIC VIOLENCE (See also CHILDREN; DOMESTIC RELATIONS; FIREARMS; ORDERS OF COURT)

Assault, fourth degree, with domestic violence against intimate partner: ***SHB 2473, CH 29 (2020)**

Community resources, poster with names of, for workplace: ***HB 1533, CH 228 (2019)**
 Firearms and ammunition, seizing due to violence incident: ***SHB 1225, CH 367 (2019)**, SB 5143
 Housing, emergency/supportive, entities providing, local utility connection charge waiver: SB 6414
 Intimate partner violence, as data analysis category: ***E2SHB 1517, CH 263 (2019)**
 Intimate partner, adding term to various domestic violence statutes: ***SHB 2473, CH 29 (2020)**
 Offenders, serious, registry of: SB 5244
 Orders, no-contact, provisions: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Orders, protection, electronic monitoring with victim notification: SB 5149
 Orders, protection, recognition and enforcement of Canadian, uniform act: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Risk assessment tool, development for prosecution, sentencing, and reentry: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Sensitive health care services, to include services for domestic violence: SB 5889
 Shelter, emergency, entities providing, local utility connection or service line charge waiver: ESHB 2629
 Shelters, for homeless, prevailing wages for construction: ***HB 1743, CH 29 (2019)**, SB 5766
 Strangulation, nonfatal, forensic nurse examiners for victims of: SB 6162
 Traumatic brain injuries, in domestic violence cases, handout and web site: ***SHB 1532, CH 110 (2019)**, ***ESB 5573 (2019) V**
 Treatment, multitiered model for, evaluating: SB 5681
 Treatment, perpetrator treatment provider training curriculum, developing: ***E2SHB 1517, CH 263 (2019)**
 Work groups on domestic violence, continuing work of: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Workplace resources, task force on domestic violence and, convening: ***2EHB 1056 (2020) V**

DRIVERS AND DRIVERS' LICENSES (See also MOTOR VEHICLES; TRAFFIC; TRAFFIC OFFENSES)

Driving records, transit authority vanpool drivers: ***SHB 1360, CH 99 (2019)**, SB 5725
 Driving while license suspended or revoked, fourth degree, creating: SB 5328, SB 6153
 Financial responsibility, liability policy proof, on registration application: SB 5924
 Financial responsibility, motorcyclists, mandatory liability insurance: ***HB 1014, CH 60 (2019)**, SB 5007
 Financial responsibility, on motorcycle, moped, or motor-driven cycle: SB 5007
 Ignition interlock devices, impaired driving provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Licenses and permits, nonbinary gender category on applications/records: SB 5342
 Licenses, commercial, certain fees: SB 5971
 Licenses, commercial, knowledge test waiver for military members and veterans: ***EHB 2188, CH 78 (2020)**, SB 5544
 Licenses, deafness designation on: EHB 2440
 Licenses, developmental disability designation on: EHB 2440
 Licenses, developmentally disabled designation on: SB 6429
 Licenses, enhanced driver's license, fee increases and deposits: SB 5971
 Licenses, intermediate, using wireless device while driving, penalty increase: SHB 1256
 Licenses, medical alert designation on: EHB 2440
 Licenses, reinstatement of suspended, fines consolidation payment plans for: SB 5575, SB 6153
 Licenses, revocation, for felonies using motor vehicle, when: EHB 2066, ***2SHB 2066, CH 16 (2020)**
 Licenses, suspension or revocation, impaired driving provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Licenses, suspension, criteria for: SB 5328, SB 5462, SB 6153
 Licenses, suspension, revocation, and relicensing or reinstatement of: ***3SHB 1504, CH 330 (2020)**, SB 5328, SB 6153
 Motor-driven cycles, license and endorsement: SB 5303
 Motor-driven cycles, license, endorsement, and additional penalty: ***SHB 1116, CH 65 (2019)**
 Motorcyclists, instruction permit, license, and endorsement: SB 5303
 Motorcyclists, instruction permit, license, endorsement, and additional penalty: ***SHB 1116, CH 65 (2019)**
 Motorcyclists, motorcycle operator subsidy program, establishing: ***SHB 1116, CH 65 (2019)**
 Trucks, collector, operator commercial licensing requirements exemption: SB 5763

DRUGS (See also PHARMACIES AND PHARMACISTS; TRAFFIC OFFENSES)

Advertising of pharmaceuticals, sale of, B&O tax surcharge, revenue use: SB 5659
 Biological products, interchangeable, confirmation for dispensing of: ***HB 2251, CH 21 (2020)**
 Cannabidiol products, marijuana retailer sales of: SB 5201, SB 6269
 Cannabis, cannabis science task force, establishing: ***HB 2052, CH 277 (2019)**
 Cannabis, licensee business practices, benefits, and policies: SB 6393

Cannabis, medical use, provisions: ***ESHB 1094, CH 203 (2019)**, ***SHB 1095, CH 204 (2019)**, SB 5234, SB 5442, SB 5498, SB 5599, SB 6332

Cannabis, product testing laboratories, accreditation program for: ***HB 2052, CH 277 (2019)**

Cannabis, Washington cannabis commission, creating: SB 6589

Controlled substance, endangerment with a, adding fentanyl to crime of: SB 6022

Controlled substances, tableting/encapsulating/imitation equipment, prohibitions: SB 6159

Controlled substances, uniform act, property forfeiture under: SB 5060

Controlled substances, uniform act, property seizure and forfeiture under: SB 6266

Fentanyl, adding to crime of endangerment with a controlled substance: SB 6022

Fentanyl, manufacture of, moving from drug offense seriousness level II to III: SB 6583

Food and drug administration, U.S., disclosure exemption for certain records: ***HB 1385, CH 337 (2019)**, SB 5455

Illegal drugs, past manufacture on residential property, seller disclosure: SB 5391

Insulin drugs, wholesale price increase notification: SB 5371

Insulin products, central insulin purchasing work group, establishing: SB 6113

Insulin, insurance cost-sharing cap for: ***E2SHB 2662, CH 346 (2020)**

Insulin, total cost of insulin work group, establishing: ***E2SHB 2662, CH 346 (2020)**

Marijuana, business or nonprofit entity, licensing and residency: SB 5202, SB 5409, SB 5985, SB 6085

Marijuana, businesses, administrative violations: SB 5318

Marijuana, businesses, advertising to minors, prohibiting: SB 5201, SB 6333

Marijuana, businesses, advertising, reducing youth exposure to: SB 6657

Marijuana, businesses, agreements with, trademarks and intellectual property: ***ESHB 1794, CH 380 (2019)**

Marijuana, businesses, billboards: SB 5785, SB 6333, SB 6657

Marijuana, businesses, budtender permits for retailers and employees: SB 5678

Marijuana, businesses, cannabidiol products: SB 5201, SB 6269

Marijuana, businesses, compliance and enforcement reform: SB 5318

Marijuana, businesses, equity loan program and advisory board, creating: SB 6085

Marijuana, businesses, labor peace agreements: SB 5985

Marijuana, businesses, license limits in aggregate: SB 6661

Marijuana, businesses, licensee business practices, benefits, and policies: SB 6393

Marijuana, businesses, licensee limits, prohibitions: SB 5985

Marijuana, businesses, marijuana merchandise: SB 5201

Marijuana, businesses, marijuana odor, task force on, establishing: SB 6089

Marijuana, businesses, outdoor advertising at stadium or raceway, when: SB 5969

Marijuana, businesses, qualifying applicant premises, compliance certificate: SHB 2359, SB 6206

Marijuana, businesses, retail employee crimes involving underage persons: ***HB 1792, CH 379 (2019)**

Marijuana, businesses, retail outlets, maximum number, social equity goals: SB 6604

Marijuana, businesses, retail outlets, number that may be licensed in state: SB 6661

Marijuana, businesses, retail outlets, robbery incident details, forwarding: SB 6033

Marijuana, businesses, retail outlets, robbery of, special allegation: SB 6033

Marijuana, cannabis science task force, establishing: ***HB 2052, CH 277 (2019)**

Marijuana, cultivation or possession in a residence: SB 5155

Marijuana, licenses, social equity in marijuana, legislative task force on: ***E2SHB 2870, CH 236 (2020)**

Marijuana, medical use, compassionate care renewals: ***ESHB 1094, CH 203 (2019)**, SB 5498

Marijuana, medical use, consumption by students: ***SHB 1095, CH 204 (2019)**, SB 5442

Marijuana, medical use, estimating medical market demand: SB 5599

Marijuana, medical use, medical marijuana authorization database, funding: ***SHB 1415, CH 220 (2019)**, SB 5482

Marijuana, medical use, recognition cards and excise tax exemption: SB 5234

Marijuana, medical use, THC concentration: SB 6332

Marijuana, possession, misdemeanor convictions, vacation of: ***SB 5605, CH 400 (2019)**

Marijuana, processor license, forfeiture for failing to be operational, limiting: SB 6661

Marijuana, producer license, forfeiture for failing to be operational, limiting: SB 6661

Marijuana, producer license, home delivery endorsement, establishing: SB 6603

Marijuana, producer license, retail privilege endorsement, establishing: SB 6603

Marijuana, product labels and labeling, requirements: SB 5298

Marijuana, product testing laboratories, accreditation program for: ***HB 2052, CH 277 (2019)**

Marijuana, production, square footage of plant canopy permitted in production: SB 6661
 Marijuana, products, THC concentration, producer/retailer restrictions: SB 6332
 Marijuana, retail license, for municipal corporation, commission, or authority: SB 5599
 Marijuana, retail licenses, additional, social equity program for: SB 6604
 Marijuana, retail licenses, community of color applicants as priority: SB 6604
 Marijuana, retail licenses, increasing maximum number, social equity goals: SB 6604
 Marijuana, retail licenses, social equity grant program for: ***E2SHB 2870, CH 236 (2020)**
 Marijuana, retail licenses, technical assistance competitive grant program: ***E2SHB 2870, CH 236 (2020)**, SB 6604
 Marijuana, retailer license, forfeiture for failing to be operational, limiting: SB 6661
 Marijuana, retailers/co-owners, aggregate licenses per business, raising limit: SB 6661
 Marijuana, sales price differentials, permitting, when: SB 6057
 Marijuana, Washington cannabis commission, creating: SB 6589
 Marketing/advertising to minors via internet/mobile application, prohibitions: HB 2442
 Naloxone, co-prescribing with opioid drug prescription, when: SB 6447
 Naloxone, grades 7-12 and higher education access: SB 5464
 Naloxone, K-12 and higher education access: 2SHB 1039
 Offenses, criminal, persons convicted of, resentencing hearings for: SB 5867
 Offenses, seizure and forfeiture of property, recordkeeping and reporting: SB 6266
 Opioid overdose medication, co-prescribing with opioid drug prescription: SB 6447
 Opioid overdose medication, grades 7-12 and higher education access: SB 5464
 Opioid overdose medication, K-12 and higher education access: 2SHB 1039
 Opioid overdose medication, provisions: SB 5380, SB 6447
 Opioid pollution, reduction permits for pollution control facilities: SB 5657
 Opioid use disorder, patients receiving treatment, 2-week medication supply: SB 6086
 Opioid use disorder, persons presenting with, required facility services for: SB 6311
 Opioids, advisory council on state use of penalties from litigation, convening: ESHB 2786
 Opioids, prescription, B&O surtax on persons warehousing and reselling: SB 5940
 Opioids/other drugs, crisis services, enhanced 211 drug line pilot project: SB 5546
 Over-the-counter drugs, athletic trainer purchase/administration of, when: SB 5688
 Prescription drug affordability board, establishing: SB 6088
 Prescription monitoring program, insulin drug wholesale price increases: SB 5371
 Prescription monitoring program, opioid prescribing and health records: SB 5380
 Prescription, advisory council on state use of penalties from opioid litigation: ESHB 2786
 Prescription, athletic trainer purchase/administration of, when: SB 5688
 Prescription, compounding of drugs, requirements: SB 5663
 Prescription, cost and utilization data, reporting: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292
 Prescription, cost and utilization data, uses/disclosure/requirement dates: HB 2710
 Prescription, cost transparency, data uses/disclosure/requirement dates: HB 2710
 Prescription, cost transparency, reporting for: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292, SB 5422
 Prescription, covered, maximum point-of-sale cost for: ***SHB 2464, CH 116 (2020)**
 Prescription, department of corrections pharmacy, returned medications reuse: SB 6526
 Prescription, donated open bulk containers or medication cards, reuse: SB 6526
 Prescription, drug utilization management protocol, use of: ***ESHB 1879, CH 171 (2019)**, SB 5806
 Prescription, electronic communication to pharmacy of: SB 5446
 Prescription, from Canada, wholesale drug importation program, establishing: SB 6110
 Prescription, high-annual-cost, emerging therapies work group, establishing: SHB 1869
 Prescription, mail order services, unintentional use/enrollment: SB 5184
 Prescription, medicare, employer group waiver plans, supplemental coverage: SB 6051
 Prescription, naturopath legend drug and controlled substance prescribing: SB 5752
 Prescription, northwest prescription drug consortium, role of: SB 6113
 Prescription, opioids, prescribing of, requirements: SB 5380, SB 6447
 Prescription, pharmacy tourism programs for obtaining drugs outside U.S.: SB 6111
 Prescription, prescription drug consortium, role of: ***E2SHB 2662, CH 346 (2020)**
 Prescription, psychiatric pharmacist practitioners, role of: SB 6609
 Prescription, step therapy exception requests: ***ESHB 1879, CH 171 (2019)**

Prescription, warehousing/reselling, preferential B&O tax rate, repealing: SB 5988
 Prescription, wholesale drug importation program, design/implementation of: SB 6110

ECOLOGY, DEPARTMENT (See also ADMINISTRATIVE PROCEDURE; AIR QUALITY AND POLLUTION; CLIMATE; ENVIRONMENT; STATE AGENCIES AND DEPARTMENTS; STUDIES; WATER; WATER POLLUTION)

Aquaculture, marine finfish, inspections/monitoring/testing, ecology costs recovery: SB 6613
 Architectural paint stewardship program, creation, ecology role: *SHB 1652, CH 344 (2019)
 Chemicals, priority, reducing use in consumer products, ecology role: SB 5135
 Drought conditions, advisories, emergency orders, plans, and pilot program: *ESHB 1622, CH 168 (2020), SB 5675
 Drought mitigation, via Yakima river basin trust water rights program: SB 6036
 Enforcement actions, department burden of proof: SB 6227
 Fossil fuels, producers/distributors, air quality/emissions standards compliance: SB 6628
 Fuels, for transportation, clean fuels program, ecology role: E2SHB 1110, SB 5412
 Greenhouse gas emissions reduction and transportation funding, ecology role: SB 6700
 Greenhouse gas emissions, evaluation under SEPA, ecology rule adoption: SB 5561
 Greenhouse gas emissions, from on-demand transportation services, reducing: 2SHB 2310, SB 6399
 Hazardous substances, independent remedial actions, program to aid: *SHB 1290, CH 95 (2019), SB 5285
 Imidacloprid, in shellfish beds, NPDES permit issuance, ecology role: SB 5626
 Marijuana, product testing laboratories, accreditation program for, ecology role: *HB 2052, CH 277 (2019)
 Oil spill prevention and response, ecology role: *ESHB 1578, CH 289 (2019), SB 5578
 Paints for boats, antifouling, reporting, ecology role: SB 6210
 Plastic beverage containers, postconsumer recycled plastic content, ecology role: *ESHB 2722 (2020) V, SB 6645
 Plastic packaging, prohibitions and stewardship programs: SB 5397
 Recycling development center, with advisory board, creating within ecology: *E2SHB 1543, CH 166 (2019), SB 5545
 Recycling, ecology role: SB 5854
 Refrigerants, low global warming potential, studying, ecology role: *E2SHB 1112, CH 284 (2019), SB 5426
 Regulatory procedures and rule making, various: *SHB 2343, CH 173 (2020), SB 6334
 Rule making, department policies, adoption and enforcement, requirements: SB 6315
 Solar energy systems, photovoltaic module stewardship/takeback program: *ESHB 2645, CH 287 (2020) PV, SB 6622
 Solar energy systems, photovoltaic modules, task force, ecology to convene: SB 6622
 State water trust/water banking/transfers, work group to study, ecology role: SB 6494
 Stormwater, construction general permit, permit applicant under, electronic notice: SB 6635
 Waste discharge, from campers/RVs into Puget Sound: SB 6283
 Waste discharge, from unauthorized camper/RV street use, general permit: SB 6283
 Water bodies, Indian tribe traditional/cultural interests in, ecology role: SB 6260
 Water infrastructure program, establishing, ecology role: SB 5136, SB 6345

ECONOMIC AND REVENUE FORECAST COUNCIL

Accounts/funds in state treasury, as possible "related funds," council to review: SB 6660
 Fiscal growth factor, current and ensuing biennia, council to calculate: SB 6660
 Outlook, state budget, discretionary tax preferences listing and fiscal impact: SB 6621
 Outlook, state budget, including "related funds": SB 6660
 Outlook, state budget, inflationary increase to public employee salaries/wages: SB 5963
 State capital budget debt capacity forecast work group, council role: SB 6376
 State capital budget debt capacity forecasts, council role: SB 6376

ECONOMIC DEVELOPMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD; LAND USE PLANNING AND DEVELOPMENT; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; WORKER TRAINING AND WORKFORCE NEEDS)

Bioeconomy, Washington state's, opportunities to further develop, studying: SB 6435
 Economic development and international relations, legislative committee on, duties: *HB 2402, CH 114 (2020)
 Employment positions, creation of, B&O tax credits: SB 5215
 International markets, engagement with, to aid WA companies/regions: SB 6656
 Investment projects, small modular nuclear reactor industry, tax preferences: SB 5629
 Manufacturing, public policies for growth, studying: ESHB 2879

Motion picture competitiveness program, as economic development tool, studying: SB 5943
 Rural development and opportunity zone act, Washington: SB 5423
 Space economy, fostering, public policy study of: HB 2596
 United States-Mexico-Canada Agreement, requesting that congress ratify: SJM 8013
 Washington community development authority, creating: SB 5084

EDUCATION, STATE BOARD

Competency-based education work group, convening: SB 5146
 COVID-19, graduation requirements emergency waiver program, board role: ***EHB 2965, CH 7 (2020)**
 Graduation, pathway options, board role: ***E2SHB 1599, CH 252 (2019)**
 Mastery-based learning, barriers to, work group on, convening: ***E2SHB 1599, CH 252 (2019)**
 Members of board, election of, state school directors' association role: SB 6105
 Members of board, OSPI designee for: SB 6105
 Waivers, two-credit, reporting by board: SB 5146

ELECTIONS (See also INITIATIVE AND REFERENDUM; JOINT RESOLUTIONS; PUBLIC DISCLOSURE COMMISSION; SPECIAL AND SPECIAL PURPOSE DISTRICTS)

Advisory votes on tax legislation, advisory vote task force, establishing: SB 6610
 Advisory votes on tax legislation, removing from statutes: SB 5224, SB 6610
 Ballots and envelopes, calendar date of election on envelope sent to voter: ***ESHB 1520, CH 12 (2020)**
 Ballots and envelopes, county auditor's name on, prohibitions: HB 1212, EHB 2008
 Ballots and envelopes, digital signature on, service/overseas voter use of: SB 6183
 Ballots and envelopes, presidential primary provisions: SB 6697
 Ballots and envelopes, single envelope fully shielding ballot: EHB 2008
 Ballots, drop boxes, minimum placement requirements: ESB 5779
 Ballots, local measure statement committee member requirements: ESB 6238
 Ballots, missing and mismatched signatures, maintaining record of: ***SHB 1545, CH 167 (2019)**
 Ballots, overflow of drop boxes for, preventing: SB 5079
 Ballots, prepaid postage for: SB 5063, SB 5500
 Ballots, recounts to be manual: SB 6412
 Ballots, return by fax or email, eliminating: SB 6412
 Ballots, returning, options for: SB 6412
 Ballots, voted, destroying/altering/etc., class C felony: SB 6412
 Ballots, voted, failing to return for another person, class C felony, when: SB 6412
 Ballots, voter signature marks, witnesses to sign declaration: SB 5823, SB 6412
 Campaigns, child care as campaign-related expense, when: HB 2540
 Campaigns, contribution regulatory authority, U.S. constitutional amendment: SJM 8001
 Campaigns, contributions by corporations, foreign national ownership level: SB 6152
 Campaigns, contributions, political committee requirements: ***ESHB 1379, CH 261 (2019)**, SB 5221
 Campaigns, contributions, port district officials, limits: ***HB 1375, CH 100 (2019)**, SB 5309
 Campaigns, contributions, regulating, U.S. constitutional amendment convention: SJM 8002
 Campaigns, contributions, state official/legislator restrictions, when: SB 5270
 Campaigns, deepfake audio or visual media of candidate, prohibitions, when: SB 6513
 Campaigns, finance disclosure, administration: ***SHB 1195, CH 428 (2019) PV**, SB 5112
 Campaigns, treasurers for, training course: SB 5388
 Candidates, candidacy and ballot name requirements for: SB 5509
 Candidates, presidential and vice presidential, income tax return disclosure: SB 5078
 Candidates, state officials/legislators, campaign contribution restrictions: SB 5270
 Districting plans, jurisdictions modifying, governing body elections: SB 5266
 Districting plans, submission to legislature, deadline: SB 5502
 Districts, last known address for inmates or involuntarily committed persons: SB 5287
 Districts, voting precinct boundaries within: ESB 5496
 Election operations/infrastructure, security records, disclosure exemption: SB 6285
 Election systems and data, security breaches by foreign entities: ***SHB 1251, CH 101 (2020)**
 Election systems/components, purchase/lease, vulnerability test of, requiring: ***SHB 1251, CH 101 (2020)**
 Elections, calendar date on envelope sent to voter: ***ESHB 1520, CH 12 (2020)**

Elections, cost share proration: ***ESHB 2421, CH 337 (2020)**, SB 6134
 Elections, in odd-numbered and even-numbered years, provisions: SB 6503
 Elections, postelection audits of ballots and voting systems, various: SB 6412
 Elections, primary or general/special, costs of, state and county shares: SB 5073, SB 5500
 Elections, primary or general/special, dates and timelines: SB 5270
 Elections, security measures, comprehensive provisions: SB 6412
 Elections, state or federal, county not responsible for costs: ***ESHB 2421, CH 337 (2020)**, SB 6134
 Parties, major political, presidential primary voters without party declaration: SB 6697
 Presidential electors, uniform faithful presidential electors act: ***SB 5074, CH 143 (2019)**
 Presidential primaries, provisions: SB 5229, ***ESB 5273, CH 7 (2019)**, SB 6697
 School district bonds and payment levies, at least 55% of voters to authorize: SB 5252, SJR 8202
 School district bonds and payment levies, simple majority to authorize: SB 5066, SJR 8201
 Voter outreach, funding and county auditor duties: SB 6134
 Voter qualifications/prerequisites, covered jurisdiction initiation, requirements: SB 6688
 Voters and voting, student engagement hubs on campuses: ***ESB 6313, CH 208 (2020)**
 Voters' pamphlet, local, county auditor's name in, prohibitions: HB 1212
 Voters' pamphlet, local, printing and distributing, county auditor duties: ***ESHB 2421, CH 337 (2020)**, SB 6134
 Voters' pamphlet, state, secretary of state's name in, prohibitions: HB 1212
 Voters' pamphlets, for primaries and general elections, when: SB 5499
 Voting practices, covered, declaratory judgment or certification of no objection: SB 6688
 Voting rights act, technical amendments to: ***SHB 1091, CH 64 (2019)**
 Voting, Native American voter rights: SB 5079
 Voting, ranked choice voting work group, creating: SB 5708, SB 6569
 Voting, ranked choice, local government option to use: SB 5708, SB 6569
 Voting, registration oath and ballot declaration by voter: SB 6228
 Voting, registration, deadline for: ***SB 5227, CH 391 (2019)**
 Voting, registration, digital signature for, service/overseas applicant use of: SB 6183
 Voting, registration, nonbinary gender category on application: SB 5342
 Voting, registration, signing up to register by automated process at 16: ***ESB 6313, CH 208 (2020)**
 Voting, registration, to vote in primary if 18 by general election: SB 5283, ***ESB 6313, CH 208 (2020)**
 Voting, right to vote, offender loss due to community custody violation: SB 5076
 Voting, right to vote, offender not in total confinement to have: SB 6228
 Voting, rights restoration process, notifying inmates of: ***SB 5207, CH 43 (2019)**, SB 6228

ELECTRICIANS AND ELECTRICAL INSTALLATIONS

Industrial equipment, manufacturer's engineer/technician for, exempting, when: SB 6409
 Pump and irrigation or domestic pump electrical contractor license, provisions: ***SB 6170, CH 153 (2020)**
 Telecommunications installations, wiring requirements, exemption: ***SHB 1594, CH 119 (2019)**
 Temporary permit, issuing to electricians from other states, when: SB 6327

ELECTRONIC PRODUCTS (See also APPLIANCES; COMPUTERS; TELECOMMUNICATIONS)

Delivery devices, personal, regulation of: ***ESHB 1325, CH 214 (2019)**, SB 5378
 Digital products, servicing and repair, fair repair act: SB 5799
 Efficiency standards, various products: ***2SHB 1444, CH 286 (2019)**, SB 5115

EMERGENCIES (See also EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF; NATURAL DISASTERS)

Catastrophic incidents, continuity of government: SB 5012, ***SJR 8200 (2019)**
 Catastrophic incidents, plans and guidance for school districts: SB 5247
 False reporting of an emergency or crime, classification and penalties: SB 6295
 False reporting of an emergency or crime, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 Goods and services sales during time of disaster, limiting price increases for: SB 6699

EMERGENCY MANAGEMENT AND SERVICES (See also EMERGENCIES; EMERGENCY, STATE OF; FIRE PROTECTION; FIRST RESPONDERS; HAZARDOUS MATERIALS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; MILITARY DEPARTMENT; NATURAL DISASTERS; OIL AND GAS)

211 information system (WIN 211), enhanced 211 drug line pilot project: SB 5546

911, false reporting of a crime or emergency, classification and penalties: SB 6295
 911, false reporting of a crime or emergency, classification, penalties, civil action: *SHB 2632, CH 344 (2020)
 911, public safety telecommunicators, PTSD as occupational disease: *SHB 2758, CH 234 (2020)
 Ambulance and aid services, emergency medical services data system use: SB 5380
 Ambulance service, air, claims data online availability: *EHB 2755, CH 131 (2020)
 Ambulance services, by certain associations in rural areas, personnel: SB 5592
 Ambulance transport providers, additional medicaid payments to: SB 5517
 Ambulance transport providers, medicaid payments add-on for: SB 6534
 Ambulance transports, quality assurance fee for, imposing: SB 5517, SB 6534
 Animals, medical services for, by emergency personnel: SB 5208
 Buildings, emergency service, functional recovery standard for: SB 5557
 Catastrophic incidents, continuity of government: SB 5012
 Catastrophic incidents, plans and guidance for school districts: SB 5247
 Communications systems, sales and use taxes for, maximum rate: SB 5272
 Emergency management council, education safety issues: *2SHB 1216, CH 333 (2019), SB 5317
 Emergency management council, tribal members and advisory committee: HB 2680, SB 6346
 Emergency medical personnel, local government consortium, PERS service credit: SB 6616
 Emergency medical technicians, role in safe station pilot program: SB 6648
 Emergency medical transportation, aircraft, removing tax exemption, when: SB 6068
 Emergency response, reimbursement by intoxicated driver, when: ESHB 1504, *3SHB 1504, CH 330 (2020)
 Emergency services vehicles, clearing railroad grade crossings for, when: SB 6675
 Hotline/program for reporting potential self-harm/criminal acts, establishing: SB 5835
 Medical transportation, organ transport vehicles for time urgent organs: SB 6580
 Paramedics, training program use of live animals, prohibitions: SB 5211
 Reporting of an emergency or crime, false, classification and penalties: SB 6295
 Reporting of an emergency or crime, false, classification, penalties, civil action: *SHB 2632, CH 344 (2020)
 School safety, threat notifications to nearby schools by first responders: SB 5514
 Search and rescue grant program, establishing: SB 6179
 Telecommunicators, public safety, PTSD as occupational disease: *SHB 2758, CH 234 (2020)

EMERGENCY, STATE OF (See also EMERGENCIES; EMERGENCY MANAGEMENT AND SERVICES; NATURAL DISASTERS)

Air operations branch, DOT aviation division as, emergency role: SB 6471
 Broadcasters, first informer, during emergency: *HB 1147, CH 207 (2019), SB 5186
 Coronavirus, declared state of emergency, appropriations for response to: *EHB 2965, CH 7 (2020), SB 6696
 COVID-19 emergency, schools, graduation requirements waiver program for: *EHB 2965, CH 7 (2020)
 COVID-19 emergency, shared leave, granting due to quarantine or isolation: *HB 2739, CH 6 (2020)
 COVID-19 emergency, unemployment compensation modifications due to: *EHB 2965, CH 7 (2020)
 Measles, 2019 Clark county outbreak, budget stabilization account appropriations: SB 6009
 Waiver or suspension of legal obligations or limitations, governor authority: *SB 5260, CH 472 (2019)
 Wildfires, 2018-2019 appropriations from budget stabilization account for: *SHB 2159, CH 418 (2019), SB 6009

EMPLOYMENT AND EMPLOYEES (See also BUSINESSES; CONTRACTORS; DISCRIMINATION; EMPLOYMENT SECURITY DEPARTMENT; LABOR; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; RAILROADS; UNEMPLOYMENT COMPENSATION; WAGES AND HOURS; WOMEN; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)

Adult entertainment, entertainer safety and advisory committee: *EHB 1756, CH 304 (2019), SB 5724
 Adult entertainment, entertainers not employed by establishment, requirements: SB 6517
 Agricultural employees, protections and farm labor contractor requirements: SB 6261
 Agricultural workers, H-2A, temporary foreign grower-employed employees as: SB 5438
 Airports/air navigation facilities, minimum labor standards: SB 6217
 Breast milk, expressing, employer accommodation of: *SHB 1930, CH 134 (2019), *HB 2266, CH 111 (2020), SB 5911
 Discharge of employee by employer, written statement of reason and date: SB 6233
 Domestic workers rights grant program, establishing: SB 6247
 Domestic workers, domestic worker protection act: SHB 2511
 Domestic workers, wages and working conditions, minimum standards for: SHB 2511, SB 6247

Domestic workers, work group on, forming: SHB 2511, SB 6247
 Employees, employee fair classification act, creating: SB 5513, SB 5690
 Employer debt owed to deceased employee, payment of: ***SB 5831, CH 89 (2019)**
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690
 Employment agencies or directories, fee charged by, prohibiting: SB 5171
 Employment agencies or directories, regulating: SB 5171
 Employment positions, creation of, B&O tax credits: SB 5215
 Family and medical leave, paid, and family resource/referral/linkage system: SB 6467
 Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017
 Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019), *SHB 2614, CH 125 (2020), *ESB 5439, CH 81 (2019)**, SB 5449, SB 5539, SB 6349
 Farm labor contractors, licenses and adverse action prohibition: SB 6261
 Fossil fuel industry worker assistance, when: SB 5981
 Freelancers, payment of wages to: SB 6276
 Harassment, discrimination, and retaliation prevention, trainers on, qualifying of: SB 6169
 Harassment, of complaining employee in unfair practices investigations: ***EHB 2020, CH 349 (2019)**, SB 5929
 Hard-to-place job seekers, tax credit incentives for employers who hire: SB 6564
 Health care settings, workplace violence protections: ***SHB 1931, CH 430 (2019)**, SB 5912
 Independent personal labor contractors, persons under, minimum wages for: SB 5987
 Isolated workers, sexual harassment and assault of, employer prevention role: SB 5258
 Legislators, non-legislative employment of, leave of absence from: ESB 5294
 Military spouses, employment of, statewide plan for increasing: SHB 2730
 Military spouses, employment of, termination of employment contract: SHB 2730
 Military spouses, employment opportunities through recruitment program: SB 5772
 Noncompetition covenants, enforceable or unenforceable, when: ***ESHB 1450, CH 299 (2019)**, SB 5478, SB 6081
 Nonemployee workers, benefit providers and portable benefits: SB 5690
 Nonemployee workers, workers' boards for, convening: SB 5690
 Off-duty conduct of employee, employer actions due to: SB 5226
 Off-duty conduct of employee, lawful substance use, employer actions due to: SB 5807
 Overtime, voluntary classification as overtime-exempt, certain employees: SB 6548
 Payroll expense tax, on businesses in King county, imposing, when: SB 6669
 Payroll expense tax, on employers doing business in King county, imposing: SB 6692
 Personnel file, complete copy of, employer to furnish at employee's request: SB 6233
 Positions, wage scale or salary range, employer to provide: ***ESHB 1696, CH 345 (2019)**
 Positions, wages, or hours, city/town imposing tax based on, prohibiting: SB 5589
 Prospective employee, wage or salary history, employer inquiries: ***ESHB 1696, CH 345 (2019)**, SB 5090
 Public assistance, employers with the most employees receiving, report: SB 6310
 Railroad workers, safe leave act and account: SB 5879
 Sales commissions, earned by sales representative, payment of: ***HB 2474, CH 84 (2020)**
 Sexual discrimination, in workplace, prevention measures: SB 5258
 Temporary workers, employment agencies for, payroll expense tax, when: SB 6692
 Temporary workers, staffing agencies assigning, duties of: SB 6122
 Threat of mass violence, at workplace, communicating a: SB 6307
 Vehicles of employees, employer searches of, prohibitions: SB 6177
 Working families' tax credit, converting sales tax exemption to: SB 5810
 Workweek, thirty-two-hour, time-and-a-half compensation beyond: SB 6516

EMPLOYMENT SECURITY DEPARTMENT (See also UNEMPLOYMENT COMPENSATION)

Agricultural workers, H-2A, advisory committee, appointing: SB 5438
 Agricultural workers, H-2A, office of H-2A compliance and farm labor, creating: SB 5438
 Agricultural workers, H-2A, temporary foreign employees as, ESD role: SB 5438
 Domestic violence, community resources poster for workplace: ***HB 1533, CH 228 (2019)**
 Family and medical leave, paid, and family resource/referral/linkage system: SB 6467
 Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017
 Family and medical leave, paid, exclusions from eligibility, expanding: SB 6216
 Family and medical leave, paid, exemptions and exclusions: SB 5539

Family and medical leave, paid, records confidentiality: ***ESB 5439, CH 81 (2019)**
 Family and medical leave, paid, records disclosure exemption: ***SHB 1399, CH 13 (2019)**, SB 5449
 Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019)**, ***SHB 2614, CH 125 (2020)**, SB 5449, SB 5539, SB 6349
 Hospitality industry, opportunities for employment in hospitality grant: SB 5808
 Long-term care, insurance benefit for, ESD role: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Long-term services and supports trust program, premium exemption, when: SB 6267
 Military spouses, employment of, statewide plan for increasing, ESD role: SHB 2730
 Railroads, safe leave act for Washington railroad workers, ESD role: SB 5879
 Records, agency privacy officer, designating: ***ESB 5439, CH 81 (2019)**
 Unemployment benefits, reimbursing from COVID-19 account, ESD role: ***EHB 2965, CH 7 (2020)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

ENERGY (See also AIR QUALITY AND POLLUTION; ENERGY FACILITY SITE EVALUATION COUNCIL; UTILITIES)

Alternative energy machinery and equipment, sales and use tax exemptions: SB 5116
 Carbon pricing in electricity markets, stakeholder work group on, convening: SB 5971
 Clean energy building improvements, C-PACER program for: ***E2SHB 2405, CH 27 (2020)**, SB 5730, SB 6222
 Clean energy technology, small modular nuclear reactors as: SB 5629
 Clean energy transformation act, modifying: SB 6135
 Clean energy transformation act, Washington: SB 5116
 Coal, coal-fired resources and plants, provisions: SB 5116
 Commercial property assessed clean energy and resiliency program, authorizing: ***E2SHB 2405, CH 27 (2020)**, SB 6222
 Contractors, energy service, performance-based contracting services: SB 5308
 Distributed energy, resources planning, electric utilities: ***EHB 1126, CH 205 (2019)**
 Efficiency standards, various products: ***2SHB 1444, CH 286 (2019)**, SB 5115
 Efficiency, including standards, codes, programs, and incentives: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Energy and climate policy advisory committee, convening: SB 5116
 Energy strategy advisory committee, establishing: SB 5116
 Hog fuel, sales and use tax exemptions, extending expiration of: ***HB 2848 (2020) V**, SB 6665
 Hydroelectric generation, oil-free turbine technology, sales/use tax exemptions: ESHB 2825
 Hydrogen, renewable, production and distribution by public utility districts: SB 5588
 Nuclear energy, small modular reactors: SB 5629
 Performance standard, state, early adoption incentive program: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Renewable energy credits, renewable energy credit broker registration: SB 6698
 Renewable energy production incentive program, modifications: ***ESHB 2248 (2020) V**, SB 6223
 Renewable energy system cost recovery program, modifications: ***ESHB 2248 (2020) V**, SB 6223
 Renewable energy systems, encouraging and studying: SB 5223
 Renewable resources, alternative energy machinery, tax exemptions: SB 5116
 Renewable resources, clean energy transformation act, modifying: SB 6135
 Renewable resources, clean energy transformation act, Washington: SB 5116
 Renewable resources, electricity generated from water, tax preferences: SB 6012
 Renewable resources/energy, burning solid waste: SB 5747
 Solar energy systems, manufacturing location for public utility tax incentives: SB 5555
 Solar gardens, community, requirements and operation: SB 5280
 Solar, community projects, access to: ***ESHB 2248 (2020) V**, SB 6223
 Solar, community solar expansion program, as new/separate program: ***ESHB 2248 (2020) V**
 Solar, photovoltaic module recovery, reuse, and recycling task force, convening: SB 6622
 Solar, photovoltaic module stewardship/takeback program: ***ESHB 2645, CH 287 (2020) PV**, SB 6622
 Solid waste combustion, energy recovery facilities for, tax preferences: SB 6019
 State energy strategy, requirements: SB 5116, SB 5629

ENERGY FACILITY SITE EVALUATION COUNCIL

Alternative energy resource facilities, not eligible for expedited processing: SB 6352
 Operations of council, streamlining and updating: ***E2SHB 1332**, SB 5329

ENTERPRISE SERVICES, DEPARTMENT (See also BUILDING CODE COUNCIL; STATE AGENCIES AND DEPARTMENTS)

Contracts, "contracting out" requirements and contractor ethics: *E2SHB 1521, CH 269 (2020), SB 5655
 Energy service contractors, registry for municipalities, DES role: SB 5308
 Private vehicles, use by state officials/employees, reimbursement, DES role: SB 6193
 School district surplus property, online inventory, DES role: SB 5086
 State-owned land/property, underutilized, inventory of, DES role: EHB 2896

ENVIRONMENT (See also AIR QUALITY AND POLLUTION; CLIMATE; ECOLOGY, DEPARTMENT; GROWTH MANAGEMENT; HAZARDOUS MATERIALS; HAZARDOUS WASTE; LAND USE PLANNING AND DEVELOPMENT; SOLID WASTE; WATER POLLUTION; WATER RIGHTS)

Cumulative impact analysis, state agency adoption of: SB 5489
 Environmental and economic justice panel, establishing: SB 5981
 Environmental disparities, highly impacted communities, identifying: SB 5981
 Environmental health statutes, reorganizing into new title: *SHB 2246, CH 20 (2020)
 Justice, environmental, state agency incorporation of principles of: EHB 2009, SB 5489
 Justice, environmental, task force on: EHB 2009, SB 5489
 Mitigation or analysis beyond comprehensive plan, requiring of, prohibiting: SB 6463
 SEPA, exemptions, categorical, initial application as sufficient to prove: SB 6470
 SEPA, exemptions, community facilities districts formation: *HB 1366, CH 260 (2019), SB 5939
 SEPA, exemptions, GMA residential capacity/housing affordability compliance: *E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020), SB 6334
 SEPA, exemptions, temporary shelter or transitional encampment for homeless: SB 5946
 SEPA, exemptions, urban growth area infill development: *SHB 2673, CH 87 (2020)
 SEPA, greenhouse gas emissions evaluation under, rule adoption: SB 5561
 SEPA, local project permit application completeness, when: SB 5372
 SEPA, water withdrawals, Indian tribe historical/cultural interest in water body: SB 6260
 Standards, environmental and sustainability, school educational programming: *EHB 2811, CH 292 (2020), SB 6124
 Standards, environmental and sustainability, school science instruction in: SB 5576

ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

Growth management hearings board, role of ELUHO: SB 6574

ESTATES, TRUSTS, AND PROBATE (See also GUARDIANSHIP; RECORDS)

Administration of estate, services, office of public guardianship: *ESHB 1329, CH 215 (2019)
 Adult guardianship and protective proceedings jurisdiction act, uniform, modifying: SB 6287
 Court appointed resource executor (CARE) officers, pilot program: SB 6109
 Executorships, persons with behavioral health disorders, CARE officers for: SB 6109
 Guardianship, conservatorship, and other protective arrangements act: SB 5604
 Guardianship, conservatorship, and other protective arrangements act, modifying: SB 6287
 Trusts, directed, uniform directed trust act: SB 6029

ETHICS IN GOVERNMENT (See also EXECUTIVE ETHICS BOARD; JUDICIAL CONDUCT, COMMISSION ON; LEGISLATIVE ETHICS BOARD; PUBLIC DISCLOSURE COMMISSION)

Harassment, by legislators/legislative employees, as ethics violation: *ESHB 2018, CH 383 (2019)
 State officers and employees, postemployment income disclosure: SB 5033

EXECUTIVE ETHICS BOARD (See also ETHICS IN GOVERNMENT)

Postemployment disclosure statements, process and requirements: SB 5033

EXPLOSIVES

Records and reports, disclosure exemption: *HB 1673, CH 125 (2019)

FARMS AND FARMING (See also AGRICULTURE; FOOD AND FOOD PRODUCTS; WILDLIFE)

Composting, protecting from nuisance lawsuits: SB 5476
 Egg layer operations, commercial, guidelines and requirements: *SHB 2049, CH 276 (2019)
 Employees, farm internship pilot project, reestablishing: *ESB 6421, CH 212 (2020)
 Employees, farm internship pilot project, various provisions: *ESB 6421, CH 212 (2020)

Hemp, industrial hemp research pilot program, replacing: E2SHB 1401, SB 5719
 Hemp, industrial, plan for production of: SB 5276
 Hemp, licensing and regulatory program for production: E2SHB 1401, SB 5719
 Labor, farm labor contractors, licenses and adverse action prohibition: SB 6261
 Lands, agricultural, state agency acquisitions, land assessments for: 2SHB 1733, SB 5543
 Mushroom farming facilities, sales and use tax deferral: SB 5979
 Products, producer-processor negotiations to include mediation, when: ***HB 2524, CH 176 (2020)**
 Products, sweet corn/potatoes/pears, producer-processor negotiations: ***HB 2524, CH 176 (2020)**
 Soil, Washington soil health initiative, creating: SB 6306
 Sustainable farms and fields grant program, developing: SB 5947
 Vehicles, single or combination carrying farm products, weight limit exception: SB 5883
 Workers, H-2A, office of H-2A compliance and farm labor, establishing: SB 5438
 Workers, protections for: SB 6261

FERRIES

Auto ferries, purchase of additional: ***ESHB 2161, CH 431 (2019)**, SB 5992
 Auto ferry, private, between Anacortes and British Columbia, permitting, when: SB 6667
 Cameras, traffic safety, authorized use of: SB 5789
 Cameras, traffic safety, authorized use of and pilot program for: ***ESHB 1793, CH 224 (2020)**
 Funding, from motor vehicle sales/use tax revenues: SB 5978
 International ferry services, direct, between Washington and British Columbia: SB 6667
 Passenger-only service between Olympia and Seattle, studying: SB 5157
 Passenger-only service, by cities on Puget Sound, authority/investment plan: ***HB 2641, CH 181 (2020)**
 Performance measures for ferry system: SHB 1189
 Procurement, ferries, small business enterprise enforceable goals program: ***ESHB 2161, CH 431 (2019)**
 Vessel replacement surcharge, additional, on certain fares: ***ESHB 2161, CH 431 (2019)**, SB 5971, SB 5992
 Vessel replacement surcharge, deposits into capital vessel replacement account: SB 5971

FINANCIAL INSTITUTIONS (See also **BUSINESSES; CONSUMER PROTECTION; LOANS; RECORDS; TRUST INSTITUTIONS**)

Affordable housing, eliminating a financial institution B&O tax deduction to fund: SB 6445
 Banking, Glass-Steagall act separation of investment and commercial, requesting: SJM 8003
 Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Consolidated financial institution group members, additional B&O tax, when: ***SHB 2167, CH 420 (2019)**
 Credit unions, Washington state credit union act, revising: ***HB 1247, CH 19 (2019)**, SB 5479
 Financial fraud and identity theft crimes investigation and prosecution program: SB 6074
 Investment management companies, international, tax preferences: ***ESB 6016, CH 426 (2019)**
 Investment management services, international, sales and use tax exemptions: SB 5325
 Investment trust, Washington, creating: SB 5949, SB 5995
 Linked deposit program, administrative provisions: SB 5167
 Payment cards, theft or fraud using, aiding reporting of: SB 5278

FINANCIAL MANAGEMENT, OFFICE (See also **PUBLIC WORKS; REGULATORY ASSISTANCE, OFFICE OF**)

Agency budget requests, discretionary tax preference listing with, OFM role: SB 6621
 Census, Washington census bill of rights and responsibilities, OFM role: ***SHB 2527, CH 34 (2020)**
 Coronavirus, appropriations for response to, OFM role: ***EHB 2965, CH 7 (2020)**, SB 6696
 Duties and organization of OFM, correcting statutes to reflect: ***SB 5310, CH 146 (2019)**
 Education data center, higher education student level data submission to: SB 5960
 Education data center, postsecondary student financial aid programs data: ***E2SHB 2158, CH 406 (2019)**
 Firearm background checks, single/full point of contact system, feasibility: ***SHB 1949, CH 35 (2019)**
 Fiscal analysis, work group concerning nonpartisan agency for, OFM role: SB 5636
 Fiscal impact, dynamic fiscal impact statements, instituting, OFM role: SB 5636
 Fiscal notes, for revenue-altering supreme court decisions, provision of: SB 6353
 Fiscal notes, various provisions: SB 5636
 Health care providers, out-of-network, data set and business process: SB 5031, SB 5699
 Heat island effects, from certain cities, ecological/salmonid impacts of, report: ESHB 2427

Homelessness, budget stabilization account appropriations to alleviate: SB 6167
 Lost and found property, monetary thresholds for disposition, OFM role: ***SHB 1764, CH 30 (2019)**
 Military spouse recruitment program, OFM role: SB 5772
 Prescription drugs, cost transparency, OFM role: SB 5251, SB 5292
 RCW, obsolete provisions concerning OFM: SB 5311
 Special purpose districts, governing body member compensation, OFM role: SB 6046
 State employees, child care access and affordability survey, OFM role: ***2SHB 1344, CH 368 (2019)**
 Statewide all-payer health care claims database, transfer of authority for: 2SHB 1776, SB 5741
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

FIRE PROTECTION (See also BUILDING CODE COUNCIL; FIREFIGHTERS)

Burning, outdoor, authorizing for silvicultural operations and wildfire resiliency: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Carbon monoxide detectors, service agency installation of, liability limits for: ***SB 6090, CH 149 (2020)**
 Dampers, fire and/or smoke, buildings equipped with, inspection requirements: ***HB 2701, CH 88 (2020)**
 Districts, as broadband internet services providers: SB 5085
 Districts, benefit charge, permanent, allowing with voter approval: SB 6415
 Districts, clean-up/removal action costs: EHB 1169, ***SB 6078, CH 198 (2020)**
 Districts, commissioner elections when modifying boundaries: SB 5266
 Districts, commissioner elections, ranked choice voting for: SB 5708, SB 6569
 Districts, commissioners, increasing, when: SB 6582
 Districts, commissioners, paid family and medical leave exclusion: SB 6216
 Districts, health clinic services provided by, expanding authority for: SB 6058
 Districts, interlocal agreements for vehicle maintenance/repair by: SB 5670
 Districts, purchases and building contracts, bid limits: HB 1670, SB 5671
 Fire control systems, buildings equipped with, inspection requirements: ***HB 2701, CH 88 (2020)**
 Fire departments, critical incident stress management programs, access to: ***HB 2926, CH 294 (2020)**
 Fire departments, municipal, clean-up/removal action costs: EHB 1169, ***SB 6078, CH 198 (2020)**
 Fire departments, safe station pilot program for substance use disorder aid: SB 6648
 Fire districts, local, protected land not assessed by levy, annexation: SB 5010
 Fire investigators, workers' compensation occupational disease presumptions: ***HB 1913, CH 133 (2019)**, SB 5849
 Fire service mobilization plan, risk resource early mobilization: EHB 2228
 Fire service mobilization plan, risk resource mobilization restriction: ***SHB 1170, CH 259 (2019)**
 Fire service mobilization plan, risk resources, extending expiration: SB 5019
 Fire service mobilization plan, risk resources, repealing expiration: ***SHB 1170, CH 259 (2019)**
 First amendment rights activity, risk resources mobilization for, restricting: ***SHB 1170, CH 259 (2019)**
 Flame retardants, as priority chemicals, reducing use in consumer products: SB 5135
 Foam, class B firefighting, with PFAS chemicals: ***ESHB 2265, CH 23 (2020)**, SB 6360
 Gasoline operations, mobile on-demand, fire code standards for, various: ***ESHB 2783, CH 43 (2020)**
 Rangeland fire protection associations, provisions: EHB 1894
 Regional fire protection service authorities, clean-up action costs: EHB 1169, ***SB 6078, CH 198 (2020)**
 Smoke control systems, buildings equipped with, inspection by contractor: ***HB 2701, CH 88 (2020)**
 Smoke detection devices, requirements: SB 5284
 Smoke detection devices, service agency installation of, liability limits for: ***SB 6090, CH 149 (2020)**
 Wildfires, 2018 season, appropriations from budget stabilization account for: ***SHB 2159, CH 418 (2019)**, SB 6009
 Wildfires, fire damage or response costs, actions against electric utility for: SB 5305
 Wildfires, ignition-resistant landscaping: ***HB 1165, CH 9 (2020)**
 Wildfires, national guard fire response duty, pay for: ***HB 1137, CH 66 (2019)**, SB 5196
 Wildfires, prevention and response, forest health treatment role in: ***2SHB 1784, CH 305 (2019)**
 Wildfires, prevention, forest health activities for, funding: SB 6195
 Wildfires, prevention/suppression, additional property/casualty insurer tax for: SB 5996
 Wildfires, prevention/suppression, forest health advisory committee role: SB 5996
 Wildfires, prevention/suppression, wildland fire advisory committee role: SB 5996
 Wildfires, resiliency to, authorizing outdoor burning for enhancing: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Wildfires, response, fire trailers for, registration and license plates: SHB 2353
 Wildfires, utility wildland fire prevention task force, convening: SB 5305
 Wildland fire advisory committee, duties, range and underprotected lands: EHB 1894

FIREARMS (See also WEAPONS)

Aiming or discharge of a firearm or dangerous weapon, unlawful, provisions: EHB 2623

Ammunition, excise tax on, imposing: SB 6161

Ammunition, large capacity magazines, requirements and prohibitions: SB 5062, SB 5340, SB 6076, SB 6077

Ammunition, purchase or possession of, removing restrictions: SB 6673

Animal control officers, carrying firearms: SB 5016

Assault rifles, semiautomatic, sale/transfer/possession, removing restrictions: SB 6673

Assault weapons and large capacity magazines, requirements/prohibitions: SB 5340, SB 6076

Background check unit, as single point of contact for dealers, establishing: ***E2SHB 2467, CH 28 (2020)**

Background checks, advisory board and check system account, creating: ***E2SHB 2467, CH 28 (2020)**

Background checks, for federally regulated frame/receiver purchase/transfer: ***SHB 2555, CH 36 (2020)**

Background checks, removing requirements for, exceptions: SB 6673

Background checks, single or full point of contact system for: ***SHB 1949, CH 35 (2019)**

Background checks, state system use by dealers for sales/transfers: ***E2SHB 2467, CH 28 (2020)**

Bump-fire stock buy-back program, modifying: SB 5954

Bump-fire stock buy-back program, participants' personal information: ***SB 6025, CH 239 (2019)**

Bump-fire stock buy-back program, SB 6025 concerning, authorizing consideration of: ***SCR 8406 (2019)**

Clay targets, sales and use tax exemptions: SB 5726

Colleges, community and technical, safety officer weapons: SB 5150

Firearm violence intervention and prevention grant program, Washington, creating: SB 6288

Firearm violence prevention, Washington office of, creating: SB 6288

Firearm violence victims, helpline/referral service/counseling/therapy guide: SB 6553

Force, with firearm discharge, use by officers and security guards, reporting: SB 5916

Forfeited firearms, destruction by state patrol: SHB 1010

Gun clubs, nonprofit, clay target sales and use tax exemptions for: SB 5726

Legislators introducing bills concerning firearms, training for: SB 5172

Marketing/advertising to minors via internet/mobile application, prohibitions: HB 2442

Personal protection act, Washington, bearing of arms/personal protection, removing restrictions: SB 6673

Pistols, concealed pistol licensees, extending expiration date for: SB 6347

Pistols, delivery of, requirements: ***EHB 1465, CH 244 (2019)**

Pistols, license for concealed, applications and safety training program: SB 6294

Pistols, license for concealed, applications, proficiency, and instructors: SB 5174

Pistols, license for concealed, background check requirements: ***SB 5508, CH 249 (2019)**

Pistols, license for concealed, exemption for correctional employees, when: ***HB 1589, CH 231 (2019)**

Pistols, license for concealed, in cases of domestic violence: ***SHB 1225, CH 367 (2019)**

Pistols, license for concealed, process for renewal by law enforcement: ***HB 1934, CH 135 (2019)**

Pistols, license for concealed, removing as requirement for pistol delivery: ***EHB 1465, CH 244 (2019)**

Pistols, license for concealed, surrendering due to protection order violation: ***SHB 2622, CH 126 (2020)**

Pistols, license for concealed, surrendering due to various orders requiring: ***SHB 1786, CH 245 (2019)**

Pistols, license for concealed, surrendering, ensuring compliance, procedures: ***SHB 2622, CH 126 (2020)**

Possession, by person incompetent to stand trial, prohibiting: ***SB 5205, CH 248 (2019)**

Possession, on child care center, library, or park premises, prohibitions: SB 5434

Possession, on school grounds by employees, when: SB 5977

Possession, on state capitol campus, prohibiting: SB 6686

Possession, prohibition after release from mental health evaluation: SB 5181

Possession, right to bear arms, Washington personal protection act: SB 6673

Possession, right to possess, petitioning court to restore, when: SB 6289

Possession, unlawful, after aiming/discharging or animal cruelty conviction: EHB 2623

Possession, unlawful, in second degree, various provisions: EHB 2623, SB 6163

Possession, unlawful, when charged with felony driving under influence: SB 6163

Possession, unlawful, when prohibited by state law from owning/possessing: SB 6584

Protection orders, extreme risk, against person under 18: SB 5072

Protection orders, extreme risk, ensuring compliance, procedures for: ***SHB 2622, CH 126 (2020)**

Protection orders, extreme risk, grounds for: SB 5745

Protection orders, extreme risk, various provisions: SB 5027, SB 6307

Protection orders, vulnerable adult, firearm surrender/possession-prohibition: HB 2305
 Purchase of a firearm, unlawful, class C felony: SB 6584
 Purchase/possession/access, lowering required age for: SB 6673
 Seizing firearms and ammunition, due to domestic violence incident: ***SHB 1225, CH 367 (2019)**, SB 5143
 Seizing firearms and ammunition, due to threat of mass violence: SB 6307
 Seizing firearms, law enforcement authority, removing, when: SB 6673
 Self-defense legal service subscription providers, excluding from "insurer": SB 6043
 Sentencing enhancements for firearms, with body armor possession: SB 5050
 Stolen firearm, discharging or menacing/threatening with, crime of, when: SB 6402
 Stolen firearm, unlawful use of a, class A felony: SB 6402
 Surrendering firearms, protection, no-contact, or restraining orders requiring: ***SHB 1786, CH 245 (2019)**
 Surrendering firearms/weapons, ensuring compliance, procedures for: ***SHB 2622, CH 126 (2020)**
 Target shooting, on DNR-managed lands: SB 5099, SB 6541
 Theft of firearm from residence, store, shop, or sales outlet, class B felony: SB 6406
 Undetectable or untraceable firearms, prohibitions: ***SHB 1739, CH 243 (2019)**, SB 5061
 Weapons, possessing or controlling on state capitol campus, prohibition of: SB 6686

FIREFIGHTERS (See also EMERGENCY MANAGEMENT AND SERVICES; FIRE PROTECTION; FIRST RESPONDERS; RETIREMENT AND PENSIONS)

Animal in vehicle, preventing cruelty by removing, liability for: SB 6151
 Animals, medical services for, by emergency fire protection responders: SB 5208
 Occupational disease presumptions, for workers' compensation: ***HB 1913, CH 133 (2019)**, SB 5849
 PERS service credit transfer to LEOFF, when: SB 5355
 Railroad grade crossings, clearing for emergency services vehicles, when: SB 6675
 Safety, carcinogen exposure reduction, healthy in healthy out best practices: SB 5175
 Stress management, critical incident, access to programs for: ***HB 2926, CH 294 (2020)**
 Volunteer, paid family and medical leave, excluding from eligibility, when: SB 6216

FIRST RESPONDERS (See also EMERGENCY MANAGEMENT AND SERVICES; FIREFIGHTERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL)

Animal in vehicle, preventing cruelty by removing, liability for: SB 6151
 Emergency responders, medical services for animals by: SB 5208
 Peer support group counselors, first responder privileged communications to: ***SHB 1356, CH 98 (2019)**, ***HB 2762, CH 42 (2020)**
 School safety, first responder building mapping information system, studying: ***2SHB 1216, CH 333 (2019)**, SB 5317
 School safety, threat notifications to nearby schools by responders: SB 5514
 Spousal survivors of responders, property tax exemption: SB 5049
 Stress management, critical incident programs for, access to: ***HB 2926, CH 294 (2020)**

FISH (See also FISHING; HYDRAULIC PERMITS AND PROJECTS; ZOOS AND AQUARIUMS)

Anadromous fisheries, recovery/conservation in critical areas under GMA: SB 6454
 Aquaculture, marine finfish, inspections/monitoring/testing, agency costs recovery: SB 6613
 Barriers to passage, removal projects, additive transportation funding for: SB 5972
 Barriers to passage, removal projects, funding: SB 5130, SB 5136, SB 5788, SB 5798, SB 5978, SB 6345
 Fish, wildlife, and conservation account, establishing: SB 6072
 Game fish, bass, walleye, and channel catfish, liberalizing bag limits: ***2SHB 1579, CH 290 (2019) PV**
 Game fish, removing certain freshwater fish from list: SB 5580
 Habitat projects, conservation district-sponsored: ***EHB 1187, CH 166 (2020)**, SB 5567
 Habitat projects, to include kelp, eelgrass, and oyster restoration: ***SB 5404, CH 150 (2019)**
 Limited fish and wildlife account, establishing: SB 6072
 Salmon, chinook, killer whale task force recommendation for increasing: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
 Salmon, habitat, recovery/conservation in critical areas under GMA: SB 6454
 Salmon, hatcheries, self-supporting system via partnerships, pilot program: SB 6509
 Salmon, international year of the, recognizing 2019 as: HJM 4012
 Salmon, managing sea lions/pinnipeds to limit predation, permits for, requesting federal action: SJM 8015
 Salmon, new salmon hatchery, at port of Bellingham, feasibility of: SB 6509

Salmon, new salmon hatchery, construction by port of Bellingham: SB 5824
 Salmon, nontribal gill net use for, prohibition and license buyout plan: SB 5617

FISH AND WILDLIFE COMMISSION (See also FISH AND WILDLIFE, DEPARTMENT)

Damage by wildlife, prevention, nonlethal dog pursuit training, rule adoption: ***HB 1516, CH 226 (2019)**
 Game fish, bass, walleye, and channel catfish, liberalizing bag limits: ***2SHB 1579, CH 290 (2019) PV**
 Game fish, regulated by commission, removing certain fish from list: SB 5580
 Hunter clothing, fluorescent, rule adoption: SB 5148
 Recreational fishing rules, accessing, seller of licenses to post URL for: SB 6243

FISH AND WILDLIFE, DEPARTMENT (See also DISCOVER PASS; FISH; FISH AND WILDLIFE COMMISSION; FISHING; HUNTING; HYDRAULIC PERMITS AND PROJECTS; MARINE WATERS, STATE; SHELLFISH; WILDLIFE)

Aquaculture, marine finfish, inspections/monitoring/testing, DFW costs recovery: SB 6613
 Columbia river salmon and steelhead recreational anglers board, DFW role: SB 6166
 Commercial Dungeness crab pot removal program, coastal, extending: ***SHB 2250, CH 172 (2020)**
 Commercial whale watching, DFW role: 2SHB 1580
 Cougar control pilot program, establishing: SB 5100
 Crab, commercial Dungeness crab pot removal program, coastal, extending: ***SHB 2250, CH 172 (2020)**
 Damage by wildlife, prevention, nonlethal dog pursuit training to aid: ***HB 1516, CH 226 (2019)**, SB 5320
 Damage by wildlife, protections against, DFW role: ***ESHB 2097, CH 450 (2019)**, SB 5620
 Enforcement actions, DFW burden of proof: SB 6227
 Enforcement, fish and wildlife officers, definition and collective bargaining: SB 5481
 Enforcement, fish and wildlife officers, lawful permanent resident requirement: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Enforcement, fish and wildlife officers, vessel crewmember licensee identification: SB 6485
 Enforcement, natural resource infractions: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Enforcement, property seizure by DFW and forfeiture: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Enforcement, violations and civil penalties: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Fish passage barrier removal board, role of: SB 5136, SB 5788, SB 6345
 Hydraulic code enforcement, DFW role: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
 Lands, DFW game lands, payments to counties in lieu of property taxes: SB 5696, SB 6365
 Lands, DFW, management activities and mitigation actions: HB 1983
 Lands, DFW, pollinator habitat: SB 5552
 Lands, DFW, use restriction/closure signs, legal authority reference on: ESHB 2138
 State wildlife account, replacing with two new accounts: SB 6072
 Volunteer programs, within DFW, review of opportunities to include: SB 5265
 Warm water fishing advisory group, creating, DFW role: SB 6450
 Warm water game fish enhancement program, administration/goals, DFW role: SB 6450
 Wolves, conflict mitigation guidelines, developing and implementing: ***ESHB 2097, CH 450 (2019)**
 Wolves, gray, radio collars on, to monitor wolf-livestock conflicts, DFW role: SHB 2906
 Wolves, wolf-livestock conflict response and proactive nonlethal deterrents: ***ESHB 2097, CH 450 (2019)**

FISHING (See also FISH; SHELLFISH)

Bass, largemouth, adding to warm water game fish enhancement program: SB 6450
 Columbia river recreational salmon and steelhead endorsement program: SB 5692, SB 5871, SB 6166
 Columbia river salmon and steelhead recreational anglers board, establishing: SB 6166
 Commercial Dungeness crab pot removal program, coastal, extending: ***SHB 2250, CH 172 (2020)**
 Commercial, crewmember license: SHB 1769
 Commercial, crewmember license, identification documentation requirements: SB 6485
 Commercial, enhanced food fish tax revenues: SB 5790
 Crab, commercial Dungeness crab pot removal program, coastal, extending: ***SHB 2250, CH 172 (2020)**
 Enforcement, property seizure and forfeiture: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Enforcement, violations and civil penalties: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Licenses, age threshold for mandatory licensing, raising: SB 5692, SB 6166
 Licenses, commercial, security interest or lien in: ***HB 1062, CH 200 (2019)**
 Licenses, enhancement programs, revenue from, deposits into accounts: SB 5692, SB 6166

Licenses, new fish Washington and sportsperson licenses: SB 5692, SB 6166
 Licenses, recreational, accessing recreational fishing rules, URL for: SB 6243
 Licenses, recreational, comprehensive changes: SB 5692, SB 6166
 Licenses, recreational, fee increase and surcharge: SB 5692, SB 6166
 Perch, yellow, adding to warm water game fish enhancement program: SB 6450
 Right to fish, hunt, and harvest wildlife, not to be infringed, constitutional amendment: SJR 8204
 Salmon, Columbia river, endorsement program, re-creating: SB 6166
 Salmon, nontribal gill net use for, prohibition and license buyout plan: SB 5617
 Smelt, saltwater, recreational license for, requiring: ***2SHB 1579, CH 290 (2019) PV**
 Steelhead, Columbia river, endorsement program, re-creating: SB 6166
 Warm water fishing advisory group, creating: SB 6450
 Warm water game fish enhancement program, administration and goals: SB 6450

FLAGS

United States, flag of, placement by state highways: SB 5094

FLOOD CONTROL

Chehalis basin, Chehalis board voting members, tribal voting alternates: ***HB 2109, CH 17 (2020)**
 Chehalis basin, office of, strategic plan, implementation and quantified measures: ***SHB 1154, CH 221 (2020)**
 Chehalis basin, office of, water infrastructure program role: SB 5136, SB 6345
 Districts, flood control zone, supervisor compensation: SB 6046
 Districts, flood control, director compensation: SB 6046

FOOD AND FOOD PRODUCTS (See also ALCOHOLIC BEVERAGES; BUSINESSES; FARMS AND FARMING; FOREST PRACTICES AND PRODUCTS; HORSES; PUBLIC ASSISTANCE; WATER)

Beverages, default options for children's meals sold by restaurants: SB 6455
 Beverages, lemonade/nonalcoholic, sale by child under 16 years of age: SB 6320
 Beverages, plastic containers for, postconsumer recycled plastic content of: ***ESHB 2722 (2020) V**, SB 6645
 Beverages, plastic straws for, prohibition: SB 5077
 Beverages, plastic straws for, prohibitions and exceptions: SB 6627
 Beverages, plastic straws for, reducing waste from: SB 6627
 Career and technical education, food career-connected learning within: SB 5804
 Cottage food operations, maximum sales limit for permit: HB 2218
 Cottage food operations, product labeling information requirements: ***HB 2217, CH 171 (2020)**
 Dairy inspection program, milk assessment to fund, delaying expiration: ***HB 1429, CH 115 (2019)**, SB 5447
 Delivery, commercial transportation services providers, greenhouse gas emissions from: 2SHB 2310
 Delivery, food delivery providers, greenhouse gas emissions from: SB 6399
 Dietary supplements, permanent sales and use tax exemptions for: SB 6554
 Eggs and egg products, regulation and restrictions: ***SHB 2049, CH 276 (2019)**
 Food and beverages, for pets and humans, scan-down allowances on: ***EHB 1354, CH 217 (2019)**, SB 5407
 Food and drug administration, U.S., disclosure exemption for certain records: ***HB 1385, CH 337 (2019)**, SB 5455
 Food policy forum, Washington, establishing: SB 6091
 Food service businesses, worker schedule requirements: SB 5717
 Food service products, polystyrene foam, prohibitions: SB 6627
 Food service products, single-use plastic, fee per item sold: SB 6627
 Food service products, single-use plastic, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Food service products, single-use plastic, prohibitions and alternatives: SB 6627
 Food service products, single-use plastic, reducing waste from: SB 6627
 Food, definition, application for sales tax purposes of: SB 5581
 Fruit and vegetable incentives program, for low-income persons, establishing: ***SHB 1587, CH 168 (2019)**, SB 5583
 Hospitality businesses, worker schedule requirements: SB 5717
 Meals on Wheels program, appropriations to DSHS for: SB 6658
 Meat analogues, misbranding: SB 6329
 Meat terms, identifiable, labeling products using: SB 6329
 Meat, beef, country of origin placards for "U.S.A. beef" and "imported": SHB 2712
 Meat, state-inspected commercial custom meat facilities, regulations/sales: SB 6382

Microenterprise home kitchen operations, permits for and regulation of: SB 6434
 Milk, non-milk products identified by "milk," unlawful to sell or deliver: SB 5349
 Mobile food units, permits for: SB 5218
 Packaging and food service products, expanded polystyrene, prohibitions: SB 6213
 Packaging and food service products, plastic, degradability and prohibitions: ***ESHB 1569, CH 265 (2019)**
 Prepared food, permanent sales tax exemption for: SB 5624
 Refreshment and coffee services, volunteer, at safety rest areas: SB 5901
 School meals, free breakfasts and lunches for students, when: ***ESHB 2660, CH 288 (2020)**, SB 6672
 Wasted food and food waste, reducing: ***E2SHB 1114, CH 255 (2019)**
 Women, infant, and children program, EBT card use in ATM, where and when: ***SB 6136, CH 64 (2020)**
 Women/infant/children farmers market nutrition program, fruit/vegetable benefit: SB 5583, SB 6309

FOREST LAND (See also CONSERVATION; FOREST PRACTICES AND PRODUCTS; REAL ESTATE AND REAL PROPERTY)

Biochar, from wildlife fuel loads: ***SJM 8005 (2019)**
 Burning, outdoor, authorizing for silvicultural operations and wildfire resiliency: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Community and urban forestry program, revising name and expanding: SHB 2768, SB 6529
 Community forests, county-owned, reconveyance of state forestlands for: SB 5701
 Community forests, grant program and account, establishing: SB 5873
 Federal forest lands, counties with, eliminating school allocation reduction in: SB 6573
 Fire damage or response costs, actions against electric utility for: SB 5305
 Forest carbon reforestation and afforestation account, creating for grants: SB 6355
 Herbicides, aerial application on forestlands work group, recommendations of: SB 6488
 Herbicides, aerial application on forestlands, various provisions: SB 6488
 Landowners, small forest, legislative work group on, creating: SB 5330
 Landowners, small forest, working forests special license plates, creating: EHB 2166
 Lands, natural and working, carbon sequestration/storage capabilities, utilizing: ***E2SHB 2311, CH 79 (2020)**, ***E2SHB 2528, CH 120 (2020)**, SB 6272
 Lands, riparian easement program, carbon storage in timber: SHB 2714, SB 6498
 Pesticides, aerial application on forestlands, work group, establishing: SB 5597
 State forestlands, payments from exchange of, county prorating, when: ***HB 2119, CH 309 (2019)**, SB 5975
 Vegetation management, nonchemical strategies, trials and evaluation: SB 6488
 Weeds, noxious, forestland owner requirements: SB 6401
 Wildfires, prevention and response, forest health treatment role in: ***2SHB 1784, CH 305 (2019)**
 Wildfires, prevention, forest health activities for, funding: SB 6195
 Working forest proximity, real estate seller disclosure of: ***HB 1011, CH 17 (2019)**

FOREST PRACTICES AND PRODUCTS (See also CONSERVATION; FOREST LAND; FOREST PRACTICES BOARD; NATURAL RESOURCES, DEPARTMENT; TAXES - TIMBER HARVEST EXCISE)

Burning, outdoor, authorizing for silvicultural operations and wildfire resiliency: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Carbon sequestration, forest products sector role: ***E2SHB 2528, CH 120 (2020)**, SB 6355
 Christmas tree grower licensure program, extending: ***HB 1146, CH 206 (2019)**
 Herbicides, aerial application on forestlands work group, recommendations of: SB 6488
 Herbicides, aerial application on forestlands, various provisions: SB 6488
 Hog fuel, sales and use tax exemptions, extending expiration of: ***HB 2848 (2020) V**, SB 6665
 Huckleberry buyers, maintaining and disclosing records, when: HB 2092
 Logging and mining, in upper Skagit watershed, requesting prevention of: SJM 8014
 Timber industry/products, mass timber products, B&O tax preferences: SB 5467
 Timber products, surcharge, modifying: ***E3SHB 1324, CH 336 (2019) PV**
 Timber, carbon storage in, market value impact of, when: SHB 2714, SB 6498
 Tree farm program, working forests special license plates, creating: EHB 2166
 Urban and community forestry program, revising previous program name to be: SHB 2768, SB 6529
 Urban forestry management, shifting from Ch. 35.105 to Ch. 76.15: SHB 2768, SB 6529
 Urban forestry, evergreen community designation program: SHB 2768, SB 6529
 Urban forestry, program, needs, assistance, plans, ordinances, and DNR role: SHB 2768, SB 6529
 Vegetation management, nonchemical strategies, trials and evaluation: SB 6488

FOREST PRACTICES BOARD

Actions, significant agency, board scientific information sources: SB 5241
 Herbicide aerial application on forestlands, board role: SB 6488
 Rule making, significant legislative rules, scientific information, board role: SB 5241

FOSSILS

Dinosaur, official state, *Suciasaurus rex* as: SHB 2155
 Vegetative fossil, official state, petrified wood as: HB 2757
 Vertebrate fossil, official state, Columbian mammoth of North America as: HB 2757

FOSTER CARE (See also CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT)

Child-placing agencies, contract evaluation: SB 5645
 Foster parents, as foster resource parents, stakeholder meetings concerning: SHB 2725
 Foster parents, preservice training to emphasize safety and reunification: SHB 2725
 Foster parents, short-term case aides for: SB 5096
 Legal proceedings, foster care-related, counsel for DCYF and parents for: SB 5942
 License, dual, combined child care and foster license, pilot project: ***HB 2619, CH 343 (2020) PV**
 Licensing, when foster-family home licensee relocates: SB 6500
 Prevention and family services and programs, relation to foster care: ***HB 1900, CH 172 (2019)**, SB 5826
 Students, formerly in foster care, college assistance pilot program for: SB 5800
 Students, in foster care and/or homeless, educational outcomes and work group: ***SHB 2711, CH 233 (2020)**, SB 6511
 Traumatic brain injuries, screenings for children entering foster care system: ***SHB 1605, CH 120 (2019)**, SB 5586

FUELS (See also HEATING AND HEATERS; OIL AND GAS; POLLUTION LIABILITY INSURANCE AGENCY; TAXES - MOTOR VEHICLE FUEL)

Aircraft fuel, in aircraft for research/development, sales/use tax exemptions: ESHB 2880
 Alternative fuels, transportation electrification plans, infrastructure, and tax preferences: ***E2SHB 2042, CH 287 (2019)**
 Clean fuels program, establishing: E2SHB 1110, SB 5412
 Fossil fuel industry worker assistance, when: SB 5981
 Fossil fuels, carbon pollution fee: SB 5971
 Fossil fuels, producers/distributors, direct and indirect emissions standards: SB 6628
 Fuel mix disclosure by electric utilities, modifying: ***ESHB 1428, CH 222 (2019)**
 Gas, natural, renewable, gas company provisions: ***E3SHB 1257, CH 285 (2019)**
 Gas, natural, suppliers of, cap and trade program provisions: SB 5981
 Gasoline operations, mobile on-demand fueling truck permit or certification: ***ESHB 2783, CH 43 (2020)**
 Gasoline operations, mobile on-demand operator certification: ***ESHB 2783, CH 43 (2020)**
 Gasoline operations, mobile on-demand, fire code standards for site permits: ***ESHB 2783, CH 43 (2020)**
 Hog fuel, sales and use tax exemptions, extending expiration of: ***HB 2848 (2020) V**, SB 6665
 Hydrogen, renewable, production and distribution by public utility districts: SB 5588
 Hydrogen, renewable, provisions: ***E2SHB 2042, CH 287 (2019)**
 International fuel tax agreement license, application fee: SB 5971
 Motor fuel pumps, fuel tax sticker for display on: SHB 1633, 2SHB 1633
 Motor vehicle fuel, licensees, imposing additional/cumulative tax rate on: SB 5971
 Production of fuels, Washington state bioeconomy development, studying: SB 6435
 Transportation fuels, clean fuels program, establishing: E2SHB 1110, SB 5412

GAMBLING (See also GAMBLING COMMISSION; HORSES; SPORTS AND RECREATION; TITLE ONLY BILLS)

Arts and crafts activities, not a gaming activity for liquor license purposes: HB 1676
 Contests of chance, B&O tax rate, increasing, when: SB 5129
 Enforcement of gambling laws, using forfeited money laundering proceeds for: ***SB 6119, CH 62 (2020)**
 Fund-raising contest of chance, prize or purchase in, use tax exemption: SHB 1808, ***SB 6312, CH 159 (2020)**, SB 6390
 Illegal gambling games, excluding certain online games of chance from: SB 6568
 Licenses, nonprofit corporations, when religious or scientific: ***SB 6120, CH 150 (2020)**
 Licenses, nonprofit or charitable organizations, exemption for, when: SB 5595
 Losses, monetary, on illegal games, recovery, excluding certain online games: SB 6568
 Problem gambling, joint legislative task force on, creating: ESHB 1880, SB 5818

Problem or disorder, self-exclusion program for persons with, establishing: ***SHB 1302, CH 213 (2019)**, SB 5416
 Punchboards and pull-tabs, dollar limit of, raising: ***SB 6357, CH 70 (2020)**
 Sporting events, wagering on, at card rooms, racetracks, and tribal casinos: SB 6277
 Sporting events, wagering on, via sports pools and online sports pools: SB 6277
 Sports pools, maximum contestant amount and number of boards: EHB 2216
 Sports wagering, operation by tribal casinos, authorizing: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Sports wagering, operation by tribal casinos, role of internet: ***ESHB 2638, CH 127 (2020)**, SB 6394

GAMBLING COMMISSION (See also GAMBLING)

Sports wagering, licensing/inspecting/auditing/reporting, commission role: ***ESHB 2638, CH 127 (2020)**
 Sports wagering, tribes/sports integrity unit, initial report, commission duties: SB 6394
 Video games, casino-style, impact on consumers, studying: SB 6689

GENDER IDENTITY (See also DISCRIMINATION; MINORITIES; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SEXUAL ORIENTATION)

Corporation boards, members self-identifying as women on, requiring: SB 6037
 Crime victim's gender identity or expression, defenses based on, limiting: ***EHB 1687, CH 3 (2020)**
 Gender dysphoria or gender affirming care services, as sensitive services: SB 5889
 Harassment, discrimination, and retaliation prevention, trainers on, qualifying of: SB 6169
 Hate crimes, gender identity and expression as protected classes for: ***ESHB 1732, CH 271 (2019)**, SB 5850
 LGBTQ commission, Washington state, establishing: SB 5356
 LGBTQ pride month, June as: SB 5356
 Nonbinary, application category for persons identifying as, when: SB 5342
 Reproductive health care access for all act: SB 5602
 Transgender students, policy and procedure, school district requirements: SB 5689
 Veterans, lesbian, gay, bisexual, transgender, and queer coordinator, creating: SB 5900

GEODETTIC SYSTEMS

Washington plane coordinate system, revising system and renaming as: ***HB 2860, CH 50 (2020)**

GEOLOGY AND GEOLOGISTS (See also FOSSILS; MINES AND MINING; ROCKS AND MINERALS)

Geologists, licensing, out-of-state applicants, equivalent in-state license, when: SB 6465

GOVERNOR (See also BUDGETS; COLLECTIVE BARGAINING; EMERGENCY, STATE OF; INDIANS; STATE GOVERNMENT)

Broadband office, governor's statewide, establishing: **3SHB 1498**, SB 5511
 Clemency/pardons board, prisoner early release order, governor revoking of: SB 6530
 Diversity, equity, and inclusion, governor's commission on, creating: SI 1000
 Duties, lieutenant governor performing, payment for: SB 5797
 Emergencies, suspending legal obligations and limitations: ***SB 5260, CH 472 (2019)**
 Equity, Washington state office of, establishing in governor's office: ***E2SHB 1783, CH 332 (2020) PV**, SB 5776
 Gubernatorial appointees, background check information, governor to provide: SB 5968
 Indian health advisory council, governor's, establishing: ***SB 5415, CH 282 (2019)**
 LGBTQ commission, Washington state, establishing in governor's office: SB 5356
 Ombuds advisory council, governor to convene: SB 6322
 Ombuds, office of corrections, transferring to nonprofit organization: SB 6322
 Post-conviction review board, renaming ISRB as, in governor's office: SB 5819
 State of state message, joint legislative session for: ***HCR 4400 (2019)**, ***HCR 4403 (2020)**
 Term limit, constitutional amendment: SJR 8213
 Vapor products, tax contracts concerning sale in Indian country, governor's role: ***E2SHB 1873, CH 445 (2019)**

GROWTH MANAGEMENT (See also ADMINISTRATIVE PROCEDURE; BUILDING CODES AND PERMITS; ENVIRONMENT; HOMES AND HOUSING; LAND USE PLANNING AND DEVELOPMENT; SHORELINES AND SHORELINE MANAGEMENT)

Agricultural lands, landowners engaging in agriculture, GMA measures for: SB 6544
 Agricultural lands, of commercial significance, supporting agriculture on: SB 5259
 Agricultural lands, voluntary stewardship program, extending certain deadlines: SB 6545

Agricultural, forest, or mineral resource lands, provisions: SB 6150
 Anadromous fisheries, recovery/conservation in critical areas under GMA: SB 6454
 Classification of land, guidelines for, analysis of effect of: SB 5524
 Community, fully contained, action establishing, effective date: SB 6150
 Comprehensive planning, analysis/mitigation beyond, requiring of, prohibiting: SB 6463
 Comprehensive planning, climate change, land use, and transportation in: SB 6335
 Comprehensive planning, climate change/natural hazards resiliency element: SB 6335
 Comprehensive planning, county updates schedule, revising: ***ESHB 2342, CH 113 (2020)**, SB 6566
 Comprehensive planning, county/city real estate sales excise tax imposition: SB 5676
 Comprehensive planning, guidance for, implementation effects analysis: SB 5524
 Comprehensive planning, housing action plans for housing benefit districts: SB 6618
 Comprehensive planning, Kitsap county updates schedule: ***ESHB 2342, CH 113 (2020)**, SB 6566
 Comprehensive planning, mandatory, limiting to King county: SB 5915
 Comprehensive planning, rural county withdrawal from, criteria: SB 5242
 Comprehensive plans, and shoreline master programs, aligning updates: ***ESHB 2342, CH 113 (2020)**
 Critical areas, designation, best available science for: SB 5245
 Critical areas, salmon/anadromous fisheries recovery/conservation efforts in: SB 6454
 Dwelling units, accessory, authorizing: ***SHB 2343, CH 173 (2020)**, SB 6334, SB 6617
 Dwelling units, accessory, city/county regulatory changes to promote: SB 6617
 Dwelling units, accessory, creating within urban growth areas: SB 5812
 Dwellings, residential, using as boarding homes, county authority to authorize: ESHB 2890
 Effective dates, initial, for certain actions under GMA: SB 6150
 Growth management act, climate change, counteracting: ESHB 2427, SB 6335, SB 6453
 Hearings board, eliminating: SB 5915
 Hearings board, filing petition with, qualifications for: SB 5243
 Hearings board, members of: SB 5630, SB 6574
 Hearings board, scientific/other expert witnesses for planning jurisdictions: SB 5639
 Hearings board, topical index of rules and actions: SB 5151
 Housing, affordable, development on religious organization property: ***SHB 1377, CH 218 (2019)**, SB 5358
 Housing, affordable, residential parking requirements, when: ***E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020)**, SB 6334
 Housing, affordable, supporting via GMA planning: ***E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020)**, EHB 2687, SB 5193, SB 5802, SB 6334, SB 6536, SB 6617, SB 6618
 Housing, low-, very low-, and extremely low-income households: ***E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020)**, SB 5440, SB 6334
 Housing, residential building capacity and housing affordability, increasing: ***E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020)**, SB 6334
 Housing, tiny house as accessory dwelling unit: SB 5382
 Housing, tiny house communities, siting of: SB 5384
 Housing, transit supportive densities in residential targeted areas: SB 5353
 Housing, variety and balance in urban growth areas of: SB 5194
 Light rail, station approval, urban density standards under GMA for: SB 5424
 Local project review, permit application timelines, flexibility, and protections: SB 6461
 Planning costs, local, grant program for: SB 5769
 Public facilities, essential, excluding certain private detention facilities: ***HB 2640, CH 128 (2020)**, SB 6504
 Public facilities, essential, exclusions: SB 5117
 Residential targeted areas, multi-unit dwellings in, property tax exemption: SB 6411
 Resort, master planned, effective date for certain actions: SB 6150
 Rural development, limited areas of more intensive, for affordable housing: SB 5193
 Rural development, limited areas of more intensive, provisions: SB 6150
 Subdivisions, short, definition and GMA provisions: ESB 5008
 Urban governmental services, expansion into rural areas, when: SB 5520
 Urban growth areas, accessory dwelling units in: SB 5812
 Urban growth areas, action expanding, effective date: SB 6150
 Urban growth areas, boundaries: SB 5026, SB 5194

Urban growth areas, designation for housing variety and balance: SB 5194
 Urban growth areas, housing affordability zones in: SB 5802
 Urban growth areas, infill development, SEPA categorical exemption for: ***SHB 2673, CH 87 (2020)**
 Urban growth areas, multi-unit dwellings in, authorizing: SB 6536
 Urban growth areas, multi-unit dwellings in, property tax exemption: SB 6411
 Urban growth areas, residential use area density and housing: SB 5769
 Urban growth areas, supporting agriculture on lands within: SB 5259
 Urban growth areas, transit supportive densities in residential targeted areas: SB 5353

GUARDIANSHIP (See also ESTATES, TRUSTS, AND PROBATE; PUBLIC GUARDIANSHIP, OFFICE)

Adult guardianship and protective proceedings jurisdiction act, uniform, modifying: SB 6287
 Appointment, legal services to aid low-income families with, grant pilot project: SB 6644
 Guardians ad litem, for child, fingerprint background checks: ***SB 5895, CH 57 (2019)**
 Guardianship, conservatorship, and other protective arrangements act: SB 5604
 Guardianship, conservatorship, and other protective arrangements act, modifying: SB 6287
 Incapacitated persons, gravely disabled, guardianship pilot program: SB 5114
 Incapacitated persons, involuntary commitment by guardian: SB 5114
 Office of public guardianship and conservatorship, renaming existing office as: SB 6287
 Supported decision-making, new provisions: SB 6287

GUBERNATORIAL APPOINTMENTS

Adelstein, Steven P., member, Whatcom Community College Board of Trustees: ***SGA 9084 (2020)**
 Aguilar, Yazmin, member, Washington Student Achievement Council: ***SGA 9207 (2019)**
 Aguilera, Adam L., member, Professional Educator Standards Board: SGA 9278
 Ahl, Debbie J., member, Bellingham Technical College Board of Trustees: SGA 9224
 Akerlund, Paula M., member, Grays Harbor College Board of Trustees: SGA 9178
 Anderson, Anthony J., member, Bates Technical College Board of Trustees: SGA 9123
 Anderson, Philip, member, Pacific States Marine Fisheries Commission: SGA 9042
 Anderson, Steven F., member, Pharmacy Quality Assurance Commission: SGA 9164
 Angeletti-Harris, Cheryl, member, Clemency and Pardons Board: ***SGA 9271 (2020)**
 Anthony, Michael L., member, Board of Pilotage Commissioners: SGA 9138
 Aveledo, Astrid E., member, Grays Harbor College Board of Trustees: SGA 9231
 Bagherpour, Bahram, member, State Board for Community and Technical Colleges: ***SGA 9128 (2020)**
 Baldoz, Patrick, member, Yakima Valley Community College Board of Trustees: ***SGA 9055 (2019)**
 Batayola, Teresita, member, Seattle College District Board of Trustees: ***SGA 9006 (2019)**
 Batra, Shiv, member, Transportation Commission: ***SGA 9023 (2019)**
 Bennett, Kathryn A., member, Skagit Valley College Board of Trustees: ***SGA 9251 (2020)**
 Bernstein, Lois, member, Tacoma Community College Board of Trustees: SGA 9063
 Berntsen, Teresa, director, Department of Licensing - Agency Head: ***SGA 9181 (2019)**
 Bladow, Layne, member, Bates Technical College Board of Trustees: SGA 9032
 Blauvelt III, Arthur A., member, Grays Harbor College Board of Trustees: SGA 9049
 Blocker, Christina, member, Bates Technical College Board of Trustees: ***SGA 9059 (2020)**
 Bohlke, Wendy K., member, Whatcom Community College Board of Trustees: SGA 9121
 Bolerjack, Bob, member, Everett Community College Board of Trustees: ***SGA 9102 (2019)**
 Boschok, Jacelyn (Jackie) M., member, Green River College Board of Trustees: SGA 9057
 Boschok, Jacelyn (Jackie) M., member, Women's Commission, Washington State: ***SGA 9189 (2019)**
 Bounds, Kenneth, member, Parks and Recreation Commission: SGA 9258
 Breckel, Jeffrey, member, Salmon Recovery Funding Board: SGA 9093
 Broom Davidson, Jane K., member, Workforce Education Investment Accountability and Oversight Board: SGA 9391
 Brown, Lisa, director, Department of Commerce - Agency Head: ***SGA 9279 (2019)**
 Burke, Alan, member, State Board of Education: SGA 9153
 Bush, Bonnie C., member, Pharmacy Quality Assurance Commission: SGA 9252
 Busto, Mark R., member, Public Employment Relations Commission: SGA 9068, SGA 9392
 Campbell, Debbie A., member, Centralia College Board of Trustees: ***SGA 9230 (2019)**
 Cantrell, Laura F., member, Lottery Commission: SGA 9002
 Captain, Roy, member, Cascadia College Board of Trustees: SGA 9091

Carson, Scott E., regent, Washington State University: ***SGA 9001 (2019)**
 Castillo, Noe Jr, member, Housing Finance Commission: SGA 9246
 Cate, Sara, member, Yakima Valley Community College Board of Trustees: SGA 9005
 Chernin, Louise, member, Seattle College District Board of Trustees: ***SGA 9007 (2019)**
 Childs, Shannon L., member, Olympic College Board of Trustees: ***SGA 9124 (2020)**
 Chin, Lisa H., member, Bellevue College Board of Trustees: ***SGA 9044 (2019)**
 Christiansen, Gregory A., member, Workforce Training and Education Coordinating Board: SGA 9089
 Christianson, Maria J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9203
 Chu, Elaine, member, Green River College Board of Trustees: SGA 9232
 Clark, Charles, director, Department of Financial Institutions - Agency Head: ***SGA 9287 (2020)**
 Clark, Keri J., member, Washington State School for the Blind Board of Trustees: SGA 9043
 Clay, Diana L., member, Edmonds Community College Board of Trustees: ***SGA 9236 (2019)**
 Clifton, Lily, member, Washington State School for the Blind Board of Trustees: SGA 9247
 Cohen, Jerome O., member, Higher Education Facilities Authority: ***SGA 9171 (2020)**
 Conner, Raymond, member, Central Washington University Board of Trustees: ***SGA 9148 (2019)**
 Cook, Deborah, member, Human Rights Commission: ***SGA 9219 (2020)**
 Cowger, Graciela G., member, Women's Commission, Washington State: ***SGA 9190 (2019)**
 D'Ambrosio, Catherine P., member, Shoreline Community College Board of Trustees: ***SGA 9050 (2019)**
 Danner, David, chair, Utilities and Transportation Commission: ***SGA 9253 (2019)**
 Daudon, Marc D., member, Energy Northwest Executive Board: SGA 9191
 Davis, Jefferson S., member, South Puget Sound Community College Board of Trustees: SGA 9056
 Dekay, Loretta S., member, Columbia River Gorge Commission: SGA 9085
 Deller, Michael R., member, Everett Community College Board of Trustees: ***SGA 9051 (2019)**
 Diaz, Olgy S., member, Pharmacy Quality Assurance Commission: SGA 9081
 Dickinson, Marty J., regent, Washington State University: ***SGA 9216 (2019)**
 Dietz, Alice E., member, Lower Columbia College Board of Trustees: ***SGA 9226 (2019)**
 Dietzel, Greg, member, Bellevue College Board of Trustees: ***SGA 9103 (2019)**
 Donner, Crystal, member, State Board for Community and Technical Colleges: ***SGA 9139 (2019)**
 Downing, William, member, Public Disclosure Commission: ***SGA 9135 (2019)**
 Drew, Kathleen, chair, Energy Facility Site Evaluation Council: SGA 9130
 Drew, Steven J., member, South Puget Sound Community College Board of Trustees: ***SGA 9211 (2019)**
 Durham, Angela M., member, Edmonds Community College Board of Trustees: ***SGA 9186 (2019)**
 Endresen Scott, Chris G., member, Salmon Recovery Funding Board: ***SGA 9272 (2019)**
 Eng, Jack S., member, Board of Industrial Insurance Appeals: SGA 9157
 Entenman, Debra J., member, Renton Technical College Board of Trustees: ***SGA 9029 (2019)**
 Epp, Gary, member, Central Washington University Board of Trustees: ***SGA 9237 (2019)**
 Erickson, Ronald P., member, Central Washington University Board of Trustees: ***SGA 9017 (2019)**
 Estes, Jeffrey C., member, State Board of Education: ***SGA 9159 (2020)**
 Fairfield, Tara S., member, Women's Commission, Washington State: ***SGA 9198 (2019)**
 Farrell, Timothy J., member, Board of Pilotage Commissioners: SGA 9265
 Fennerty, Jr., Frank E., member, Board of Industrial Insurance Appeals: SGA 9000
 Fenton, Michael J., member, Sentencing Guidelines Commission: SGA 9094
 Ferreira, Teri L., member, Pharmacy Quality Assurance Commission: SGA 9025
 Flores, Martha V., member, Wenatchee Valley College Board of Trustees: ***SGA 9008 (2019)**
 Fraser, Karen, member, The Evergreen State College Board of Trustees: ***SGA 9213 (2019)**
 Frost, Amy L., member, Professional Educator Standards Board: SGA 9074
 Frost, Jordan, regent, Washington State University: ***SGA 9179 (2019)**
 Gamboa, Guadalupe, member, Human Rights Commission: SGA 9034
 Garman, Rozanne E., member, South Puget Sound Community College Board of Trustees: SGA 9389
 Garrett, Ollie A., member, Liquor and Cannabis Board: ***SGA 9070 (2020)**
 George, Reginald, member, Washington State School for the Blind Board of Trustees: SGA 9145
 Gillis, Gladys T., member, Central Washington University Board of Trustees: SGA 9280
 Glasper, Marcus J., director, Lottery Commission - Agency Head: SGA 9167
 Gleasman, Phyllis L., member, Wenatchee Valley College Board of Trustees: ***SGA 9069 (2019)**
 Glenn Sayan, Marilyn, member, Public Employment Relations Commission: ***SGA 9064 (2020)**

Golik, Tony F., member, Sentencing Guidelines Commission: SGA 9073
 Gordon, Bill, member, Columbia Basin College Board of Trustees: ***SGA 9045 (2019)**
 Gordon, Kimberly N., member, Sentencing Guidelines Commission: ***SGA 9095 (2020)**
 Grace, Claire, member, Higher Education Facilities Authority: ***SGA 9098 (2019)**
 Guenther, Judy, member, Lottery Commission: SGA 9099
 Guenther, Judy, member, Pharmacy Quality Assurance Commission: SGA 9024
 Hackney, George D., member, Human Rights Commission: ***SGA 9291 (2020)**
 Hartmann, Judith L., member, South Puget Sound Community College Board of Trustees: ***SGA 9107 (2019)**
 Hauge, Russell D., chair, Sentencing Guidelines Commission: SGA 9061
 Hauge, Russell D., member, Liquor and Cannabis Board: SGA 9067, SGA 9273
 Hensler, Jeffrey J., member, Central Washington University Board of Trustees: SGA 9394
 Hepfer, Russell, member, Puget Sound Partnership Leadership Council: SGA 9013
 Hernandez, Sergio, member, Walla Walla Community College Board of Trustees: ***SGA 9118 (2019)**
 Hesselholt, Claire, member, Board of Tax Appeals: ***SGA 9260 (2019)**
 Heu-Weller, Merisa T., member, Bellevue College Board of Trustees: ***SGA 9248 (2019)**
 Hill, Steven R., member, Seattle College District Board of Trustees: SGA 9126
 Holland Young, Nancy J., member, Personnel Resources Board: ***SGA 9071 (2019)**
 Holland, Monica A., member, Women's Commission, Washington State: ***SGA 9199 (2019)**
 Holter, Sherer, member, Personnel Resources Board: SGA 9288
 Houser, William C., member, Sentencing Guidelines Commission: SGA 9182
 Huang, Grace, member, Women's Commission, Washington State: ***SGA 9196 (2019)**
 Indapure, Rituja, member, Women's Commission, Washington State: ***SGA 9200 (2019)**
 Jackson, Douglass L., member, Shoreline Community College Board of Trustees: ***SGA 9108 (2019)**
 Jackson, Kedrich, member, Columbia Basin College Board of Trustees: ***SGA 9114 (2020)**
 Jackson, Tamra L., member, Wenatchee Valley College Board of Trustees: ***SGA 9105 (2020)**
 Jacobs, Steve, member, Health Care Facilities Authority: SGA 9072
 Jacobsen, Jane L., member, Clark College Board of Trustees: SGA 9026
 Jaech, Jeremy, member, University of Washington Board of Regents: SGA 9233
 Jarrett, Fred, member, Public Disclosure Commission: ***SGA 9289 (2020)**
 Jensen, Elizabeth K., member, Pharmacy Quality Assurance Commission: SGA 9004
 Johnson, Dwayne G., member, Peninsula College Board of Trustees: ***SGA 9083 (2019)**
 Johnson, Glenn A., member, Community Colleges of Spokane Board of Trustees: SGA 9146
 Johnson, Rebecca M., member, Whatcom Community College Board of Trustees: SGA 9122
 Jones, Denise L., member, Lake Washington Institute of Technology Board of Trustees: ***SGA 9115 (2019)**
 Kallappa, Bill, member, State Board of Education: ***SGA 9277 (2020)**
 Kamphuis, Juanita J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9201
 Karier, Thomas M., member, Northwest Power and Conservation Council: SGA 9020
 Kelly, D. Michael, member, Cascadia College Board of Trustees: SGA 9220
 Kenyon Jr., Kenneth W., member, Pharmacy Quality Assurance Commission: SGA 9082
 Keohokalole Schauer, Lisa T., regent, Washington State University: ***SGA 9244 (2019)**
 Kirtley, Eleanor K., member, Board of Pilotage Commissioners: ***SGA 9275 (2020)**
 Koon, Holly A., member, State Board of Education: ***SGA 9154 (2020)**
 Krombeen, Henrik, member, Board of Pilotage Commissioners: ***SGA 9261 (2020)**
 Kuschel, Judy F., member, State Investment Board: ***SGA 9160 (2019)**
 Lachney, Bruce L., trustee, Clover Park Technical College District No. 29: SGA 9022
 Lane, Jonathan M., member, Big Bend Community College Board of Trustees: ***SGA 9046 (2020)**
 Latimer, Michael S., member, Parks and Recreation Commission: SGA 9259
 Lee, Karen T., member, Washington Student Achievement Council: SGA 9040
 Lee, Karen T., member, Western Washington University Board of Trustees: SGA 9058
 Lehman, Russell, member, Public Disclosure Commission: SGA 9266
 Leigh, Richard, member, Bellevue College Board of Trustees: ***SGA 9141 (2020)**
 Lemley, Phillip R., member, Sentencing Guidelines Commission: SGA 9096
 LeVine, Suzan, commissioner, Employment Security Department - Agency Head: ***SGA 9192 (2019)**
 Levy, Alicia R., member, Gambling Commission: SGA 9162
 Link, Gregory C., member, Sentencing Guidelines Commission: SGA 9214

Litt, Jerald (Jerry) R., member, Transportation Commission: ***SGA 9090 (2019)**
 Lopez, Robert J., member, Horse Racing Commission: SGA 9009, SGA 9267
 Lucatero, Flora E., member, Skagit Valley College Board of Trustees: ***SGA 9127 (2019)**
 Lux, Thomas W., member, Shoreline Community College Board of Trustees: SGA 9234
 Ly, Kathleena K., member, The Evergreen State College Board of Trustees: ***SGA 9180 (2019)**
 Lynch, Timothy, member, Pharmacy Quality Assurance Commission: SGA 9168
 Macomber, Everett, member, Horse Racing Commission: SGA 9065
 MacPhee, Libby, member, University of Washington Board of Regents: ***SGA 9270 (2019)**
 Mah, Doug, member, South Puget Sound Community College Board of Trustees: ***SGA 9030 (2020)**
 Malloch, Steven, member, Chehalis Board: SGA 9076
 Malte, Robert H., member, Lake Washington Institute of Technology Board of Trustees: SGA 9238
 Malveaux, Regina, member, Women's Commission, Washington State: ***SGA 9193 (2019)**
 Manning, Jay J., member, Eastern Washington University Board of Trustees: SGA 9144
 Manning, Jay J., member, Puget Sound Partnership Leadership Council: SGA 9086
 Mansy, Heather L., member, Lower Columbia College Board of Trustees: ***SGA 9060 (2020)**
 Marchioro, Joan M., member, Pollution Control/Shoreline Hearings Board: SGA 9174
 Markley, Greg B., member, State Investment Board: ***SGA 9268 (2019)**
 Marsh, Lisa, member, Board of Tax Appeals: ***SGA 9077 (2019)**
 Martin, Gerald L., member, Everett Community College Board of Trustees: SGA 9393
 Martin, Wayne J., member, State Board for Community and Technical Colleges: SGA 9010
 Martin-Morris, Hairum J., member, State Board of Education: ***SGA 9163 (2020)**
 Martinez, Mark P., member, Clover Park Technical College Board of Trustees: SGA 9282
 Martinez, Mark P., member, Workforce Training and Education Coordinating Board: SGA 9387
 Mason, Chelsea, member, State Board for Community and Technical Colleges: SGA 9269
 Mathews, Dennis W., member, Washington State School for the Blind Board of Trustees: SGA 9215
 Matke, Mark, member, Workforce Training and Education Coordinating Board: ***SGA 9202 (2020)**
 Maxwell, Jeramie, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9158
 Maxwell, Michael S., member, Peninsula College Board of Trustees: SGA 9106
 McClure, Neil A., member, Yakima Valley Community College Board of Trustees: SGA 9119
 McCoy, Maia C., member, Sentencing Guidelines Commission: ***SGA 9165 (2020)**
 McCulloch, Julie, member, Peninsula College Board of Trustees: ***SGA 9021 (2020)**
 McDaniel, Janet M., member, Cascadia College Board of Trustees: ***SGA 9104 (2020)**
 McDaniel, Nancy L., member, Washington State School for the Blind Board of Trustees: SGA 9221
 McDevitt, James A., member, Clemency and Pardons Board: ***SGA 9292 (2020)**
 McFadden, Charles S., member, Big Bend Community College Board of Trustees: ***SGA 9222 (2020)**
 McLerran, Dennis J., member, Puget Sound Partnership Leadership Council: SGA 9188
 McQuary, Donald R., member, Walla Walla Community College Board of Trustees: ***SGA 9116 (2020)**
 McVicker, Carol J., member, State Board for Community and Technical Colleges: ***SGA 9170 (2019)**
 Mendoza, Rosalinda, member, Yakima Valley Community College Board of Trustees: ***SGA 9149 (2019)**
 Merriweather, Michelle Y., member, Women's Commission, Washington State: ***SGA 9205 (2019)**
 Meyer, John M., member, Western Washington University Board of Trustees: SGA 9014
 Miller, Cheryl A., member, Olympic College Board of Trustees: SGA 9129
 Miller, Toraya, member, Everett Community College Board of Trustees: ***SGA 9011 (2019)**
 Milne, Michelle L., member, Professional Educator Standards Board: SGA 9276
 Mitsunaga, Darrell S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9033
 Morrow, Joedy R., member, Bellevue College Board of Trustees: SGA 9187
 Moss, Heather, member, Bates Technical College Board of Trustees: ***SGA 9212 (2019)**
 Moss, Jim, member, Energy Northwest Executive Board: SGA 9183
 Murphy, James M., member, Eastern Washington University Board of Trustees: ***SGA 9223 (2020)**
 Murray III, Lowell T., member, Puget Sound Partnership Leadership Council: SGA 9175
 Navas, Sharonne A., member, Green River College Board of Trustees: SGA 9117
 Nellams, Robert L., member, Central Washington University Board of Trustees: ***SGA 9062 (2019)**
 Norman, Guy R., member, Northwest Power and Conservation Council: SGA 9066, SGA 9388
 Norris, Vickie K., member, Everett Community College Board of Trustees: ***SGA 9172 (2019)**
 Oshie, Patrick J., member, Northwest Power and Conservation Council: SGA 9285

Page, Allyson, member, Columbia Basin College Board of Trustees: ***SGA 9255 (2020)**
 Palmer, Susan A., member, Renton Technical College Board of Trustees: SGA 9052
 Parker, David, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9227
 Pastor, Paul A., member, Sentencing Guidelines Commission: ***SGA 9257 (2020)**
 Patnode, Jeff A., member, Indeterminate Sentence Review Board: SGA 9290
 Patterson, Julia L., member, Gambling Commission: ***SGA 9169 (2019)**
 Pearman-Gillman, Kim, member, Eastern Washington University Board of Trustees: ***SGA 9156 (2020)**
 Pearsall-Stipek, Cathy R., member, Bates Technical College Board of Trustees: SGA 9015
 Pedersen, Kenneth J., member, Public Employment Relations Commission: SGA 9284
 Pedlow, John W., member, Whatcom Community College Board of Trustees: SGA 9018
 Pellham, Clara R., member, Shoreline Community College Board of Trustees: ***SGA 9036 (2019)**
 Peralta, Rosa, member, Seattle College District Board of Trustees: ***SGA 9131 (2019)**
 Perez, Diana H., member, Parks and Recreation Commission: SGA 9142
 Pettis, Faith L., member, Western Washington University Board of Trustees: ***SGA 9240 (2020)**
 Pierini, Arlene M., member, Green River College Board of Trustees: SGA 9229
 Pitre, Paul E., member, State Board of Education: ***SGA 9262 (2019)**
 Pollard, Royce E., member, Clark College Board of Trustees: SGA 9047
 Pritchard, Faaluaina S., member, Clover Park Technical College Board of Trustees: SGA 9053
 Ragle, Claude A., member, Horse Racing Commission: SGA 9274
 Rains, Dawn E., member, Women's Commission, Washington State: ***SGA 9204 (2019)**
 Raiter, George, member, Lower Columbia College Board of Trustees: ***SGA 9173 (2019)**
 Ramirez, Citlaly P., member, Western Washington University Board of Trustees: ***SGA 9176 (2019)**
 Rasmussen, Timothy, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9048
 Redman, Heather B., regent, Washington State University: ***SGA 9111 (2019)**
 Reich, Jay A., member, State Board for Community and Technical Colleges: SGA 9038
 Restucci, James A., member, Transportation Commission: ***SGA 9194 (2019)**
 Reyes, Susana, member, State Board of Education: SGA 9283
 Rivard, Bethany S., member, Professional Educator Standards Board: SGA 9087
 Robbins, Ann M., member, Professional Educator Standards Board: SGA 9390
 Robinson, Randy J., member, Housing Finance Commission: SGA 9140
 Rogoff, Roger S., member, Sentencing Guidelines Commission: SGA 9209
 Ronayne, Matthew P., member, Pharmacy Quality Assurance Commission: SGA 9037
 Rushford, Jane E., member, Liquor and Cannabis Board: ***SGA 9031 (2020)**
 Ryan, Robert M., member, Tacoma Community College Board of Trustees: ***SGA 9109 (2020)**
 Sahlstrom, Skylee, member, Human Rights Commission: ***SGA 9151 (2020)**
 Salvesen, Rhonda, member, Clemency and Pardons Board: ***SGA 9256 (2020)**
 Savusa, Fiasili L., member, Highline College Board of Trustees: ***SGA 9166 (2020)**
 Scheibmeir, Mark C., member, Centralia College Board of Trustees: ***SGA 9125 (2019)**
 Scragg, John C., member, Board of Pilotage Commissioners: ***SGA 9136 (2020)**
 Serebrin, Hester, member, Transportation Commission: ***SGA 9019 (2019)**
 Shaffer, Catherine, member, Sentencing Guidelines Commission: SGA 9206
 Sharpe, Susan K., member, Western Washington University Board of Trustees: ***SGA 9217 (2020)**
 Sharratt, Gene C., member, Higher Education Facilities Authority: ***SGA 9097 (2020)**
 Shiosaki, Michael S., member, Recreation and Conservation Funding Board: ***SGA 9132 (2019)**
 Shuman, Patricia E., member, Tacoma Community College Board of Trustees: SGA 9254
 Sieg, Michael, member, Pharmacy Quality Assurance Commission: SGA 9078
 Sims, Ron, regent, Washington State University: SGA 9210
 Skinner, Christon C., member, Skagit Valley College Board of Trustees: ***SGA 9054 (2020)**
 Smith, Bradley F., member, Bellingham Technical College Board of Trustees: SGA 9161
 Smith, Stephen L., member, Pierce College Board of Trustees: ***SGA 9147 (2020)**
 Soleimanpour, Sepi, member, Pharmacy Quality Assurance Commission: SGA 9028
 Solien, Stephanie M., member, Puget Sound Partnership Leadership Council: SGA 9133
 Speer, Paul B., member, Clark College Board of Trustees: SGA 9245
 Stark, Brent L., member, Washington State School for the Blind Board of Trustees: SGA 9239
 Stearns, Chris, member, Gambling Commission: SGA 9012

Stredwick, Thomas R., member, Big Bend Community College Board of Trustees: ***SGA 9113 (2020)**
 Strong, Charlene D., member, Human Rights Commission: ***SGA 9100 (2020)**
 Strong, Rekah T., member, Clark College Board of Trustees: ***SGA 9120 (2020)**
 Sullivan, Jeromy C., member, Salmon Recovery Funding Board: SGA 9185
 Taylor, Eli , member, Clover Park Technical College Board of Trustees: SGA 9264
 Taylor, Teresa N., member, Whatcom Community College Board of Trustees: SGA 9241
 Terpstra, "Gidget" Jennie H., member, Shoreline Community College Board of Trustees: SGA 9249
 Thal, Spencer N., member, Public Employment Relations Commission: SGA 9243
 Thew, Elizabeth (Beth) J., member, Community Colleges of Spokane Board of Trustees: SGA 9218
 Thew, Elizabeth (Beth) J., member, Workforce Training and Education Coordinating Board: SGA 9197
 Thomas, Luke E., member, Professional Educator Standards Board: SGA 9016
 Thorstensen, Hoang-Uyen T., member, Pharmacy Quality Assurance Commission: SGA 9080
 Tortorelli, Joe M., member, Transportation Commission: SGA 9003
 Troyer, Edward C., member, Gambling Commission: SGA 9150
 Tunheim, Jon J., member, Sentencing Guidelines Commission: SGA 9101
 Unti, Brian K., member, Renton Technical College Board of Trustees: ***SGA 9112 (2019)**
 van der Lugt, Lisa, director, Office of Minority and Women's Business Enterprises - Agency Head: ***SGA 9195 (2020)**
 Vander Stoep, J. A., member, Chehalis Board: ***SGA 9075 (2020)**
 Wamsley, Demie, member, Eastern Washington University Board of Trustees: SGA 9184
 Warren, William W., member, Walla Walla Community College Board of Trustees: ***SGA 9250 (2020)**
 Weaver, James, chief information officer, Washington Technology Solutions - Agency Head: SGA 9263
 Weldele-Wallace, Sidney, member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9152
 West, Maureen P., member, Western Washington University Board of Trustees: ***SGA 9035 (2020)**
 Wettack, Tim G., member, Sentencing Guidelines Commission: SGA 9208
 Whaley, Robert H., member, Eastern Washington University Board of Trustees: ***SGA 9155 (2020)**
 Whang, Frederick P., member, State Board for Community and Technical Colleges: SGA 9039
 Wilcox Jr., James T., member, Puget Sound Partnership Leadership Council: SGA 9088
 Wildfong, Laura S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9092
 Willhite, Theodore R., member, Recreation and Conservation Funding Board: ***SGA 9134 (2019)**
 Williams, Robert M., member, Seattle College District Board of Trustees: ***SGA 9235 (2019)**
 Willis, Brett R., member, Pierce College Board of Trustees: ***SGA 9228 (2020)**
 Wilson, Vicki J., member, Eastern Washington University Board of Trustees: ***SGA 9225 (2020)**
 Winmill, Marissa, member, Professional Educator Standards Board: SGA 9281
 Wise, Neil L., member, Pollution Control/Shorelines Hearings Board: SGA 9137
 Withrow, Harold W., member, Clover Park Technical College Board of Trustees: SGA 9027
 Wolf, Katherine E., member, Pharmacy Quality Assurance Commission: SGA 9079
 Wood, Doris, member, Centralia College Board of Trustees: ***SGA 9110 (2019)**
 Yoshihara, Steven H., member, Community Colleges of Spokane Board of Trustees: SGA 9242
 Young, Deborah C., member, Transportation Commission: ***SGA 9041 (2019)**
 Zeeck, David, member, University of Washington Board of Regents: ***SGA 9143 (2019)**
 Zhou, Kaitlyn, member, University of Washington Board of Regents: ***SGA 9177 (2019)**
 Zuckerman, Ed, member, The Evergreen State College Board of Trustees: SGA 9286

HAZARDOUS MATERIALS (See also HAZARDOUS WASTE; TAXES - HAZARDOUS SUBSTANCES; WATER; WATER POLLUTION)

Asbestos-containing building material, definition, lowering threshold amount: SB 6473
 Asbestos-containing building material, manufacturing facilities requirements: SB 6473
 Asbestos-containing building material, nonresidential construction prohibitions: SB 6473
 Carcinogens, firefighter exposure reduction: SB 5175
 Chemical plants, use of class B firefighting foam with PFAS chemicals: ***ESHB 2265, CH 23 (2020)**
 Chemicals, priority, reducing use in consumer products: SB 5135
 Chlorpyrifos, in pesticides, prohibiting use of, exception: SB 6518
 Chromium 6, group A water system levels, testing, and reporting: SB 6342
 Dioxane, 1,4, group A water system levels, testing, and reporting: SB 6342
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Hydrofluorocarbons and substitutes, prohibitions and alternatives: ***E2SHB 1112, CH 284 (2019)**, SB 5426

Lead, in school drinking water systems/outlets: E2SHB 1860
 Nuclear material, Hanford site, healthy energy workers board, establishing: SB 5627
 Nuclear material, Hanford site, occupational disease presumption for cancer: ***HB 1490, CH 108 (2019)**, SB 5507
 Oil transport, risk model, vessel restrictions, tug escorts, and response system: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil, type and gravity of crude oil: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil, vapor pressure of crude oil: SB 5579
 Paint for boats, copper-containing antifouling, sale/use prohibitions: SB 6210
 Paint for boats, cybutryne-containing antifouling, sale/use prohibitions: SB 6210
 Petroleum/petrochemicals, high hazard facilities, advanced safety training at: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Petroleum/petrochemicals, high hazard facilities, new apprenticeship programs: SB 6054
 PFAS chemicals, in class B firefighting foam: ***ESHB 2265, CH 23 (2020)**, SB 6360
 PFAS chemicals, in water utility water supply, notification requirements, when: SB 6619
 PFAS substances, group A and public water system testing/levels/reporting: SB 6342
 Removal or clean-up actions, by fire protection jurisdictions, cost recovery: EHB 1169, ***SB 6078, CH 198 (2020)**
 Tanks, heating oil, insurance program, as revolving loan and grant program: SB 6256
 Tanks, underground petroleum, financial responsibility, emergency program: SB 6257
 Trains, hazardous material, minimum crew requirements: SB 5877
 Trains, hazardous material-carrying, minimum crew requirements: ***HB 1841, CH 170 (2020) PV**

HAZARDOUS WASTE (See also HAZARDOUS MATERIALS)

Clean-up or removal actions, by fire protection jurisdictions, cost recovery: EHB 1169, ***SB 6078, CH 198 (2020)**
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Industrial waste coordination program and waste heat/materials use projects: SB 5936
 Model toxics control act, actions under: ***SHB 1290, CH 95 (2019)**, SB 5285
 Model toxics control reform act, model toxics control program financial structure: SB 5993
 Nuclear waste, federal repository, requesting that congress, DOE, and EPA establish/develop site for: SJM 8018
 Paint, architectural, stewardship program for: ***SHB 1652, CH 344 (2019)**
 Plastic carryout bags, single-use, alternatives to: SB 5323
 Plastic food packaging and food service and film products, degradability: ***ESHB 1569, CH 265 (2019)**
 Plastic food service products, single-use, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Plastic food service products, single-use, prohibitions and alternatives: SB 6627
 Plastic food service products, single-use, reducing waste from: SB 6627
 Plastic packaging, prohibitions and stewardship programs: SB 5397
 Plastic pollution prevention, marine, requesting action via new trade agreements with China: SJM 8009
 Voluntary cleanups, of facilities, independent remedial actions: ***SHB 1290, CH 95 (2019)**, SB 5285

HEALTH AND SAFETY, PUBLIC (See also ABORTION; AIR QUALITY AND POLLUTION; ANIMALS; CHILDREN; CONVEYANCES; DEATH; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; DISABILITIES, INDIVIDUALS WITH; DOMESTIC RELATIONS; DRUGS; ENVIRONMENT; FIRE PROTECTION; HAZARDOUS MATERIALS; HEALTH CARE; HUMAN REMAINS; LABOR; MENTAL HEALTH; SCHOOLS AND SCHOOL DISTRICTS; SOLID WASTE; VETERINARIANS; WATER; WATER POLLUTION; WOMEN)

AIDS, repealing various statutes concerning: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Andy Hill cancer research fund, funds use: SB 5986
 Asbestos-containing building material, definition, lowering threshold amount: SB 6473
 Asbestos-containing building material, manufacturing facilities requirements: SB 6473
 Asbestos-containing building material, nonresidential construction prohibitions: SB 6473
 Bleeding control kits, requiring schools to stock: SB 6157
 Blood donation, blood donor day, recognizing December 18 as: ***SB 6567, CH 74 (2020)**
 Blood-borne pathogens, program for reducing incidence, various provisions: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Breast milk, expressing, employer accommodation of: ***SHB 1930, CH 134 (2019)**, ***HB 2266, CH 111 (2020)**, SB 5911
 Chlorpyrifos, in pesticides, prohibiting use of, exception: SB 6518
 Communicable diseases, sexually transmitted or blood-borne, controlling: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Concussions, in youth sports, informational web site: SB 5238
 Concussions, student, during athletic/other activities, reporting: ***ESHB 2731, CH 347 (2020)**
 Contraception, reproductive health care access for all act: SB 5602

Coronavirus, appropriations for response to: ***EHB 2965, CH 7 (2020)**, SB 6696
 Coronavirus, nursing facility medicaid payments in response to: ***EHB 2965, CH 7 (2020)**
 Coronavirus, quarantine/isolation, granting shared leave due to: ***HB 2739, CH 6 (2020)**
 Coronavirus, school graduation requirements emergency waiver program: ***EHB 2965, CH 7 (2020)**
 Coronavirus, unemployment compensation modifications due to: ***EHB 2965, CH 7 (2020)**
 COVID-19, responding to, various provisions: ***HB 2739, CH 6 (2020)**, ***EHB 2965, CH 7 (2020)**, SB 6696
 Diabetes, eating disorders among persons with, studying: SB 6663
 Diabetes, insulin drugs for, wholesale price increase notification: SB 5371
 Diabetes, insulin products, central purchasing work group, establishing: SB 6113
 Diabetes, insulin products, coverage cost-sharing cap for: ***E2SHB 2662, CH 346 (2020)**, SB 6087
 Diabetes, insulin, total cost of insulin work group, establishing: ***E2SHB 2662, CH 346 (2020)**
 Diabetes, manicuring for diabetic client, manicurist requirements: ESB 5616
 Donors, living organ donor act, insurance coverage protections via: SB 6039
 Donors, state employee life-giving procedure participation, leave for: ***SB 6123, CH 305 (2020)**
 Dyslexia advisory council, duties of: SB 6101
 Dyslexia, school district screening for, requirements: SB 6101
 Eating disorders, among persons with diabetes, Alyssa's law: SB 6663
 Eating disorders, among persons with diabetes, studying: SB 6663
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Eyes, scleral tattooing, prohibiting performing of: ***SHB 1856, CH 307 (2019)**
 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Flotation devices, personal, for child on boat, when required: ESHB 2443
 Health sciences and services authorities, board member requirements: 2SHB 1659
 Health sciences and services authorities, sales/use tax authority: 2SHB 1659, SB 5452
 Health sciences and services authorities, sales/use tax authority, extending: ***SB 5596, CH 464 (2019)**
 Health sciences and services authority, designation as, application due date: SB 5452
 HIV and hepatitis C testing pilot project, King county and DOH to conduct: SB 6303
 HIV, pre-/post-exposure prophylaxis, health care coverage: SB 6303
 HIV, preexposure prophylaxis, dispensing without prescription, when: SB 6303
 HIV, program for controlling sexually transmitted and blood-borne diseases: ***ESHB 1551, CH 76 (2020)**, SB 5562
 HIV, testing requirements, removing various: ***ESHB 1551, CH 76 (2020)**, SB 5562
 HIV, treatment to avoid infection, consent by minor 14 or older: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Immunization, of children, personal or philosophical exemption, removing: ***EHB 1638, CH 362 (2019) PV**, SB 5841
 Immunization, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Immunization, side effects, design defect claims against manufacturers: SJM 8012
 Immunization, vaccine adverse event reporting system, establishing: SB 6636
 Indians, Washington Indian health improvement act: ***SB 5415, CH 282 (2019)**
 Lead, in school drinking water systems/outlets: E2SHB 1860
 Maternal mortality reviews and data-sharing: SB 5425
 Measles outbreak, 2019 Clark county, budget stabilization account appropriations: SB 6009
 Medical alert designation on driver's license or identicard, process: EHB 2440
 Organ donors, living organ donor act, insurance coverage protections via: SB 6039
 Organ donors, state employee life-giving procedure participation, leave for: ***SB 6123, CH 305 (2020)**
 Organs, donated, organ transport vehicles for time urgent organs: SB 6580
 Paint for boats, copper-containing antifouling, sale/use prohibitions: SB 6210
 Paint for boats, cybutryne-containing antifouling, sale/use prohibitions: SB 6210
 Pregnancy and childbirth, doulas providing services during, registration of: SB 6593
 Pregnancy disability, parental leave via shared leave when resolved: SB 6336
 Public health, foundational services, defining and funding: ***2SHB 1497, CH 14 (2019)**, SB 5732
 Rare diseases, medicaid coverage for: SB 6486
 Records, health care information, provided to legislator, disclosure exemption: SB 6539
 Records, health care information, provider or facility disclosure, when: SB 5660
 Records, vital records system, single comprehensive state: SB 5332
 Reproductive health care, hospital access to care policies: SHB 1686
 Reproductive health services, as sensitive health care services: SB 5889

Safety, youth recreational organizations, certified child safety policy: SB 5161
 Sexual health education, in schools, comprehensive: SB 5395
 Sexually transmitted diseases, health care for, as sensitive services: SB 5889
 Sexually transmitted diseases, program for reducing incidence: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Sexually transmitted diseases, public health investigations/restrictions/orders: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Sexually transmitted infections, funding/policy work group, establishing: SB 6303
 Transportation system, policy goals, to include health improvement: EHB 2461, SB 6452
 Traumatic brain injuries, account, traffic offense fee deposits into/use of: SB 5126, SB 5127
 Traumatic brain injuries, in domestic violence cases, handout and web site: ***SHB 1532, CH 110 (2019)**, ***ESB 5573 (2019) V**
 Traumatic brain injuries, incarcerated persons, educational accommodation: SB 6576
 Traumatic brain injuries, screenings for children entering foster care system: ***SHB 1605, CH 120 (2019)**, SB 5586
 Traumatic brain injury strategic partnership advisory council, Washington, role of: ***SHB 1532, CH 110 (2019)**
 Vaccination vaccine adverse event reporting system, establishing: SB 6636
 Vaccination, of children, personal or philosophical exemption, removing: ***EHB 1638, CH 362 (2019) PV**, SB 5841
 Vaccination, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Vaccination, side effects, design defect claims against manufacturers: SJM 8012
 Vital records and statistics, single comprehensive state system: SB 5332
 Vital statistics, abbreviated death certificates, requesting: ESHB 1799
 Vital statistics, birth resulting in stillbirth, certificate of, issuance, when: SB 6523

HEALTH CARE (See also ABORTION; CHILDREN; DISCRIMINATION; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE FACILITIES; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; PHARMACIES AND PHARMACISTS; VICTIMS OF CRIMES; WOMEN; WORKERS' COMPENSATION)

Advance directives, in natural death act: ***EHB 1175, CH 209 (2019)**
 Applied behavior analysis, behavior technician certification, discontinuing: SB 6532
 Bleeding control kits, requiring schools to stock: SB 6157
 Children, minor child's health care, parents' right to direct, parents' bill of rights: SB 6664
 Colon hydrotherapy, performed by medical assistant-colon hydrotherapist: ESHB 2775
 Costs, health care cost transparency board, establishing: ***2SHB 2457, CH 340 (2020)**
 Data issues, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Death with dignity act, barriers to full access, studying: ***SHB 2419 (2020) V**
 Death with dignity act, hospital access-to-care policies: SHB 2326
 Death with dignity act, provider provision of information to patient regarding: ***ESHB 1608, CH 102 (2020)**, SB 5542
 Doula services, registration of doulas providing: SB 6593
 End-of-life care, hospital access to care policies: SHB 1686
 End-of-life care, hospital access-to-care policies: SHB 2326
 Eye care, prescriptions and remote technology: SB 5759
 Health systems, transparency concerning data, practices, and services: SB 6594
 Health systems, transparency, consolidated income statement/balance sheet: ESHB 2036
 Health trust, whole Washington, creating: SB 5222
 Hearing instruments, bluetooth and telecoil assistive technologies: ***ESB 5210, CH 183 (2019)**
 Hearing instruments, current assistive technologies: ***ESB 5210, CH 183 (2019)**
 Hearing instruments, health care coverage for children/adolescents: SB 6291
 Informed consent for incompetent persons, authority to provide: ***EHB 1175, CH 209 (2019)**
 Mastectomies, contralateral prophylactic, insurance coverage: SB 5345
 Medical debt, exemption from execution, attachment, and garnishment, when: ***SHB 1602, CH 371 (2019)**, SB 5530
 Medical debt, protections for debtors: ***SHB 1531, CH 227 (2019)**
 Needling, intramuscular, by physical therapists: SB 5642
 Organ transplants, denying due to physical or mental disability, prohibition: SB 5405
 Parents' bill of rights, right to direct child's upbringing/education/health care: SB 6664
 Patient protection and affordable care act, federal, codifying provisions of: ***SHB 1870, CH 33 (2019)**, SB 5805
 Pelvic examinations, informed consent: ***ESB 5282, CH 187 (2020)**
 Primary care collaborative, establishing: SB 6413
 Prisons, prison medical director, qualifications for: SB 6063

Prosthetics and orthotics, insurance coverage equivalent to medicare: SB 6098
 Protected individuals, personal information disclosure limiting/prevention: SB 5889
 Providers and carriers, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Reproductive health care access for all act: SB 5602
 Reproductive health care, hospital access to care policies: SHB 1686
 Reproductive health services, as sensitive health care services: SB 5889
 Sensitive health care services, protected individuals' personal information: SB 5889
 Telebehavioral health programs, partnership access lines, various: ***SHB 2728, CH 291 (2020)**
 Telebehavioral health programs, psychiatric consultation call center: ***SHB 2728, CH 291 (2020)**
 Telehealth training/treatment program for at-risk youth, UW/Project ECHO role: SB 5389
 Telehealth, school-based health centers provision of, grants for: SB 6416
 Telemedicine and store/forward technology, payment parity for: SB 5385
 Telemedicine and store/forward technology, physician credentialing: ***SB 5387, CH 49 (2019)**
 Telemedicine, providing services via, provider training: SB 5386
 Telemedicine, providing services via, provider training, when required: SB 6061
 Telepsychiatry, offering consultations via, provisions: ***E2SHB 1593, CH 323 (2019)**
 Telepsychology, psychology interjurisdictional compact act: SB 6549
 Treatment, high-annual-cost, emerging therapies work group, establishing: SHB 1869
 Universal health care system, establishment, work group on: SB 5822
 Vision care, prescriptions and remote technology: SB 5759

HEALTH CARE AUTHORITY (See also LONG-TERM CARE; MENTAL HEALTH; SUBSTANCE USE DISORDER)

Behavioral health services, children's mental health, HCA role: SB 5903
 Behavioral health services, family-initiated for adolescents, data collection: ***SHB 2883, CH 185 (2020)**, SB 6634
 Behavioral health services, offender reentry community services work group: SB 6638
 Behavioral health services, performance measures and value-based purchasing: SB 5056
 Behavioral health, American Indians/Alaska Natives, HCA role: SB 6259
 Behavioral health, full integration implementation, HCA role: SB 5432
 Commitment, involuntary, community and state hospital care, work group: SB 5432
 Data issues, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Drug importation program, wholesale prescription, HCA to design/implement: SB 6110
 Drug purchasing, HCA purchasing of prescription drugs, when: ***E2SHB 2662, CH 346 (2020)**
 Drug purchasing, northwest prescription drug consortium, duties: SB 6113
 Health benefit exchange, standardized health plans, HCA role: E2SHB 1523, SB 5526
 Health benefit plans, substance use disorder/mental health services, parity: ***SHB 2338, CH 228 (2020)**
 Health care claims, statewide all-payer database, transfer to HCA: 2SHB 1776, SB 5741
 Health care cost transparency board and advisory committees, HCA to establish: ***2SHB 2457, CH 340 (2020)**
 Indigency, defendant proof of, receipt of public assistance as, HCA role: SB 6215
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Kindergarten, parent guide, DSHS to provide to parents/caregivers/guardians: SHB 2865
 Long-term care, insurance benefit for, HCA role: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Long-term services and supports trust program, premium exemption, when: SB 6267
 Long-term services/supports, presumptive eligibility waiver request, HCA role: SB 6275
 Managed care organizations, medicaid client services, performance analysis: SB 5523
 Managed care, psychiatric, integrative capitation risk model: SB 5045
 Medicaid, access to baby and child dentistry, outreach/involvement, HCA role: ***SHB 2905, CH 293 (2020)**
 Medicaid, ambulance transport providers, payments add-on for, HCA role: SB 6534
 Medicaid, behavioral health rate increases, appropriations use for, HCA role: ***EHB 2584, CH 285 (2020)**
 Medicaid, hospital patient administrative days, claims codes for tracking: SB 6384
 Medicaid, managed care organization prior authorization, HCA role: SB 6404
 Medicaid, offender reentry services through, waiver for, HCA role: SB 6638
 Medicaid, primary care provider reimbursement, minimum fee schedule for: SB 6676
 Medicaid, public assistance and health insurance coverage, joint beneficiaries: ***HB 2677, CH 183 (2020)**, SB 6395
 Medicaid, rare diseases, coverage for, HCA role: SB 6486
 Medicaid, substance use disorder program/facility data disclosure, HCA role: SB 6070

Medicaid, substance use disorder treatment access: ***ESHB 2642, CH 345 (2020)**
 Mental health advance directives, work group for examining use, HCA role: SB 6591
 Offenders, reentry community services work group, convening, HCA role: SB 6638
 Opioid use disorder, individuals with, and their newborns, HCA treatment role: SB 5380
 Opioid use disorder, provisions, HCA role: SB 5380
 Pacific islanders, COFA citizens, dental coverage for, HCA role: ***ESB 5274, CH 311 (2019) PV**
 Peer support counselor certification program, transfer to DOH, sunrise review of: ***2SHB 1907, CH 446 (2019)**
 Performance measures coordinating committee, behavioral health role of: SB 5056
 Pharmacy benefit managers, HCA or state agency as, when: ***E2SHB 2662, CH 346 (2020)**
 Prescription drugs, cost transparency, data uses/disclosure/requirements: HB 2710
 Prescription drugs, cost transparency, HCA role: ***E2SHB 1224, CH 334 (2019)**, SB 5251
 Prescription drugs, northwest consortium, duties: SB 6113
 Primary care collaborative, establishing with HCA administering: SB 6413
 Providers and carriers, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Public employees' benefits board, educational service district employees: ***ESHB 2140, CH 411 (2019)**
 Public employees' benefits board, health care plans prior authorization: SB 6404
 Public employees' benefits board, hospital administrative days claims codes: SB 6384
 Public employees' benefits board, insulin products cost-sharing cap: ***E2SHB 2662, CH 346 (2020)**
 Public employees' benefits board, medicare-eligible retiree premiums: SB 5469
 Public employees' benefits board, nonvoting member from OIC, adding: HB 1220, SB 5275
 Public employees' benefits board, part-time employee affordable options: SB 6011
 Public employees' benefits board, pharmacy tourism program for enrollees: SB 6111
 Public employees' benefits board, retired/disabled school employee coverage: SB 5686
 Public employees' benefits board, substance use disorder treatment access: ***ESHB 2642, CH 345 (2020)**
 Public employees' benefits board, substance use disorder/mental health coverage: ***SHB 2338, CH 228 (2020)**
 School employees' benefits board, benefits, district optional benefits' relation to: ***HB 2458, CH 231 (2020)**, SB 6479
 School employees' benefits board, benefits, employee waiving of coverage: SB 6290
 School employees' benefits board, certain employees/dependents not eligible: SB 6189, SB 6290
 School employees' benefits board, educational service district employees: ***ESHB 2140, CH 411 (2019)**
 School employees' benefits board, employee-paid voluntary benefits, studying: ***HB 2458, CH 231 (2020)**
 School employees' benefits board, health care plans prior authorization: SB 6404
 School employees' benefits board, hospital administrative days claims codes: SB 6384
 School employees' benefits board, insulin products cost-sharing cap: ***E2SHB 2662, CH 346 (2020)**
 School employees' benefits board, job-sharing employee hours for eligibility: SB 6296
 School employees' benefits board, part-time employee affordable options: SB 6020
 School employees' benefits board, pharmacy tourism program for enrollees: SB 6111
 School employees' benefits board, repealing, adding district/low-cost options: SB 6011
 School employees' benefits board, substance use disorder treatment access: ***ESHB 2642, CH 345 (2020)**
 School employees' benefits board, substance use disorder/mental health coverage: ***SHB 2338, CH 228 (2020)**
 School employees' benefits board, substitute employees and coaches not eligible: SB 6290
 School-based health centers, establishment of, HCA role: SB 6279
 Substance use disorder, care level transitions, action plan for, HCA role: ***ESHB 2642, CH 345 (2020)**
 Substance use disorder, recovery residences registry/certification, HCA role: ***2SHB 1528, CH 264 (2019)**
 Substance use disorders, persons with, required facility services for, HCA role: SB 6311
 Telemedicine and store/forward technology, PEBB/SEBB plans payment parity: SB 5385

HEALTH CARE FACILITIES (See also ABORTION; HOSPITALS; MENTAL HEALTH)

Abortion, facility requirements, reporting sterility, hospital stay, and live birth: SB 6391
 Ambulatory surgical facilities, certificate of need exemption, when: ***EHB 1777, CH 31 (2019)**
 Ambulatory surgical facilities, data, practices, and services transparency: SB 6594
 Ambulatory surgical facilities, data/practices/services/finances transparency: ESHB 2036
 Ambulatory surgical facilities, department of health role: ESHB 2036, SB 5906, SB 6594
 Ambulatory surgical facilities, licensing/renewal fees, establishment: SB 5906
 Ambulatory surgical facilities, removing from certificate of need program: SB 6060
 Ambulatory surgical facilities, workplace violence protections requirements: ***SHB 1931, CH 430 (2019)**, SB 5912
 Behavioral health enhanced services facilities, admission criteria: ***SHB 2448, CH 278 (2020)**

Behavioral health facility admission from single bed certification, as priority: SB 6024
 Birthing, childbirth, and birth centers, definition and licensing: SB 5256
 Community facilities, for behavioral health care, capital improvements bonds: SB 5537
 Community facilities, for behavioral health care, new facility types: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Community facilities, long-term psychiatric treatment role of: SB 5045
 Community facilities, mental health drop-in center services pilot program: ***2SHB 1394, CH 324 (2019)**
 Community facilities, mental health peer respite centers: ***2SHB 1394, CH 324 (2019)**
 Community facilities, state mental health placements to: SB 5041
 Crisis facilities, certified, behavioral health co-occurring disorders treatment: SB 6469
 Employees, meal and rest breaks and overtime: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373
 Employees, on prescheduled on-call: SB 5344, SB 5373, SB 6018
 Enhanced services facilities, as health care facilities for background checks: 2ESHB 1565, SB 5568
 Facilities, oversight/licensing/enforcement, evaluating and standardizing: ***SHB 2426, CH 115 (2020)**
 Health systems, collection agency connections of, notice of: ESHB 2036
 Health systems, transparency concerning data, practices, and services: SB 6594
 Health systems, transparency, consolidated income statement/balance sheet: ESHB 2036
 Providers, information and services within practice scope/care standards: SB 5542
 Providers, information within practice scope/care standards, providing: ***ESHB 1608, CH 102 (2020)**
 Providers, out-of- and in-network, requirements: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Residential treatment facilities, adolescents in, when medical necessity: ***SHB 2883, CH 185 (2020)**, SB 6634
 Rural health clinics, in home health shortage area, certificate of need exemption: SHB 2621
 Rural health clinics, in home health shortage area, regulatory exemption: SHB 2621, ***SB 6359, CH 258 (2020)**
 Rural health clinics, substitute providers, medicaid managed care payment of: ***EHB 1552, CH 4 (2020)**, SB 6358
 School-based health centers, authorization of: SB 6563
 School-based health centers, establishing: SB 6279
 School-based health centers, providing telehealth and mental/physical care: SB 6416
 Security guards, workplace violence prevention training: ***SHB 1931, CH 430 (2019)**, SB 5912
 Sexual assault coordinated community response task force, establishing: SB 6158
 Strangulation, nonfatal, victims of, exam costs payment by state, when: SB 6162
 Substance use disorders, persons presenting with, required facility services for: SB 6311
 Teaching/training facility, inpatient care, U. of Washington report on siting of: ***E2SHB 1593, CH 323 (2019)**
 Violence, protecting employees and volunteers from, plans and training for: ***SHB 1931, CH 430 (2019)**, SB 5912
 Whistleblower protections, various facilities: ***SHB 1049, CH 62 (2019)**, SB 5401

HEALTH CARE PROFESSIONS AND PROVIDERS (See also COUNSELORS AND COUNSELING; DENTISTS AND DENTISTRY; DRUGS; EMERGENCY MANAGEMENT AND SERVICES; HEALTH AND SAFETY, PUBLIC; HEALTH, DEPARTMENT; INSURANCE; MENTAL HEALTH; PHARMACIES AND PHARMACISTS; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS; SCHOOLS AND SCHOOL DISTRICTS; SUBSTANCE USE DISORDER; VETERINARIANS)

Abortion, provider requirements, reporting sterility, hospital stay, and live birth: SB 6391
 Acupuncture and Eastern medicine, as revised name for profession: ***SB 6038 (2020) V**
 Acupuncture and Eastern medicine, point injection therapy: ***SB 6038 (2020) V**
 Acupuncture and Eastern medicine, suicide assessment and treatment training: ***ESHB 2411, CH 229 (2020)**
 Applied behavior analysis, behavior technician certification, discontinuing: SB 6532
 Athletic trainers, regulatory provisions: SB 5688
 Audiologists, bluetooth and telecoil assistive technology materials for: ***ESB 5210, CH 183 (2019)**
 Audiologists, current hearing assistive technology materials: ***ESB 5210, CH 183 (2019)**
 Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Cardiovascular invasive specialists, provisions: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Children, services/prescription drugs for, parental consent requirement: SB 6664
 Chiropractors, adjustments by regular senior students: ***SB 5817, CH 405 (2019)**
 Chiropractors, health professional conditional scholarship program eligibility: ***E2SHB 2158, CH 406 (2019)**
 Credentialing of providers by health insurance carriers, requirements: ***EHB 1552, CH 4 (2020)**
 Data issues, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Direct patient-provider primary care practices, certain reporting by/on, repealing: SB 6062
 Direct patient-provider primary care practices, moving provisions to Title 18: SB 6062

Doulas, registration of: SB 6593
 Driver's license, medical alert designation on, provider role: EHB 2440
 East Asian medicine, renaming as "acupuncture or Eastern medicine": *SHB 1865, CH 308 (2019), SB 5794
 East Asian medicine, scope of practice and education/training: *SHB 1865, CH 308 (2019), SB 5794
 Eastern medicine, acupuncture and, as revised name for profession: *SB 6038 (2020) V
 Eastern medicine, acupuncture and, point injection therapy: *SB 6038 (2020) V
 Eastern medicine, acupuncture and, suicide assessment and treatment training: *ESHB 2411, CH 229 (2020)
 Emergency medical personnel, local government consortium, PERS service credit: SB 6616
 Emergency medical technicians, role in safe station pilot program: SB 6648
 Employees of facilities, meal and rest breaks and overtime for various: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Employees of facilities, on prescheduled on-call: SB 5344, SB 5373, SB 6018
 Eyes, scleral tattooing, prohibiting performing of: *SHB 1856, CH 307 (2019)
 Facility medical staff, whistleblower protections and sanction process: *SHB 1049, CH 62 (2019), SB 5401
 Fee-setting for professions, public role in rule-making process: *HB 1753, CH 303 (2019)
 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Fire protection districts, health clinic services, authority to provide: SB 6058
 Hearing aid dispensers, bluetooth and telecoil assistive technology materials for: *ESB 5210, CH 183 (2019)
 Hearing aid dispensers, current hearing assistive technology materials: *ESB 5210, CH 183 (2019)
 Identocard, medical alert designation on, provider role: EHB 2440
 Massage therapy, licensed therapist practice of: SHB 1082, SB 5097
 Medicaid, managed health care system, nonparticipating providers: SB 6397
 Medical assistant-colon hydrotherapists, certification of and requirements for: ESHB 2775
 Medical school graduates, international, assistance program and committee: SB 5846
 Medical school graduates, international, licensure, grants, and work group: *SB 6551, CH 325 (2020)
 Medical school graduates, international, residency programs: SB 5846
 Music therapists, licensing of, and advisory committee: SB 5485
 Naturopaths, medical assistant-colon hydrotherapist delegation from/supervision by: ESHB 2775
 Naturopathy, legend drug and controlled substance prescribing: SB 5752
 Noncompetition covenants, medical school/faculty group practice employees: SB 6081
 Nurses, ARNPs, granting of privileges by hospital: *HB 1432, CH 104 (2019), SB 5648
 Nurses, ARNPs, insurance reimbursement at physician level: SB 5647
 Nurses, forensic nurse examiners for nonfatal strangulation victims: SB 6162
 Nurses, interstate commission of nurse licensure compact administrators: SB 5460, SB 6209
 Nurses, licensing of, conditioning on survey data submission, prohibiting: SB 6538
 Nurses, LPNs and RNs, meal and rest breaks and overtime: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Nurses, multistate licensing of, interstate nurse licensure compact of 2019: SB 5460
 Nurses, multistate licensing of, interstate nurse licensure compact of 2020: SB 6209
 Nurses, nurse educator incentive grant program, establishing: SB 5931
 Nurses, RNs and ARNPs, professional practice by student, when: *HB 1726, CH 270 (2019)
 Nurses, RNs, meal and rest breaks and overtime: SB 5344
 Nursing assistants, certified, provisions: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Opioid prescribing, requirements: SB 5380, SB 6447
 Optometrists, suicide assessment and treatment training: *ESHB 2411, CH 229 (2020)
 Osteopathic physician assistants, repealing separate chapter for: *SHB 2378, CH 80 (2020), SB 5411, SB 6240
 Osteopathy, professional practice by student, when: *HB 1726, CH 270 (2019)
 Out-of-network providers at facilities, unexpected costs, protections against: *2SHB 1065, CH 427 (2019), SB 5031, SB 5699
 Paramedics, training program use of live animals, prohibitions: SB 5211
 Pelvic examinations, by health care providers, informed consent: *ESB 5282, CH 187 (2020)
 Phlebotomists, forensic, statutory minimum qualifications, removing: ESHB 1504
 Physical therapists, intramuscular needling: SB 5642
 Physical therapists, spinal manipulation endorsement, repealing certain provisions: SB 6407
 Physician assistants, granting of privileges by hospital: *HB 1432, CH 104 (2019), SB 5648
 Physician assistants, modernizing practice of: *SHB 2378, CH 80 (2020), SB 5411, SB 6240

Physicians, professional practice by student, when: ***HB 1726, CH 270 (2019)**
 Primary care collaborative, establishing: SB 6413
 Primary care providers, behavioral health disorders partnership access line for: ***SHB 2728, CH 291 (2020)**
 Primary care providers, medicaid services by, medicare payment rate floor for: SB 5319
 Primary care providers, medicaid services by, minimum fee schedule for: SB 6676
 Primary care providers, medicaid services by, payment rate floor for: SB 6676
 Provider networks, health insurance enrollee protections: SB 5780
 Provider organizations, material changes to, notice of: ***SHB 1607, CH 267 (2019)**
 Providers and carriers, advisory committee on, new board to establish: ***2SHB 2457, CH 340 (2020)**
 Providers, information and services within practice scope/care standards: SB 5542
 Providers, information within practice scope/care standards, providing: ***ESHB 1608, CH 102 (2020)**
 Providers, provision of information to patient regarding death with dignity act: ***ESHB 1608, CH 102 (2020)**, SB 5542
 Radiologic technologists, diagnostic, provisions: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Reflexology, certified reflexologist practice of: SHB 1082, SB 5097
 Respiratory care practitioners, provisions: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Rural providers, substitute providers, medicaid managed care payment of: ***EHB 1552, CH 4 (2020)**, SB 6358
 Sexual misconduct, providers sanctioned for, notifying patients: ***SHB 1198, CH 69 (2019)**
 Students, professional practice by, when: ***HB 1726, CH 270 (2019)**
 Suicide, prevention training program for health care professionals: ***ESHB 2411, CH 229 (2020)**
 Surgical technologists, provisions: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389
 Telemedicine and store/forward technology, physician credentialing: ***SB 5387, CH 49 (2019)**
 Telemedicine, providing services via, provider training: SB 5386
 Telemedicine, providing services via, provider training, when required: SB 6061
 Trainers, athletic, regulatory provisions: SB 5688
 Vaccine adverse event reporting system, establishing, provider role: SB 6636
 Vision care, prescriptions and remote technology: SB 5759
 Washington health corps initiative, professionals in underserved areas via: ***2SHB 1668, CH 302 (2019)**
 Workforce education B&O tax surcharges, exemption for certain providers: SB 6055, SB 6059

HEALTH DEPARTMENTS, LOCAL (See also HEALTH, DEPARTMENT)

Communicable diseases, sexually transmitted or blood-borne, controlling: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Fitness centers, safety and sanitation, role of local health officers: SB 5553
 Lemonade/nonalcoholic beverages, sale by child, enforcement exemption: SB 6320
 Microenterprise home kitchen operations, department permits for: SB 6434
 On-site sewage systems, department easement requirement, prohibiting: ***SB 5503, CH 21 (2019) PV**

HEALTH, DEPARTMENT (See also ABORTION; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; SUBSTANCE USE DISORDER)

Ambulatory surgical facilities, regulatory program for, modifications: SB 5906
 Behavioral health, full integration implementation, DOH role: SB 5432
 Boards and commissions, opioid prescribing by health care professionals: SB 5380
 Dental quality assurance commission, dental therapy and therapists: SB 5392
 Detention facilities, private, inspections and enforcement, DOH to study: ***ESHB 2576, CH 284 (2020)**
 Eating disorders, among persons with diabetes, DOH to report concerning: SB 6663
 Emergency medical services data system, electronic, establishing: SB 5380
 Enforcement actions, department burden of proof: SB 6227
 Facilities, oversight/licensing/enforcement, evaluating/standardizing, DOH role: ***SHB 2426, CH 115 (2020)**
 Fee-setting for health care professions, public role in rule-making process: ***HB 1753, CH 303 (2019)**
 Health systems, transparency concerning data, practices, and services: SB 6594
 Health systems, transparency, consolidated income statement/balance sheet: ESHB 2036
 HIV and hepatitis C testing pilot project, King county and DOH to conduct: SB 6303
 Hospitals, psychiatric, inspection and licensing standards enforcement, DOH role: ***SHB 2426, CH 115 (2020)**
 Hospitals, psychiatric, technical assistance for, DOH role: ***SHB 2426, CH 115 (2020)**
 Hospitals, state, transferring licensing and inspection to DOH: SB 6600
 Kindergarten, parent guide, department to provide to certain households: SHB 2865

Law enforcement officer mental health and wellness, task force on, DOH role: SB 6570
 Maternal mortality review panel, reviews and data-sharing: SB 5425
 Measles outbreak, 2019 Clark county, budget stabilization account appropriations: SB 6009
 Medical commission, duties of: SB 6303
 Medical quality assurance commission, renaming as medical commission: HB 1548, ***SB 5764, CH 55 (2019)**
 Medical school graduates, international, full use of, studying: SB 5846
 Medical school graduates, international, implementation work group, DOH role: ***SB 6551, CH 325 (2020)**
 Medical school graduates, international, licensure, grants, and work group: ***SB 6551, CH 325 (2020)**
 Music therapy advisory committee, creating, DOH role: SB 5485
 Naturopathy, board of, medical assistant-colon hydrotherapist delegation/supervision: ESHB 2775
 Nursing quality assurance commission, licensing of nurses, provisions: SB 6538
 Organ transport vehicles, licensing and authority of, DOH role: SB 6580
 Peer support counselor certification program, transfer to DOH, sunrise review of: ***2SHB 1907, CH 446 (2019)**
 Pharmacy quality assurance commission, drug offense property seizure/forfeiture: SB 6266
 Pharmacy quality assurance commission, nonresident pharmacy licensure: ***HB 1412, CH 25 (2019)**, SB 5459
 Pharmacy quality assurance commission, returned medications reuse, when: SB 6526
 Pharmacy quality assurance commission, role, HIV preexposure prophylaxis: SB 6303
 Pharmacy quality assurance commission, role, sexually transmitted infections: SB 6303
 Podiatric medical board, members, increasing number: ***SB 6143, CH 248 (2020)**
 Public health, foundational services, defining and funding: ***2SHB 1497, CH 14 (2019)**, SB 5732
 School-based health centers, establishment of, DOH role: SB 6279
 Schools, lead in drinking water systems/outlets, DOH role: E2SHB 1860
 Sex offender treatment providers, certified/certified affiliate, availability of: SB 6641
 Sexual offender treatment providers advisory committee, reestablishing: SB 6641
 Vaccination, vaccine adverse event reporting system, establishing, DOH role: SB 6636
 Vital records and statistics, single comprehensive state system, DOH role: SB 5332
 Wilderness therapy programs, for troubled youth, licensing, DOH role: SB 6637
 Women, infant, and children program, EBT card use in ATM, where and when: ***SB 6136, CH 64 (2020)**
 Women/infant/children farmers market nutrition program, fruit/vegetable benefit: SB 5583, SB 6309

HEALTH, STATE BOARD OF

Blood-borne pathogens, program for reducing incidence, board role: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Breweries, domestic, dogs on premises, when, board rule-making role: ***HB 2412, CH 230 (2020)**
 Children's restaurant meals, default beverage options: SB 6455
 Communicable diseases, sexually transmitted or blood-borne, controlling: ***ESHB 1551, CH 76 (2020)**, SB 5562
 Fitness centers, safety and sanitation, board role: SB 5553
 Microenterprise home kitchen operations, board regulation of: SB 6434
 Public water systems, PFAS substances/chromium 6/1,4 dioxane in, board role: SB 6342

HEATING AND HEATERS

Solid fuel burning devices, fee on each retail sale of: SB 5697
 Solid fuel burning devices, particulate air contaminant emission standard: SB 5697
 Water heaters, efficiency standards: ***2SHB 1444, CH 286 (2019)**, SB 5115
 Woodstoves, education and enforcement, revenues to fund: SB 5697

HISTORICAL SOCIETIES

Legislative buildings, display of art and exhibits in, program for: SB 5869
 State historical societies, duties of, grants for cultural/historical organizations: ***HB 2837, CH 48 (2020)**, SB 6571

HOLIDAYS AND OBSERVANCES (See also HOUSE RESOLUTIONS; SENATE RESOLUTIONS)

Blood donor day, recognizing December 18 as: ***SB 6567, CH 74 (2020)**
 Chinese American history month, designating January as: SB 6679
 Chinese American history month, public school commemoration of: SB 6679
 Dolores Huerta day, April 10 as: ***HB 1906, CH 10 (2019)**, SB 5868
 Filipino American history month, establishing: ***SB 5865, CH 283 (2019)**
 Human trafficking awareness month, designating January as: SB 6633
 Kindergarten, month of the, September as: SB 5028

LGBTQ pride month, June as: SB 5356

Public holidays, excluding from regular legislative session: SJR 8203

Public lands day, designating: ***HB 1449, CH 224 (2019)**

Salmon, international year of the, recognizing 2019 as: HJM 4012

HOMELESS PERSONS (See also PUBLIC DEFENSE, OFFICE)

Assistance, department of commerce data/data collection systems for, studying: SB 6647

Assistance, government spending on, LEAP internet-based portal for: SB 6647

Camping on public property, unauthorized, misdemeanor, SHELTER act: SB 6459

Children, homeless, early childhood education and assistance eligibility: SB 5820

Children, homeless, working connections child care eligibility: ***SHB 2456, CH 279 (2020)**, SB 5820, SB 6351

Encampments, camping on public property, unauthorized, SHELTER act: SB 6459

Encampments, establishing near school or early learning facility, prohibiting: SB 5882

Encampments, moving homeless out of, appropriations for: SB 6167

Encampments, safe parking, small houses, and shelters, provisions: ***ESHB 1754, CH 223 (2020)**, SB 5644

Essential needs and housing support program, provisions: HB 2809, SB 6472, SB 6495

Facilities for homeless persons, tax revenue use for: ***EHB 1219, CH 73 (2019) PV**, SB 5195

Gravely disabled persons/minors, as manifesting self-neglect, Ch. 71.05/71.34: SB 6458

Homeless client management information system, use of: ***ESHB 1754, CH 223 (2020)**, SB 5644

Homelessness impact grant program, for security/sanitation services, creating: SB 6196

Homelessness, definitions of, standardizing for services access: SHB 2388, SB 6472

Housing and assistance, local homeless, document-recording surcharges for: ***ESHB 1667, CH 372 (2019)**, ***HB 1980, CH 136 (2019)**, ***ESHB 2015, CH 448 (2019)**, SB 5667, SB 5769, SB 5898, SB 5902, SB 6196

Housing, emergency/supportive, entities providing, local utility connection charge waiver: SB 6414

Housing, formerly homeless postsecondary students, in retirement facilities, pilot program: SB 6560

Housing, recently homeless or at-risk, diversion services grant program: SB 6186

Housing, temporary, funding from education legacy trust account for: SB 6581

Housing, transitional housing operating and rent program, modifying: HB 2348, ***SB 6229, CH 155 (2020)**

Housing/shelter/interventions, homeless, King county payroll expense tax for: SB 6692

Identicards, for homeless persons: SB 5664, SB 6426

Identicards, for homeless persons under 25 years old: ***SHB 2607, CH 124 (2020)**, SB 6304

Identification assistance and support pilot program, establishing: SB 6475

Job opportunities, local beautification projects pilot program: SB 5261

Job training and housing for homeless, grant program for municipalities: SB 6385

Payroll expense tax, on King county businesses, imposing to aid homeless: SB 6669

Personal care services, for seniors and persons with disabilities, pilot project: SB 5839

Persons experiencing homelessness, defining homelessness in terms of: SHB 2388, SB 6472

Persons who are homeless, tax credits for employers who hire: SB 6564

Religious organizations, hosting the homeless, prohibitions/requirements: ***ESHB 1754, CH 223 (2020)**, SB 5644

Services for homeless, charitable organizations providing, audits/audit reports: SB 6612

Services for homeless, priority when proof of residency in local jurisdiction: SB 5722

Shelter, emergency, entities providing, local utility connection or service line charge waiver: ESHB 2629

Shelters, for homeless, city/county emergency overnight sites, requirements: SB 6459

Shelters, for homeless, emergency, local sales/use tax option to fund: SB 6649

Shelters, for homeless, prevailing wages for construction: ***HB 1743, CH 29 (2019)**, SB 5766

Students, homeless and/or in foster care, educational outcomes and work group: ***SHB 2711, CH 233 (2020)**, SB 6511

Students, homeless, certain information concerning, on OSPI web site: ***SB 6103, CH 61 (2020)**

Students, homeless, college assistance pilot program for: SB 5800

Students, homeless, higher education accommodations: SB 5738

Students, homeless, housing via college bound scholarship program: HB 1278, SB 6424

Students, homeless, identifying and providing with housing, grant programs: SB 5324

Temporary assistance for needy families, expanding access for the homeless: SB 6575

Temporary shelters or transitional encampments, SEPA exemption, when: SB 5946

WorkFirst TANF program, homeless recipients, 60-month limit exemption: SB 6478

Youth, homeless youth prevention and protection programs, office of, role: SB 5744

Youth, homeless, HOPE centers and outreach services for street youth: ***HB 1657, CH 124 (2019)**, SB 5470

HOMES AND HOUSING (See also BUILDING CODES AND PERMITS; FIREARMS; HOMELESS PERSONS; HOUSING FINANCE COMMISSION; LANDLORD AND TENANT; LODGING; LOW-INCOME PERSONS; MANUFACTURED HOUSING AND MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RECORDS; TAXES - PROPERTY)

- Affordable housing program, replacing with housing trust fund program: ESHB 2849
- Affordable housing, city and county real estate sales excise tax for: SB 5357
- Affordable housing, construction of, prevailing wages for: ***HB 1743, CH 29 (2019)**, SB 5766
- Affordable housing, development on religious organization property: ***SHB 1377, CH 218 (2019)**, SB 5358
- Affordable housing, document recording surcharge: ***E2SHB 1923, CH 348 (2019)**
- Affordable housing, eliminating a financial institution B&O tax deduction to fund: SB 6445
- Affordable housing, federal low-income housing credit program, cost data: SB 5361
- Affordable housing, housing affordability zones in urban growth areas: SB 5802
- Affordable housing, housing assistance program, cost data: SB 5361
- Affordable housing, housing assistance program, replacing: ESHB 2849
- Affordable housing, King county payroll expense tax revenue use for: SB 6692
- Affordable housing, land development or management services sales taxation: ***HB 2229, CH 109 (2020)**, SB 6079
- Affordable housing, lease/rent of school district surplus property for: ***HB 2617, CH 40 (2020)**, SB 6265
- Affordable housing, light rail station urban density standards exemption: SB 5424
- Affordable housing, limited areas of more intensive rural development for: SB 5193
- Affordable housing, local infrastructure investment programs to support: SB 6328
- Affordable housing, local revitalization financing: ESHB 2804
- Affordable housing, local sales and use tax for, authority to impose: ***HB 1590, CH 222 (2020)**, SB 6126
- Affordable housing, local sales and use tax revenues for: ***SHB 1406, CH 338 (2019)**, SB 5646
- Affordable housing, local sales/use tax for, modifying provisions: ***EHB 2797 (2020) V**, SB 6631
- Affordable housing, low-, very low-, and extremely low-income households: ***E2SHB 1923, CH 348 (2019)**, ***SHB 2343, CH 173 (2020)**, SB 5440, SB 6334
- Affordable housing, low-income households, additional property tax levies: ***SB 6212, CH 253 (2020)**
- Affordable housing, low-income households, housing trust fund program: ESHB 2849
- Affordable housing, low-income single-family, American dream homes: SB 6457
- Affordable housing, low-income, impact fee exemption up to full waiver: SB 6386
- Affordable housing, multi-unit in residential targeted areas, property tax exemption: SB 6411
- Affordable housing, multi-unit in urban growth areas, authorizing: SB 6536
- Affordable housing, multi-unit in urban growth areas, property tax exemption: SB 6411
- Affordable housing, multifamily in rural counties, property tax exemption: SB 5739
- Affordable housing, multifamily rental and homeownership projects: ESHB 2849
- Affordable housing, multifamily, property tax exemption: SB 6411
- Affordable housing, multifamily, property tax exemption, extending, when: ***SHB 2950, CH 237 (2020) PV**
- Affordable housing, multiple-unit in urban centers, property tax exemption: SB 5363, SB 5366
- Affordable housing, multiple-unit, real estate sales excise tax rate reduction: SB 6201
- Affordable housing, municipal utility surplus property disposal for: EHB 2896
- Affordable housing, permanently, community revitalization financing: ***HB 2497, CH 280 (2020)**
- Affordable housing, permanently, local infrastructure financing tool program: ***HB 2497, CH 280 (2020)**
- Affordable housing, permanently, local revitalization financing: ***HB 2497, CH 280 (2020)**
- Affordable housing, preserving through preservation program: ESHB 2849
- Affordable housing, real estate excise sales tax revenue for: SB 5582
- Affordable housing, reducing energy code compliance and costs for: SB 6681
- Affordable housing, rental, property sale/transfer for, excise tax exemption: ***SHB 2634 (2020) V**, SB 6366
- Affordable housing, residential parking requirements, when: ***E2SHB 1923, CH 348 (2019)**, ***SHB 2343, CH 173 (2020)**, SB 6334
- Affordable housing, services essential for, B&O surcharge exemption for: SB 6107
- Affordable housing, single-family, countywide and comprehensive planning: EHB 2687
- Affordable housing, single-family, impact fees for, tiered fee structure: SB 6364
- Affordable housing, special excise tax on sale/charge for lodging for: SB 6446, SB 6680
- Affordable housing, state-owned land/property, underutilized and suitable: EHB 2896

Affordable housing, supporting via GMA planning: ***E2SHB 1923, CH 348 (2019), *SHB 2343, CH 173 (2020)**, EHB 2687, SB 5193, SB 6334, SB 6536, SB 6617, SB 6618

Affordable housing, tax revenue use for: ***EHB 1219, CH 73 (2019) PV**, SB 5195, SB 6618

Affordable housing, transit supportive densities in residential targeted areas: SB 5353

Affordable housing, transitional housing operating and rent program, modifying: HB 2348, ***SB 6229, CH 155 (2020)**

Affordable housing, very low-income, nonprofit property tax exemption, changes: ***SHB 2384, CH 273 (2020)**, SB 6232

Affordable workforce housing, modifying definition for revenue use purposes: HB 2110

Boarding homes, using residential dwellings as, county authority to authorize: ESHB 2890

Child welfare housing assistance program and stakeholder group, establishing: SB 5718

Common interest communities, construction defect actions against professionals: SHB 1576

Common interest ownership associations, watering/landscaping for droughts: ***HB 1165, CH 9 (2020)**

Condominium associations, assessments by, late payment: SB 5168

Condominium associations, common expenses assessment, owner's share: SB 6595

Condominium associations, construction defect actions, prior to board action: SHB 1576

Condominium associations, liability provisions: ***ESB 5334, CH 238 (2019)**

Condominium associations, watering and landscaping for droughts: ***HB 1165, CH 9 (2020)**

Condominiums, construction warranties: SB 5219

Condominiums, individual unit metering for water/sewer utilities: SB 5775

Dwelling units, accessory, authorizing: ***SHB 2343, CH 173 (2020)**, SB 6334, SB 6617

Dwelling units, accessory, city/county regulatory changes to promote: SB 6617

Dwelling units, accessory, creating within urban growth areas: SB 5812

Dwelling units, accessory, limited property tax exemption for, when: SB 6231

Dwellings for elderly/infirm, substantial development exclusion under SMA: SB 5152

Electrification of homes/buildings, in utility beneficial electrification plans: SB 6496

Essential needs and housing support program, provisions: HB 2809, SB 6472, SB 6495, SB 6625

Factory built housing, inspection by qualified inspection agencies: ***HB 1486, CH 165 (2019)**, SB 5756

Floating on-water residences, certain vessels as: SB 6027

Floating structure or vessel as residence, as conforming/water-dependent use: SB 6027

Homeless housing and assistance, local, document-recording surcharges for: ***ESHB 1667, CH 372 (2019), *HB 1980, CH 136 (2019), *ESHB 2015, CH 448 (2019)**, SB 5667, SB 5769, SB 5898, SB 5902, SB 6196

Homeless housing and job training, grant program for municipalities: SB 6385

Homeless housing, for students and their families, grant program: SB 5324

Homeless housing, temporary, funding from education legacy trust account: SB 6581

Homeless housing, transitional housing operating and rent program, modifying: HB 2348, ***SB 6229, CH 155 (2020)**

Homeless or at-risk, housing diversion services grant program: SB 6186

Homeowners' associations, assessments by, late payment: SB 5168

Homeowners' associations, common expenses assessment, owner's share: SB 6595

Homeowners' associations, construction defect actions, prior to board action: SHB 1576

Homeowners' associations, office of ombuds, establishing: SB 5302

Homeowners' associations, watering and landscaping for droughts: ***HB 1165, CH 9 (2020)**

Homeowners, with children in private schools, state property tax exemption: SB 5758

Homeownership development, by cooperative association, tax exemption: ***ESHB 1107, CH 361 (2019)**, SB 5289

Homeownership preservation, state property tax exemption: SB 5390

Homeownership projects, funding from housing trust fund: SB 5746

Homeownership, down payment assistance programs, by various entities: SB 6185

Housing assistance program, replacing with housing trust fund program: ESHB 2849

Housing authorities, property sale to, for affordable rental housing, tax exemption: ***SHB 2634 (2020) V**, SB 6366

Housing authorities, public and joint, annual financial statement, audit of: SB 6630

Housing benefit districts, advisory board, establishing: SB 6618

Housing benefit districts, low-/middle-income housing, establishing and funding: SB 6618

Housing trust fund program, creating to replace previous programs: ESHB 2849

Housing trust fund, shared housing projects, moneys for: SB 6546

Housing, development of, certain tax revenue for: SB 5788, SB 5952

Housing, emergency/supportive, entities providing, local utility connection charge waiver: SB 6414

Housing, permanent supportive, cities to allow, when: ***E2SHB 1923, CH 348 (2019)**

Housing, persons at risk of losing, expanding TANF access for: SB 6575
 Housing, rental voucher for certain incarcerated offenders: SB 5441
 Housing, supportive, King county payroll expense tax revenue use for: SB 6692
 Housing, supportive, King county real estate excise tax use for, when: ***ESHB 2919 (2020) V**
 Housing, supportive, local sales/use tax for, modifying provisions: ***EHB 2797 (2020) V**, SB 6631
 Housing, variety and balance in urban growth areas of: SB 5194
 Inspectors, home, licensing, out-of-state applicants, equivalent in-state license: SB 6465
 Juvenile in rehabilitation facility, release plan for housing, or rental voucher: SB 5700
 Occupants, unrelated, occupying home, city/county limiting of, prohibiting: SB 6302
 Rentals, multiunit, individual unit metering for water/sewer utilities: SB 5775
 Rentals, short-term rental operators and platforms, requirements: ***SHB 1798, CH 346 (2019)**, SB 5870
 Residential building capacity and housing affordability, increasing under GMA: ***E2SHB 1923, CH 348 (2019)**, ***SHB 2343, CH 173 (2020)**, SB 6334
 Residential construction, multifamily, higher per unit impact fee for, prohibiting: SB 6388
 Residential dwellings, using as boarding homes, county authority to authorize: ESHB 2890
 School district employees, single/multi-family housing for, district role: SB 6512
 Self-help housing, development and sales, tax exemptions: SHB 1168, SB 5025
 Smoke detection devices, requirements: SB 5284
 Students, postsecondary, housing in retirement facilities, pilot program: SB 6560
 Substance use disorder, recovery residences registry and certification: ***2SHB 1528, CH 264 (2019)**
 Tiny house communities, siting of: SB 5384
 Tiny house, and tiny house with wheels, definitions: SB 5382, SB 5383
 Tiny house, tiny house with wheels, and tiny house communities, definitions: SB 5384
 Tiny houses, and tiny houses with wheels, siting of: SB 5383
 Weatherization and rehabilitation of homes, low-income, prevailing wages for: ***HB 1743, CH 29 (2019)**, SB 5766
 Workforce housing, local infrastructure investment programs to support: SB 6328

HORSE RACING COMMISSION (See also GAMBLING; GAMBLING COMMISSION; HORSES)

Salaries and expenses, removing prohibition on state payments for: SB 6524

HORSES (See also ANIMALS)

Police animals, including horses, harming, class B felony when animal killed: SB 5614
 Wild horse training/holding program at CRCC, feasibility study and plan: ***HB 2579 (2020) V**

HOSPITALS (See also HEALTH CARE FACILITIES; MENTAL HEALTH)

Abortion, facility requirements, reporting sterility, hospital stay, and live birth: SB 6391
 Access to care, policies for, hospitals to submit: SHB 1686, SHB 2326
 Community facilities, for behavioral health care, capital improvements bonds: SB 5537
 Community facilities, for behavioral health care, new facility types: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Community facilities, long-term psychiatric treatment role of: SB 5045
 Community hospitals, state mental health placements to: SB 5041
 Death with dignity act, policies for access, hospitals to submit: SHB 2326
 Debt collection agencies, hospital/health system connections with, notice of: ESHB 2036
 Employees, meal and rest breaks and overtime: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 End-of-life care, policies for access to, hospitals to submit: SHB 2326
 Governing bodies, provider privileges status proceedings, confidentiality: ***SHB 1239, CH 162 (2019)**
 Harborview medical center, B&O tax exemption for: ***SHB 2168, CH 451 (2019)**
 Harborview medical center, domestic violence perpetrator treatment provider training curriculum: ***E2SHB 1517, CH 263 (2019)**
 Harborview medical center, paramedic program, simulator models use: SB 5211
 Health systems, transparency concerning data, practices, and services: SB 6594
 Health systems, transparency, consolidated income statement/balance sheet: ESHB 2036
 Long-term care, post-release, eligibility assessment agreements with DSHS: SB 6275
 Material changes, to hospital or hospital system, notice of: ***SHB 1607, CH 267 (2019)**
 Nonprofit hospitals, community benefits and building activities information: ESHB 2036
 Nonprofit hospitals, community health improvement services activities: SB 6594

Nurses, ARNPs, granting of privileges: ***HB 1432, CH 104 (2019)**, SB 5648
 Nurses, LPNs and RNs, meal and rest breaks and overtime: SB 6018
 Nurses, RNs, meal and rest breaks and overtime: SB 5344
 Oversight, licensing, and enforcement, evaluating and standardizing: ***SHB 2426, CH 115 (2020)**
 Patient administrative days, claims codes for tracking: SB 6384
 Physician assistants, granting of privileges: ***HB 1432, CH 104 (2019)**, SB 5648
 Providers, information and services within practice scope/care standards: SB 5542
 Providers, information within practice scope/care standards, providing: ***ESHB 1608, CH 102 (2020)**
 Providers, out-of- and in-network, requirements: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Public hospital districts, commissioner compensation: SB 6046
 Quality improvement committees, proceedings, confidentiality: ***SHB 1239, CH 162 (2019)**
 Rural hospitals, medical assistance psychiatric per diem payments to: ***HB 1534, CH 116 (2019)**
 Rural hospitals, small low-volume, enhanced medicaid payment to: SB 5872, SB 6354
 Rural hospitals, substitute providers, medicaid managed care payment of: SB 6358
 Safety net assessment, expiration of, extending: SB 5734
 Safety net assessment, various provisions: SB 5734
 Sexual assault coordinated community response task force, establishing: SB 6158
 Sexual assault evidence kit collection, hospitals not performing: ***HB 1016, CH 250 (2019)**, SB 5910
 Strangulation, nonfatal, victims of, exam costs payment by state, when: SB 6162
 Substance use disorders, persons presenting with, required hospital services for: SB 6311
 Substitute providers, medicaid managed care payment of: ***EHB 1552, CH 4 (2020)**
 Taxation, B&O, general service rate increase, exclusion from: SB 6492
 Teaching/training hospital, inpatient care, U. of Washington report on siting of: SB 5516
 Telemedicine and store/forward technology, physician credentialing: ***SB 5387, CH 49 (2019)**
 Whistleblower protections and medical staff sanction process: ***SHB 1049, CH 62 (2019)**, SB 5401

HOUSING FINANCE COMMISSION (See also HOMES AND HOUSING)

Down payment assistance programs, by entities other than commission: SB 6185
 Housing assistance program, cost data, commission role: SB 5361
 Infrastructure, local, loan agreements for project financing: HB 1441, SB 5304

HUMAN REMAINS (See also DEATH)

Abandoned cemeteries, lawful entry and local government role: ***EHB 1801, CH 129 (2019)**
 Cemetery districts, commissioner compensation: SB 6046
 Cemetery districts, withdrawal of territory from: ***SB 5177, CH 42 (2019)**
 Cremation, as "reduction" by "reduction facilities": SB 5001
 Disposition of remains, unlawful, changing to class C felony: SB 6501
 Funeral director or embalmer, license examinations: ***HB 1176, CH 442 (2019)**, SB 5125
 Funeral director or embalmer, out-of-state applicant for license: SB 6465
 Funeral or other expenses, use of life insurance for: SB 5346
 Unidentified persons, national missing and unidentified persons system, using: ***EHB 2792, CH 45 (2020)**

HUNTING (See also WILDLIFE)

Clothing, fluorescent, rule adoption: SB 5148
 Dogs, hunting certain wildlife with, nonlethal pursuit training for: ***HB 1516, CH 226 (2019)**, SB 5320
 Enforcement, property seizure and forfeiture: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Enforcement, violations and civil penalties: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Licenses, comprehensive changes: SB 5692, SB 6166
 Licenses, enhancement programs, revenue from, deposits into accounts: SB 5692, SB 6166
 Licenses, fee increase and surcharge: SB 5692, SB 6166
 Licenses, new hunt Washington, hunt Washington birds, and sportsperson licenses: SB 5692, SB 6166
 Permits, various changes: SB 5692, SB 6166
 Right to fish, hunt, and harvest wildlife, not to be infringed, constitutional amendment: SJR 8204
 Sea lions/pinnipeds, federal permits for lethal taking to limit salmon predation, requesting action for: SJM 8015

HYDRAULIC PERMITS AND PROJECTS (See also MINES AND MINING; RIVERS AND STREAMS; SHORELINES AND SHORELINE MANAGEMENT)

Bulkheads, requiring hydraulic approval, shorelines permit exemption: SB 6273
 Bulkheads/rock walls, single-family residential, removing approval requirement: ***2SHB 1579, CH 290 (2019) PV**
 Bulkheads/shoreline armoring, replacement, least impactful alternative: SB 6147
 Definition of "hydraulic project," modifying: SB 5451
 Enforcement of hydraulic code, replacing current provisions: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
 Fish habitat projects, conservation district-sponsored: ***EBH 1187, CH 166 (2020)**, SB 5567
 Fish habitat projects, to include kelp, eelgrass, and oyster restoration: ***SB 5404, CH 150 (2019)**
 Projects, pre-application for, creating: ***2SHB 1579, CH 290 (2019) PV**
 Shoreline stabilization, replacement of, alternative with least impact on fish: SB 6147

IDENTIFICATION (See also NOTARIES PUBLIC; RECORDS)

Facial recognition services, quality/accuracy/efficacy of, studying: SB 6280
 Facial recognition services, state and local agency use of, requirements: SB 6280
 Facial recognition services, task force on, establishing: SB 6280
 Facial recognition technology, government use, restrictions: SB 5528
 Facial recognition, Washington privacy act consumer data protections: SB 5376
 Financial fraud and identity theft crimes investigation and prosecution program: SB 6074
 Homeless persons, identification assistance and support pilot program: SB 6475
 Identical cards, deafness designation on: EHB 2440
 Identical cards, developmental disability designation on: EHB 2440
 Identical cards, developmentally disabled designation on: SB 6429
 Identical cards, enhanced, fee increases and deposits: SB 5971
 Identical cards, for homeless persons: SB 5664, SB 6426
 Identical cards, for homeless persons under 25 years old: ***SHB 2607, CH 124 (2020)**, SB 6304
 Identical cards, homelessness defined for: SHB 2388, SB 6472
 Identical cards, medical alert designation on: EHB 2440
 National missing and unidentified persons system, WASPC use of: ***EHB 2792, CH 45 (2020)**
 Social security number, last 4 digits, as breached "personal information": ***SB 6187, CH 65 (2020)**
 Student identification cards, suicide prevention and crisis information on: ***SHB 2589, CH 39 (2020)**, SB 6449

IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS (See also DISCRIMINATION; MINORITIES)

Agricultural workers, H-2A, temporary foreign grower-employed employees as: SB 5438
 Citizenship/immigration status, court facility/personnel actions, restricting: ***SHB 2567, CH 37 (2020)**, SB 6522
 Citizenship/immigration status, discrimination based on: ***ESB 5165, CH 52 (2020)**
 Compact of Free Association (COFA) migrants, federal benefits for, requesting that congress restore: SJM 8017
 Enforcement, cooperation with federal government, requiring: SB 6030
 Enforcement, immigration detainees, duties related to: SB 6030
 Enforcement, model policies limiting, and agency information confidentiality: SB 5497
 Enforcement, personal information release for, restricting, when: ***SHB 2567, CH 37 (2020)**, SB 6522
 Family planning program, persons over 19 not eligible for Take Charge program: SB 5602
 Health coverage, for medicaid-ineligible low-income young adults: SB 5814
 Higher education, undocumented student support loan program, establishing: SB 6561
 Human trafficking, noncitizen victims and family members, public assistance: SB 5164
 Keep Washington working statewide work group, establishing: SB 5497
 Medical school graduates, international, assistance and residency programs: SB 5846
 Medical school graduates, international, licensure, grants, and work group: ***SB 6551, CH 325 (2020)**
 Migrant education program, school credit retrieval programs under: SB 5475
 Pardon/commutation/civil rights restoration, without regard to immigration status: SB 5917
 Reproductive health care access for all act: SB 5602
 Sanctuary policies, prohibiting: SB 6030
 Students, education rights regardless of immigration status/religious beliefs: ESB 5834

IMPACT FEES

Affordable housing, single-family, tiered fee structure for impact fees: SB 6364

Low-income housing, impact fee exemption for, up to full waiver: SB 6386
 Property owner, impact fee refund for, time limit: SB 6387
 Residential construction, multifamily, higher per unit fee for, prohibiting: SB 6388

INDETERMINATE SENTENCE REVIEW BOARD

Renaming board as post-conviction review board: SB 5819

INDIANS (See also GAMBLING; HEALTH CARE; MINORITIES; PUBLIC EMPLOYMENT AND EMPLOYEES; SCHOOLS AND SCHOOL DISTRICTS)

Archaeological/cultural sites, impact of state-funded project groundbreaking on: SB 6448, SB 6519
 Archaeological/cultural sites, local government consultation with tribes: ESHB 2804
 Behavioral health aides, definition and services: SB 6259
 Behavioral health, involuntary commitment, tribe exclusive jurisdiction, when: SB 6259
 Chehalis board, voting members from certain tribes, voting alternates for: ***HB 2109, CH 17 (2020)**
 Coronavirus, declared state of emergency, appropriations for tribes' response to: ***EHB 2965, CH 7 (2020)**
 Deadly force, tribal member's death due to use by law enforcement: ***SHB 1064, CH 4 (2019)**, SB 5029
 Early childhood education and assistance program, eligibility: SB 6253
 Education, tribal leaders congress on, school district collaboration, when: SB 6264
 Emergency management council, tribal members and advisory committee: HB 2680, SB 6346
 Fugitives from tribal jurisdiction, Indian fugitive extradition act: SB 5081
 Health sciences and services authorities, tribe representative on boards of: 2SHB 1659
 Health, governor's Indian health advisory council, establishing: ***SB 5415, CH 282 (2019)**
 Health, Washington Indian health improvement act: ***SB 5415, CH 282 (2019)**
 Higher education, graduation ceremonies, right to tribal regalia act: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Higher education, Native American opportunity scholarship program, creating: SB 5709
 Higher education, Washington American Indian cultural study grant program: SB 6425
 Indian affairs, governor's office of, missing indigenous persons training role of: ***2SHB 1713, CH 127 (2019)**
 Indian affairs, governor's office of, notifying tribes of groundbreaking activities: SB 6448, SB 6519
 Laws, proceedings, and records of tribes, admissibility as evidence: ***SB 5083, CH 39 (2019)**
 Leasehold excise tax, property owned exclusively by tribe, payment in lieu of tax: ***HB 2230, CH 272 (2020)**
 Motor vehicles, tribal registration and license plates, agreements for: SB 6133
 Motor vehicles, tribal registration and license plates, compacts for: ***HB 2491, CH 118 (2020)**, SB 6251
 Nursing homes, Indian tribal, medicaid rate methodology exemption: ***EHB 1564, CH 301 (2019)**, SB 5569
 Projects of statewide significance, consultation with tribes, when: ***EHB 2819, CH 46 (2020)**
 Property tax, property owned exclusively by tribe, full exemption, when: ***HB 2230, CH 272 (2020)**, SB 6080
 Regional transportation planning organizations, voting membership for tribes: ***EHB 1584, CH 118 (2019)**, SB 5778
 School districts and tribes, boards and tribal councils, regional meetings: SB 6264
 School districts and tribes, data sharing agreements between, model for: ***SB 6263, CH 206 (2020)**, SB 6264
 School districts, tribal consultation training and schedule collaboration with: SB 6264
 Schools, COVID-19, graduation requirements emergency waiver program: ***EHB 2965, CH 7 (2020)**
 Schools, graduation ceremonies, right to tribal regalia act: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Schools, history/culture/government of nearest tribe, in social studies: SB 6262
 Schools, state-tribal education compact, local effort assistance funding: SB 6075
 Sports wagering, operation by tribal casinos, authorizing: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Sports wagering, operation by tribal casinos, role of internet: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Suicide/drug overdose crisis, American Indians/Alaska Natives, addressing: SB 6258
 Tax revenue, B&O/sales/use, compacts with tribes, governor entering into: ***SHB 2803, CH 132 (2020)**, SB 6601
 Timber harvest excise tax, tribal, collection and distribution of, when: SB 6671
 Tobacco and vapor products, legal sale age, consultations with tribes: ***EHB 1074, CH 15 (2019)**, SB 5057
 Tribal colleges, removing work requirement for child care for students, when: ***2SHB 1303, CH 97 (2019)**, ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 5341, SB 6351, SB 6540
 Urban and community forestry program, role of tribes: SHB 2768, SB 6529
 Vapor products, tax contracts concerning sale in Indian country, authority for: ***E2SHB 1873, CH 445 (2019)**
 Voting, Native American voter rights: SB 5079
 Voting, reservation ballot drop boxes and tribe pickup/collection locations: ESB 5779
 Water bodies, tribe traditional and cultural interests in, recognizing: SB 6260

Women and other persons, indigenous, missing and murdered, liaisons for: ***2SHB 1713, CH 127 (2019)**
 Women and other persons, indigenous, missing, law enforcement response: ***2SHB 1713, CH 127 (2019)**

INITIATIVE AND REFERENDUM

Ballot measures, local, statement committee member requirements: SB 6238
 Ballot propositions, when considered proposed: SHB 2772, SB 6361
 Bring back our \$30 car tabs act, as legislative enactment of I-976 with modifications: SB 6245
 Bring back our \$30 car tabs, as initiative to the legislature: SI 976
 Bring back our \$30 car tabs, as initiative to the legislature and passed by the people, repealing motor vehicle excise tax provisions of: SB 6606
 Bring back our \$30 car tabs, as legislative enactment of I-976: SB 6031
 Initiative 1000, to legislature, complete equity act as alternative to: SB 5935
 Initiative 1000, to legislature, diversity, equity, and inclusion act: SI 1000
 Initiative 940, as passed by the people, revising and adding to: ***SHB 1064, CH 4 (2019)**, SB 5029
 Initiative 940, to and passed by legislature, repealing: ***SHB 1064, CH 4 (2019)**
 Initiative 940, to legislature, repealing: SB 5029
 Initiative 976, to legislature, as passed by the people, repealing motor vehicle excise tax provisions of: SB 6606
 Initiative 976, to legislature, bring back our \$30 car tabs: SI 976

INSECTS (See also PEST CONTROL AND PESTICIDES)

Mosquitos, mosquito control districts, application of property tax provisions: HB 1583, ***SB 5519, CH 54 (2020)**

INSURANCE (See also HEALTH CARE AUTHORITY; PUBLIC ASSISTANCE; WORKERS' COMPENSATION)

Benefit managers, health care, new encompassing chapter for: SB 5601
 Benefit managers, pharmacy, community pharmacies in retail network of: SB 5421
 Benefit managers, pharmacy, contracts with pharmacies: SB 5422
 Benefit managers, pharmacy, filling prescription through mail order: SB 5184
 Benefit managers, pharmacy, HCA or state agency as, when: ***E2SHB 2662, CH 346 (2020)**
 Benefit managers, pharmacy, licensing and regulation of: SB 5601, SB 5982
 Benefit managers, pharmacy, prescription drug data reporting: ***E2SHB 1224, CH 334 (2019)**, HB 2710
 Benefit managers, pharmacy, regulation of: SB 5422
 Benefit managers, pharmacy, repealing/recodifying and replacing chapter: SB 5601
 Benefit managers, radiology, health care benefit managers doing business as: SB 5601
 Captive insurers, exempting from B&O taxation, when: SB 6331
 Captive insurers, registration, authority, taxes, and premium taxes exemption: SB 6331
 Contracts, claiming loss under, insurer examination under oath of person: SB 5703
 Coverage, living organ donors, prohibiting discrimination against: SB 6039
 Dental, dental only health plans, all provider categories and carrier disclosure: SB 6330
 Dental, Pacific islander COFA citizens, coverage for: ***ESB 5274, CH 311 (2019) PV**
 Disasters, natural disasters and resiliency activities work group, creating: SB 5106
 Drivers, financial responsibility, liability policy proof, on registration application: SB 5924
 Drivers, financial responsibility, on motorcycle: ***HB 1014, CH 60 (2019)**
 Drivers, financial responsibility, on motorcycle, moped, or motor-driven cycle: SB 5007
 Exempt commercial purchasers, of independently procured insurance: SB 6241
 Fraud program, criminal investigation unit funding from fraud account: ***SB 6049, CH 195 (2020)**
 Fraud program, surcharge and insurance commissioner's fraud account: SB 5408
 Group policyholders, insurer payment to offset expenses of, when: ***SHB 1075, CH 253 (2019)**, SB 5065
 Guaranty association protection, in event of insolvency, provisions: SB 6050
 Health benefit exchange, health carrier benefit exclusions notice on web site: ***SHB 2554, CH 283 (2020)**, SB 6400
 Health benefit exchange, premium subsidies, plan for: E2SHB 1523, SB 5526
 Health benefit exchange, standardized and non-standardized health plans: E2SHB 1523, SB 5526
 Health care, abortion coverage, student health plan, when: HB 2252, SB 6129
 Health care, air ambulance service, provision of, claims data online availability: ***EHB 2755, CH 131 (2020)**
 Health care, ARNP reimbursement at physician level: SB 5647
 Health care, balance billing protection act: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Health care, balance billing, prohibitions: ***2SHB 1065, CH 427 (2019)**

Health care, bloodborne pathogen test results as coverage condition: SB 5562
 Health care, carrier behavioral health network access standards: ***ESHB 1099, CH 11 (2019)**
 Health care, carrier credentialing of providers by database, requirements: ***EHB 1552, CH 4 (2020)**
 Health care, carrier provider networks and enrollee protections: SB 5780
 Health care, community pharmacy in retail pharmacy network, requirements: SB 5421
 Health care, contralateral prophylactic mastectomy coverage: SB 5345
 Health care, drug mail order services, unintentional use/enrollment: SB 5184
 Health care, drug utilization management protocol, use of: ***ESHB 1879, CH 171 (2019)**, SB 5806
 Health care, employer contribution in school transportation services contracts: SB 6176
 Health care, employer reimbursement for certain premiums: SB 5217
 Health care, for retired/disabled school employees/local elected officials: SB 5686
 Health care, health care benefit managers, new encompassing chapter for: SB 5601
 Health care, hearing instrument coverage for children/adolescents: SB 6291
 Health care, HIV pre-/post-exposure prophylaxis coverage: SB 6303
 Health care, hospital or provider organization material changes, notice of: ***SHB 1607, CH 267 (2019)**
 Health care, hospital patient administrative days, claims codes for tracking: SB 6384
 Health care, in- and out-of-network providers and facilities, requirements: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Health care, initial/mgmt./6 consecutive visits, prior authorization prohibition: ***2ESB 5887, CH 193 (2020)**
 Health care, initial/mgmt./6 consecutive visits, utilization mgmt. prohibition: ***2ESB 5887, CH 193 (2020)**
 Health care, insulin products, central insulin purchasing work group: SB 6113
 Health care, insulin products, cost-sharing cap for: ***E2SHB 2662, CH 346 (2020)**, SB 6087
 Health care, insulin, total cost of insulin work group, establishing: ***E2SHB 2662, CH 346 (2020)**
 Health care, medicare supplement insurance: ***SB 5032, CH 38 (2019)**
 Health care, medicare, asking congress to include dental care coverage in: SHJM 4014
 Health care, medicare, drug coverage via EGWP, coverage supplemental to: SB 6051
 Health care, medicare, employer group waiver plans, supplemental coverage: SB 6051
 Health care, mental health wellness examinations: SB 6685
 Health care, minimum essential coverage, with penalty for not maintaining: SB 5840
 Health care, nonprofit health carrier surplus, payments when excessive: SB 6451
 Health care, personal information, confidentiality for minors as protected individuals: SB 5889
 Health care, personal information, disclosure prevention/limiting, compliance: SB 5889
 Health care, personal information, protections and security breaches: ***SHB 1071, CH 241 (2019)**, SB 5064
 Health care, personal information, sensitive and other health care services: SB 5889
 Health care, prescription drug cost transparency, data for, requirements: HB 2710
 Health care, prescription drug cost transparency, reporting for: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292
 Health care, prescription drug step therapy exception requests: ***ESHB 1879, CH 171 (2019)**
 Health care, prescription drugs, consortium for purchasing, duties: ***E2SHB 2662, CH 346 (2020)**
 Health care, prescription drugs, contracts with pharmacies: SB 5422
 Health care, prescription drugs, maximum point-of-sale cost for: ***SHB 2464, CH 116 (2020)**
 Health care, prescription drugs, medicare via EGWP, supplemental coverage: SB 6051
 Health care, prescription drugs, northwest consortium for purchasing, duties: SB 6113
 Health care, prescription drugs, pharmacy tourism programs: SB 6111
 Health care, primary care collaborative, establishing: SB 6413
 Health care, prior authorization work group, creating: SB 6404
 Health care, prior authorization, provisions: ***2ESB 5887, CH 193 (2020)**, SB 6404
 Health care, prosthetics and orthotics, coverage equivalent to medicare: SB 6098
 Health care, public assistance and health coverage, joint beneficiaries: ***HB 2677, CH 183 (2020)**, SB 6395
 Health care, reproductive health care access for all act: SB 5602
 Health care, reproductive health care in college student health plans: SB 5602
 Health care, required benefits, health carrier exclusions notice requirement: ***SHB 2554, CH 283 (2020)**, SB 6400
 Health care, school employees, part-time employee affordable options: SB 6020
 Health care, school employees, repealing SEBB, adding district/low-cost options: SB 6011
 Health care, state employee contract health benefit cost limits: SB 6246
 Health care, state-mandated benefits, individual/small group plans, exemption: SB 5781

Health care, statewide all-payer health care claims database, provisions: **2SHB 1776, *EBH 2755, CH 131 (2020)**, SB 5741

Health care, substance use disorder treatment access: ***ESHB 2642, CH 345 (2020)**

Health care, substance use disorder/mental health coverage requirement: ***SHB 2338, CH 228 (2020)**

Health care, telemedicine and store/forward technology, payment parity: SB 5385

Health care, universal health care system, establishment, work group on: SB 5822

Health care, utilization management or review, provisions: ***2ESB 5887, CH 193 (2020)**

Health care, whole Washington health trust, creating: SB 5222

Health insurance carriers, nonprofit, surplus levels in rate filings, review of: SB 6097

Hemp producers, joint task force on availability of crop insurance for, establishing: SB 5719

Homeowner's insurance, smoke detection devices, discounts due to: SB 5284

Implementation credits and performance standards, provisions: SB 6144

Independently procured insurance, exempt commercial purchasers of: SB 6241

Inducements, life insurance policy-related, to reduce risk of insured's death: SB 6052

Inducements, prohibiting, exceptions: SB 6144

Insurers and issuers, registration as legal service contractors, when: SHB 2306, SB 6146

Internationally active insurance groups, group-wide supervision of: SB 6048

Legal service contractors, legal services as limited line: SHB 2306

Legal service contractors, registration of: SHB 2306, SB 6146

Life and disability insurance guaranty association act, modifying: SB 6050

Life insurance, policy-related inducements, to reduce risk of insured's death: SB 6052

Life insurance, using for funeral, last illness, or related expenses: SB 5346

Long-term care, insurance benefit for: ***2SHB 1087, CH 363 (2019)**, SB 5331

Long-term services and supports trust program, premium exemption, when: SB 6267

Motor vehicles, commercial transportation services, freight delivery: SB 5239

Policies, sublimits to coverage, noting on declarations page, requirements: SB 6244

Premium tax, on homeowner and commercial property premiums: SB 5858

Premium tax, on independently procured insurance, exempt commercial purchaser to remit: SB 6241

Premiums from wages, revenue use, constitutional amendment: SJR 8211

Property/casualty insurers, additional tax for wildfire prevention/suppression: SB 5996

Protection product guarantees, provider finances: ***HB 1001, CH 16 (2019)**, SB 5030

Rural development and opportunity zone act, insurance premium tax credit: SB 5423

Self-defense legal service subscription providers, excluding from "insurer": SB 6043

Self-insurance risk programs, local government joint, participation in: ***HB 1431, CH 26 (2019)**, SB 5584

Service contracts, provider coverage options and finances: ***HB 1001, CH 16 (2019)**, SB 5030

Unfair practices, exceptions to prohibitions: SB 6144

Water-sewer districts, commissioner insurance coverage: ***SB 5122, CH 40 (2019)**

INSURANCE COMMISSIONER (See also INSURANCE)

Fraud account, insurance commissioner's, creating: SB 5408

Fraud account, insurance commissioner's, funding criminal investigation unit: ***SB 6049, CH 195 (2020)**

Health care, personal information, disclosure prevention/limiting, compliance: SB 5889

Health insurance carriers, nonprofit, surplus levels in rate filings, OIC review: SB 6097

Health insurance carriers, prior authorization standards adoption, OIC role: SB 6404

Public employees' benefits board, nonvoting member from OIC, adding: HB 1220, SB 5275

INVESTMENT BOARD, STATE

Cities, first-class, retirement funds of, investment by board: SB 5240

Commingled pension fund, in plan 3 plans and deferred compensation asset mix: ***SB 6383, CH 160 (2020)**

JOINT MEMORIALS

Agricultural commodities, suspension of certain tariffs on, requesting: SJM 8011

Banking, Glass-Steagall act separation of investment and commercial, requesting: SJM 8003

Biochar, affirming research efforts to produce: ***SJM 8005 (2019)**

Bridges, SR-507 over Skookumchuck river, naming as Regina Clark memorial bridge: ***SHJM 4007 (2019)**

China, long-term trade agreement with, requesting work toward: SJM 8011

Compact of Free Association (COFA) migrants, federal benefits for, requesting that congress restore: SJM 8017
 Election campaign contributions, regulating, U.S. constitutional amendment convention: SJM 8002
 Election contributions, authority to regulate, U.S. constitutional amendment: SJM 8001
 Federal balanced budget, U.S. constitutional amendment for: SJM 8004
 Glacier highway, requesting that WSTC name state route number 165 as the: SJM 8021
 Gold Star memorial highway, requesting that WSTC name SR-902 as: HJM 4016
 Harbor maintenance tax, federal, requesting that congress reform: SJM 8016
 Highways, designation of names for certain, requesting that transportation commission act: SJM 8020
 Immunization, design defect claims against manufacturers, requesting that congress allow: SJM 8012
 Mail service, United States, urging congress to protect: SJM 8000
 Marine plastic pollution prevention, requesting action via new trade agreements with China: SJM 8009
 Medicare, asking congress to include dental care coverage in: SHJM 4014, SJM 8010
 Memorials, resolutions, and bills from 2019 regular session, returning to house of origin: ***SCR 8409 (2019)**
 Memorials, resolutions, and bills from 2020 regular session, returning to house of origin: ***SCR 8413 (2020)**
 Memorials, resolutions, and bills, reintroduction for 2020 regular session: ***HCR 4402 (2020)**
 Nuclear war, checks and balances to reduce risk, urging congress to establish: SJM 8006
 Nuclear waste, federal repository, requesting that congress, DOE, and EPA establish/develop site for: SJM 8018
 Salmon, international year of the, recognizing 2019 as: HJM 4012
 Sea lions/pinnipeds, federal permits for lethal taking to limit salmon predation, requesting action for: SJM 8015
 Tobacco and vapor products, sale to persons under 21, federal legislation to prohibit: SJM 8008
 U.S. government and congress, limits on, U.S. constitutional amendment convention: SJM 8007
 United States-Mexico-Canada Agreement, requesting that congress ratify: SJM 8013
 Upper Skagit watershed, logging and mining in, requesting prevention of: SJM 8014
 Vaccination, design defect claims against manufacturers, requesting that congress allow: SJM 8012
 Volcano early warning and monitoring, urging congress to address: SJM 8019

JOINT RESOLUTIONS

B&O tax rates, increase or differential, two-thirds majorities or voter approval, constitutional amendment: SJR 8210
 Catastrophic incidents, continuity of governmental operations, constitutional amendment: ***SJR 8200 (2019)**
 Governor, term limit, constitutional amendment: SJR 8213
 Infrastructure bank, Washington state, constitutional amendment to create: SJR 8209
 Legislative session, regular, excluding public holidays from, constitutional amendment: SJR 8203
 Legislators, terms of, extending length and staggering, constitutional amendment: SJR 8217
 Legislature, title-only bills, prohibiting, constitutional amendment: SJR 8214
 Long-term care services/supports, investing funds, amending constitution: ***ESJR 8212 (2020)**
 Operating budget, balancing in current and next fiscal biennia, constitutional amendment: SJR 8216
 Operating budget, state balanced budget requirement, constitutional amendment: SJR 8207, SJR 8216
 Property tax levy, limiting residential real property value subject to, constitutional amendment: SJR 8219
 Property tax relief, for residential and commercial properties, with value limits, constitutional amendment: SJR 8218
 Property taxes, homestead exemption from, constitutional amendment to allow: SJR 8208
 Resolutions, memorials, and bills from 2019 regular session, returning to house of origin: ***SCR 8409 (2019)**
 Resolutions, memorials, and bills from 2020 regular session, returning to house of origin: ***SCR 8413 (2020)**
 Resolutions, memorials, and bills, reintroduction for 2020 regular session: ***HCR 4402 (2020)**
 Right to fish, hunt, and harvest wildlife, not to be infringed, constitutional amendment: SJR 8204
 School district bonds, at least 55% of voters to authorize, constitutional amendment: SJR 8202
 School district bonds, simple majority to authorize, constitutional amendment: SJR 8201
 Supreme court justices, election by electors of supreme court judicial districts, constitutional amendment: SJR 8215
 Tax court, authorizing, constitutional amendment: SJR 8205
 Vehicle and trailer purchases, sales/use tax revenue highway use, constitutional amendment: SJR 8206
 Wages, certain charges imposed on, revenue use, constitutional amendment: SJR 8211

JUDGES (See also COUNTIES; COURTS; ETHICS IN GOVERNMENT; JUDICIAL CONDUCT, COMMISSION ON; RETIREMENT AND PENSIONS; SEX OFFENSES AND OFFENDERS)

Administrative law judges, collective bargaining for: ***SHB 2017, CH 77 (2020)**, SB 6224
 Collective bargaining, judges/commissioners, "public employee" exclusion: SB 6367
 District and municipal, disputes between elected/appointed officials, mediation: SB 5560

District and municipal, notices of disqualification of: HB 1305
 Judiciary, state of the, joint legislative session for message: ***SCR 8401 (2019)**
 Justice and law practice, regulatory authority, shifting to supreme court: ESHB 1788
 Superior court judges, disputes between elected/appointed officials, mediation: SB 5560
 Superior court judges, increasing number in certain counties: ***ESB 5450, CH 53 (2020)**, SB 6178
 Supreme court, justices, election by electors of supreme court judicial districts, constitutional amendment: SJR 8215

JUDGMENTS (See also COURTS)

Consumer debt, exemption from execution, attachment, and garnishment, when: ***SHB 1602, CH 371 (2019)**
 Consumer debt, interest on and garnishment of: ***SHB 1602, CH 371 (2019)**
 Medical debt, exemption from execution, attachment, and garnishment, when: ***SHB 1602, CH 371 (2019)**, SB 5530
 Medical debt, protections for debtors: ***SHB 1531, CH 227 (2019)**

JUDICIAL CONDUCT, COMMISSION ON (See also ETHICS IN GOVERNMENT)

Postemployment disclosure statements, process and requirements: SB 5033

JUVENILE COURT AND JUVENILE OFFENDERS (See also CHILDREN; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; FOSTER CARE; HOMELESS PERSONS; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Community facilities, juveniles in, infraction policy: SB 5815
 Community juvenile accountability programs, referred youth and funding: ***ESB 5429, CH 461 (2019)**
 Custodial assault, with prior conviction, discretionary decline hearing: SB 5880
 Decline hearings, discretionary, provisions: ***E2SHB 1646, CH 322 (2019)**, SB 5880
 Dependency and termination petitions, caseload forecasting of: SB 5942
 Dependency proceedings, family reunification services: ***HB 1900, CH 172 (2019)**, SB 5826
 Dependency proceedings, hearsay evidence by child under 16, admissibility: SB 5885
 Dependency proceedings, shelter care hearing, factors for consideration: SB 5892
 Dependent child, and parent of, family connections program, implementing: ***SHB 2525, CH 33 (2020)**, SB 6422
 Dependent child, casework supervision if returned home, length of: SB 6525
 Dependent child, parent of, certificate of parental improvement for, role of: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Dependent child, relative of, child-specific license for placement of child: SB 6482
 Dependent children, under age 3, "baby court" for, initiating: SB 5494
 Detention facilities, solitary confinement, prohibiting, and limiting isolation: ***2SHB 2277, CH 333 (2020)**, SB 6112
 Detention facilities, uniformed personnel binding interest arbitration: ***SB 5199, CH 280 (2019)**
 Drive-by shooting, at age 16-17, sentencing range: ***E2SHB 1646, CH 322 (2019)**, SB 5880
 Educational programs and outcomes, institutional, task force on improving: ***ESHB 2116, CH 226 (2020)**
 Evidence, hearsay, by child under 16 concerning human trafficking: SB 5885
 Family reconciliation services, for families or youth experiencing conflict: ***SHB 2873, CH 51 (2020)**, SB 6611
 Family reunification services, provisions: ***HB 1900, CH 172 (2019)**, SB 5826
 Gangs, youth involvement, el camino nuevo pilot projects in E. Washington: SB 5945
 Guardians ad litem, for child, fingerprint background checks: ***SB 5895, CH 57 (2019)**
 Jails/holding facilities, adult, limiting time juvenile may be held in: ***2SHB 2277, CH 333 (2020)**
 Juvenile court alternative programs, DCYF-funded, youth outcomes, reporting: ***SB 6507, CH 262 (2020)**
 Offenders, age range for possible adjudication, modifying: SB 5735
 Offenders, convicted in adult court at 16 or 17, vacation/transfer to juvenile court: SB 6443
 Offenders, convicted in adult court, juvenile facility placement: ***E2SHB 1646, CH 322 (2019)**, SB 5737
 Offenders, minimum security confinement, participation in programs: SB 5815
 Offenders, sentenced in adult court, court's discretion: SB 5488
 Offenders, sentenced in adult court, serving enhancements concurrently: SB 5488
 Persistent offenders, excluding convictions before age 18 for sentencing as: SB 5491
 Prevention and family services and programs: ***HB 1900, CH 172 (2019)**, SB 5826
 Protection orders, extreme risk, against person under 18: SB 5027, SB 5072
 Records, administrative sealing and destruction of, conditions: SB 6444
 Records, administrative sealing of, conditions: ***SHB 2794, CH 184 (2020)**, SB 5182
 Records, administrative sealing of, to include drug offense records: SB 5837, SB 6444

Records, administratively sealed, removal from state patrol information systems: SB 6444
 Records, student credit in detention facility, preventing mention on transcript: ***SHB 2794, CH 184 (2020)**
 Rehabilitation institutions, imprisonment in, with untried indictment: SB 6270
 Rehabilitation institutions, students needing special education assessment in: SB 5962
 Release, safe release plan into safe and stable housing, or rental voucher: SB 5700
 Robbery, first degree, at age 16-17, sentencing range: ***E2SHB 1646, CH 322 (2019)**, SB 5880
 Sex offenders, registration waiver under special disposition alternative: SB 5351
 Sex offenders, registry removal under special disposition alternative: ***ESB 6180, CH 249 (2020)**
 Sexually explicit or intimate images of minors, minors possessing/dealing in: ***SHB 1742, CH 128 (2019)**
 Solitary confinement, prohibiting, and limiting use of isolation/room confinement: ***2SHB 2277, CH 333 (2020)**, SB 6112
 Street youth, services for, DCYF role: ***HB 1657, CH 124 (2019)**, SB 5470
 Students, sex or violent offenders, district/school notification requirements: ***2SHB 1191, CH 167 (2020)**, SB 5554
 Truancy, detention for failure to comply with court order, eliminating: SB 5290
 Voting districts, offender's last known address, redistricting commission use: SB 5287
 Youth courts, jurisdiction over civil infractions by juveniles: SB 5640
 Youth, at-risk, detention for failure to comply with court order, eliminating: SB 5290
 Youth, at-risk, family reconciliation services when experiencing conflict: ***SHB 2873, CH 51 (2020)**, SB 6611

LABOR (See also COLLECTIVE BARGAINING; CONTRACTORS; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; EMPLOYMENT SECURITY DEPARTMENT; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; PROFESSIONS; WAGES AND HOURS; WOMEN; WORKERS' COMPENSATION)

Affirmative action without preferential treatment, I-1000 to accomplish: SI 1000
 Agreements, labor peace, marijuana businesses with: SB 5985
 Agricultural products, manufacturers/retail sellers, supply chain disclosures: SB 5693
 Airports/air navigation facilities, minimum labor standards: SB 6217
 Contracts, independent personal labor, persons under, minimum wages for: SB 5987
 Cranes, tower crane disassembling, L&I to be present for: SB 6171
 Domestic violence and workplace resources, task force on, convening: ***2EHB 1056 (2020) V**
 Domestic violence, community resources poster for workplace: ***HB 1533, CH 228 (2019)**
 Domestic workers rights grant program, establishing: SB 6247
 Domestic workers, domestic worker protection act: SHB 2511
 Domestic workers, labor protections for: SHB 2511, SB 6247
 Domestic workers, work group on, forming: SHB 2511, SB 6247
 Employees, discharged by employer, written statement of reason and date: SB 6233
 Employees, employee fair classification act, creating: SB 5513, SB 5690
 Employees, personnel file copy, employer furnishing by request: SB 6233
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690
 Family and medical leave, paid, and family resource/referral/linkage system: SB 6467
 Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017
 Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019)**, ***SHB 2614, CH 125 (2020)**, ***ESB 5439, CH 81 (2019)**, SB 5449, SB 5539, SB 6349
 Farm labor contractors, licenses and adverse action prohibition: SB 6261
 Harassment, discrimination, and abuse, of/against certain home caregivers: SB 6205
 Harassment, discrimination, and retaliation prevention, trainers/peer trainers on: SB 6169
 Health services, disruption by labor unrest, DSHS contracting to avoid: ***SB 6096, CH 201 (2020)**
 Home care settings, free from abuse/discrimination, work group, convening: SB 6205
 Human trafficking, agricultural product supply chain disclosures concerning: SB 5693
 Human trafficking, hearsay evidence by child under 16 concerning: SB 5885
 Human trafficking, human trafficking awareness month, designating January as: SB 6633
 Human trafficking, noncitizen victims and family members, public assistance: SB 5164
 Human trafficking, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Labor neutrality agreements, private contractors for certain DSHS services: SB 5295
 Lockouts, by employer, unemployment benefits for workers due to: SB 6441
 Noncompetition covenants, enforceable or unenforceable, when: ***ESHB 1450, CH 299 (2019)**, SB 5478, SB 6081
 Sexual discrimination, in workplace, prevention measures: SB 5258

Sexual harassment/assault, when workers isolated, employer prevention role: SB 5258
 Unfair practices, employee bargaining rights, employer lack of neutrality: SB 5169
 Unfair practices, employee off-duty conduct, employer actions due to: SB 5226, SB 5807
 Unfair practices, investigative records, disclosure exemption: ***EHB 2020, CH 349 (2019)**, SB 5929
 Unfair practices, pregnancy discrimination by employer, complaint deadline: ***SB 6034, CH 145 (2020)**
 Unions, agency or fair share fees, employee claim or action for, defense to: ***SHB 1575, CH 230 (2019)**, SB 5623
 Unions, membership dues, employee authorization of: ***SHB 1575, CH 230 (2019)**, SB 5623
 Unions, security provisions, striking from collective bargaining statutes: ***SHB 1575, CH 230 (2019)**, SB 5623
 Workers' boards, for nonemployee workers, convening: SB 5690
 Workweek, thirty-two-hour, time-and-a-half compensation beyond: SB 6516

LABOR AND INDUSTRIES, DEPARTMENT (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; CONTRACTORS; CONVEYANCES; LABOR; PUBLIC WORKS; WORKERS' COMPENSATION)

Aerospace workforce council, to establish apprentice utilization rate, creating: ***ESB 6690, CH 165 (2020)**
 Cranes, tower crane disassembling, L&I to be present for: SB 6171
 Domestic workers rights grant program, establishing, L&I role: SB 6247
 Factory built housing and commercial structures, inspection of: ***HB 1486, CH 165 (2019)**, SB 5756
 Harassment, discrimination, and retaliation prevention, trainers on, qualifying of: SB 6169
 Home care settings, free from abuse/discrimination, work group, L&I to convene: SB 6205
 Industrial insurance, third-party administrators, licensing by L&I: ***SHB 2409, CH 277 (2020)**
 Wages, new employee training period, restaurants paying, L&I certificate for: SB 6377

LAKES AND RESERVOIRS (See also FISH; FISHING; HYDRAULIC PERMITS AND PROJECTS; SHORELINES AND SHORELINE MANAGEMENT)

Lake and beach management districts, in special purpose district definition, when: ***ESHB 2588, CH 179 (2020)**
 Lake Washington, passenger-only ferry service by city on, authority for: ***HB 2641, CH 181 (2020)**
 Roads, county, by water bodies, vacation when safety hazard: ***SB 5613, CH 300 (2020)**

LAND USE PLANNING AND DEVELOPMENT (See also ENVIRONMENT; GROWTH MANAGEMENT; SUBDIVISIONS)

Development regulations, guidance for, implementation effects analysis: SB 5524
 Ordinances, violations of, issuance, name of complainant required: SB 6572
 Planning costs, local, grant program for: SB 5769
 Projects, local, permit application completeness, when: SB 5372
 Projects, local, permit application timelines, flexibility, and protections: SB 6461
 Projects, of statewide significance, certain pumped storage projects: ***EHB 2819, CH 46 (2020)**, SB 6578
 Projects, of statewide significance, designation process and tax credits: SB 5540

LANDLORD AND TENANT

Application for tenancy, person with arrest/conviction record, protections for: SB 6490
 Evictions, no cause, prohibiting and replacing with cause eviction protections: SB 5733
 Evictions, reasons constituting cause for, residential landlord-tenant act: SB 6378, SB 6379
 Evictions, residential, ordinances prohibiting, prohibition of: SB 6651
 Landlord mitigation program, eligibility for: ***EHB 1694, CH 169 (2020)**
 Landlord mitigation program, provisions: ***EHB 1694, CH 169 (2020)**, SB 6378
 Landlord, prior notice for demolition, substantial rehabilitation, or use change: ***HB 1462, CH 339 (2019)**
 Landlord, refusing tenancy due to applicant arrest/conviction record, prohibiting: SB 6490
 Landlord, rent increase prior written notice, minimum period for: ***ESHB 1440, CH 105 (2019)**, SB 5600
 Landlords, charging late fees for past due rent, grace period before: ***ESHB 2535, CH 177 (2020)**
 Occupants, co-residing with tenant, provisions concerning: SB 6379
 Tenancy, termination notice by armed forces member: ***ESHB 1138, CH 23 (2019)**, SB 5180
 Tenancy, termination or refusal to renew, cause requirements for: SB 6379
 Tenants, notice to pay rent or vacate the premises, 14-day: SB 6378, SB 6379
 Tenants, past due rent, grace period before late fees charged: ***ESHB 2535, CH 177 (2020)**
 Tenants, paying rent with government assistance, altering rent due date for: ***ESHB 2535, CH 177 (2020)**
 Tenants, rent and deposits/fees, paying in installments: ***EHB 1694, CH 169 (2020)**
 Unlawful detainer, actions, period for tenant response: SB 5123

Unlawful detainer, actions, residential tenant response period and protections: ESHB 1453, SB 5600, SB 5733, SB 6379
 Unlawful detainer, actions, tenant options after judgment issuance: SB 6378
 Unlawful detainer, actions, writ of restitution, order to stay: SB 6378
 Unlawful detainer, proceedings, attorney representation of tenant, studying: SB 5907
 Utilities, water/sewer, individual unit metering for: SB 5775

LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL (See also ANIMALS; CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL PROCEDURE; FIRST RESPONDERS; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; RETIREMENT AND PENSIONS; SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC))

Animal in vehicle, preventing cruelty by removing, officer liability for: SB 6151
 Animals, police, harming, class B felony when animal killed: SB 5614
 Behavioral health needs, criminal justice system-involved persons with, grant program: ***2SHB 1767, CH 378 (2019)**
 Behavioral health needs, of officers, task force, pilot projects, and grants: SB 6570
 Colleges, community and technical, agency assistance with security: SB 5150
 Courthouses/facilities, law enforcement actions at, prohibitions/exceptions: ***SHB 2567, CH 37 (2020)**, SB 6522
 Deadly force, amending and adding to I-940 as passed by the people: ***SHB 1064, CH 4 (2019)**, SB 5029
 Deadly force, police use of, central repository of information, establishing: SHB 2789, SB 6527
 Deadly force, repealing I-940 to and passed by legislature and ESHB 3003 (2018): ***SHB 1064, CH 4 (2019)**
 Deadly force, repealing I-940 to legislature and ESHB 3003 (2018): SB 5029
 Derelict vessel removal program, local agency enforcement role and grants: SB 6528
 Domestic violence, law enforcement response: ***SHB 1225, CH 367 (2019)**, SB 5143
 Domestic violence, traumatic brain injuries risk, officer training to include: ***ESB 5573 (2019) V**
 Eyewitness evidence, law enforcement maximizing of reliability, work group: SB 5714
 Firearms, concealed pistol licenses, process for renewal by agencies: ***HB 1934, CH 135 (2019)**
 Firearms, seizing of, removing authority for, when: SB 6673
 Firearms, surrender to and return of by law enforcement, removing various provisions: SB 6673
 First aid, officer training in and provision of: ***SHB 1064, CH 4 (2019)**, SB 5029
 Fish and wildlife officers, definition and collective bargaining: SB 5481
 Fish and wildlife officers, lawful permanent resident requirement for: ***ESHB 2571, CH 38 (2020)**, SB 6071
 Fish and wildlife officers, vessel crewmember licensee identification to show: SB 6485
 Homicide, justifiable, law enforcement deadly force use: ***SHB 1064, CH 4 (2019)**, SB 5029
 Huckleberry buyers, disclosing certain records to law enforcement: HB 2092
 Immigration enforcement, cooperation with federal government, requiring: SB 6030
 Immigration enforcement, cooperation with federal government, restricting: ***SHB 2567, CH 37 (2020)**, SB 6522
 Indigenous women and other persons, missing, law enforcement response: ***2SHB 1713, CH 127 (2019)**
 License plate recognition systems, automated, law enforcement use: SB 5529
 Mental disorders, persons with, diversion by police from prosecution: SB 5444
 Missing and unidentified persons, national system, WASPC use of: ***EHB 2792, CH 45 (2020)**
 Missing persons cases, entry into NCIC by law enforcement, when: ***EHB 2792, CH 45 (2020)**
 Motorcycles, profiling by law enforcement, prohibiting: SB 6130
 Officers, behavioral health needs of, suicide prevention efforts: SB 6570
 Officers, behavioral health needs of, task force, pilot projects, and grants: SB 6570
 Officers, certification, polygraph requirement for, removing: SB 6148
 Officers, correctional, certification and termination: ***2SHB 2499, CH 119 (2020)**
 Officers, correctional, overtime work by: SB 5200
 Officers, PERS service credit transfer to LEOFF, when: SB 5355
 Officers, traffic citations by, considering in assessing performance, prohibiting: SB 6316
 Officers, use of force with firearm discharge, reporting: SB 5916
 Officers, Washington law enforcement officer health and wellness special license plates: SB 6225
 Officers, workers' compensation occupational disease presumptions: ***HB 1913, CH 133 (2019)**, SB 5849
 Personnel, critical incident stress management programs, expanding access: ***HB 2926, CH 294 (2020)**
 Railroad grade crossings, clearing for law enforcement vehicles, when: SB 6675
 Sanctuary policies for immigrants, prohibiting: SB 6030
 School resource officers, agreements, training, and grant program: SB 5052
 Sexual assault kits, tracking system, and survivors: ***2SHB 1166, CH 93 (2019)**

Sexual assault kits, unreported kit storage/preservation: ***ESHB 2318, CH 26 (2020)**
 Sexually exploited children, commercially, protective custody/evaluation facilities: ***E3SHB 1775, CH 331 (2020)**
 Sheriff's office, Pierce county, deputy Daniel McCartney act: SB 5050
 Sheriff's offices, vacancies in, filling: ***HB 1750, CH 14 (2020)**
 Sheriffs, preparation course for person who is not a peace officer: HB 2664
 Sheriffs, salaries of, modifying: SB 5268
 Sheriffs, training program for newly elected: HB 2664
 State patrol, destruction of forfeited firearms by: SHB 1010
 State patrol, domestic violence offender registry, WSP role: SB 5244
 State patrol, electronic database, missing persons cases role of: ***EHB 2792, CH 45 (2020)**
 State patrol, handgun proficiency standards and instructors: SB 5174
 State patrol, information systems, removing sealed juvenile records from: SB 6444
 State patrol, missing/murdered indigenous persons, liaisons and protocol: ***2SHB 1713, CH 127 (2019)**
 State patrol, sexual assault kit forensic analysis role of: ***2SHB 1166, CH 93 (2019)**
 State patrol, state firearms background check system, WSP role: ***E2SHB 2467, CH 28 (2020)**
 State patrol, state-owned land/property, underutilized, inventory of, WSP role: EHB 2896
 Training, basic law enforcement, commencement date after hiring: SB 5944
 Unidentified and missing persons, national system, WASPC use of: ***EHB 2792, CH 45 (2020)**
 Universities and TESC, uniformed personnel, interest arbitration: ***SB 5022, CH 234 (2019) PV**

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Affordable housing, on religious organization property, JLARC review: ***SHB 1377, CH 218 (2019)**
 Ambulatory surgical facilities regulatory program, JLARC performance audit: SB 5906
 Clean fuels program, JLARC to analyze program: E2SHB 1110, SB 5412
 Commercial office space, tax incentives for developing, JLARC to study: ***SHB 1746, CH 273 (2019)**
 Community residential service businesses, public utility tax on, JLARC review: SB 5990
 Corrections, department of, data systems of, JLARC to study: SB 6308
 Corrections, department of, information technology/records related units at, JLARC to audit: SB 6298
 Corrections, department of, medical and health related units of, JLARC to audit: SB 6298
 Employees of JLARC, collective bargaining rights: SB 5691
 First responder building mapping information system, school use, studying: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Homeless assistance, data/data collection systems for, JLARC to study: SB 6647
 Housing, low-income development costs, JLARC's report analyzing: SB 5361
 Local revitalization financing, state contribution, JLARC to study effectiveness of: ESHB 2804
 Marbled murrelet, long-term conservation strategy, impacts of, JLARC review: SB 5547
 Partnership access lines for providers/moms/kids, JLARC review of: ***SHB 2728, CH 291 (2020)**
 Performance-based contracting services program, JLARC to review: SB 5308
 Psychiatric call center, JLARC to review: ***SHB 2728, CH 291 (2020)**
 Rural college promise program, JLARC evaluation of effectiveness: SB 6614
 School districts, statewide reorganization plan, review of: SB 5269
 Volunteer opportunities in state government, review of: SB 5265
 Wildfire prevention/suppression, additional insurer tax for, JLARC to report on: SB 5996

LEGISLATIVE ETHICS BOARD (See also ETHICS IN GOVERNMENT)

Postemployment disclosure statements, process and requirements: SB 5033

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP) COMMITTEE

Expenditure information web site, state, accessibility from taxes database: SB 5631
 Homeless assistance, government spending on, internet portal for, LEAP role: SB 6647

LEGISLATURE (See also CONCURRENT RESOLUTIONS; ELECTIONS; INITIATIVE AND REFERENDUM; LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT; LEGISLATIVE ETHICS BOARD; LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM (LEAP) COMMITTEE; SEX OFFENSES AND OFFENDERS; TITLE ONLY BILLS)

Advanced tuition payment committee, legislative advisory committee to, repealing: ***HB 2402, CH 114 (2020)**, SB 6468
 Agencies, legislative, public records disclosure by: SB 5784

Agency reports to legislature, for November/December, submitting by October 31st: SB 6624
 Agency rule making, role of legislature: SB 6044, SB 6315
 Art and exhibits, display in legislative buildings, program for: SB 5869
 B&O tax rates, increase or differential, two-thirds majorities or voter approval: SJR 8210
 Bills, introduced during one session by a legislator as prime sponsor, limiting: SB 6683
 Bills, memorials, and resolutions from 2019 regular session, returning to house of origin: ***SCR 8409 (2019)**
 Bills, memorials, and resolutions from 2020 regular session, returning to house of origin: ***SCR 8413 (2020)**
 Bills, memorials, and resolutions, reintroduction for 2020 regular session: ***HCR 4402 (2020)**
 Bills, reports/analyses to indicate agency rule-making authorization by: SB 6044
 Bills, title-only, prohibiting introduction of: SB 6042
 Bills, title-only, prohibiting, constitutional amendment for: SJR 8214
 Bills, to regulate/implement new professional licenses, sunrise review process: HB 2477
 Bills/other legislation, cutoff dates: ***SCR 8400 (2019)**, ***SCR 8411 (2020)**
 Bills/other legislation, cutoff dates, exempting K-12 funding legislation from: ESCR 8405
 Chambers, house/senate in legislative building, skylights/ceilings in, restoring: SB 6691
 Code of conduct for legislature: ***HCR 4401 (2019)**
 Committees, selected, repealing, amending, or removing from statute: ***HB 2402, CH 114 (2020)**
 Deceased former members, joint session to honor: ***SCR 8404 (2019)**
 Early achievers program, joint select committee on, recommendations of: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Economic development and international relations, legislative committee on, duties: ***HB 2402, CH 114 (2020)**
 Education accountability system oversight committee, repealing: ***HB 2402, CH 114 (2020)**
 Employees of legislative branch, harassment, as ethics violation: ***ESHB 2018, CH 383 (2019)**
 Employees of legislative branch, permanent, collective bargaining rights: SB 5691
 Eyewitness evidence, maximizing reliability, work group: SB 5714
 Firearms, bills pertaining to, training for legislators introducing: SB 5172
 Fiscal analysis, work group concerning nonpartisan agency for: SB 5636
 Fiscal impact, dynamic fiscal impact statements, instituting: SB 5636
 Fiscal notes, various provisions: SB 5636
 Gift center, craft distillery and microbrewery product sales: SB 5059
 Gubernatorial appointments, background check information for, providing: SB 5968
 Health care information provided to legislature, disclosure exemption: SB 6539
 House districts, two within each senate district, creating: SB 6197
 Informant information or testimony, evaluating reliability of, work group: SB 5714
 Joint session, address by British Columbia premier John Horgan: ***SCR 8402 (2019)**
 Joint session, state of state message: ***HCR 4400 (2019)**, ***HCR 4403 (2020)**
 Joint session, state of the judiciary message: ***SCR 8401 (2019)**
 Legislators, campaign contribution restrictions, when: SB 5270
 Legislators, harassment, as ethics violation: ***ESHB 2018, CH 383 (2019)**
 Legislators, non-legislative employment of, leave of absence from: ESB 5294
 Legislators, terms of, extending length and staggering, constitutional amendment: SJR 8217
 Modernization of state legislature, joint select committee, establishing: SCR 8412
 Monument, global war on terror, service members who died in, work group: SB 5712
 Oral history committee, legislative, staff support for: ***HB 2402, CH 114 (2020)**
 Pension policy, select committee on, interruptive military service credit, studying: ***SHB 2544, CH 178 (2020)**
 Pesticide application safety committee, establishing: 2SHB 1725, SB 5550
 Professional licensing, bills to regulate/implement, sunrise review process: HB 2477
 Public records officers, house chief clerk and senate secretary to be: SB 5784
 Rule making, department of ecology policies, legislative ratification: SB 6315
 Senate districts, two house districts within each, creating: SB 6197
 Session, 2019 regular, adjourning SINE DIE: ***SCR 8410 (2019)**
 Session, 2020 regular, adjourning SINE DIE: ***SCR 8414 (2020)**
 Session, 2020 regular, laws passed during, repealing and eliminating all: SB 6703
 Session, regular, excluding public holidays from: SJR 8203
 Sexual harassment, state employee claims data, reporting of: SB 5845
 Small forest landowners, legislative work group, creating: SB 5330

Staff members, financial affairs statements, posting online, prohibition: SHB 2772
 Systems administrative committee, joint legislative, amending provisions: ***HB 2402, CH 114 (2020)**
 Systems committee, joint legislative, repealing: ***HB 2402, CH 114 (2020)**
 Task force, joint, on availability of crop insurance for hemp producers, establishing: SB 5719
 Task force, joint, on motion picture competitiveness program: SB 5943
 Task force, joint, on problem gambling, creating: ESHB 1880, SB 5818
 Task force, joint, on residential habilitation center clients plan/report, creating: SB 6419
 Task force, on advisory votes, establishing: SB 6610
 Task force, on community and technical college counselors: ***ESHB 1355, CH 113 (2019)**
 Task force, on facial recognition services, establishing: SB 6280
 Task force, on functional recovery of buildings after earthquakes: SB 5557
 Task force, on improving institutional education programs and outcomes: ***ESHB 2116, CH 226 (2020)**
 Task force, on social equity in marijuana, establishing: ***E2SHB 2870, CH 236 (2020)**
 Task force, on state revenue reform, creating: SB 5541
 Task force, on Title IX protections and compliance, establishing: ESHB 1998
 Task force, to create Washington state office of equity operations plan: SB 5776
 Technology committees, fostering space economy public policy study role of: HB 2596
 Trade policy, joint legislative oversight committee on, eliminating: HB 1279, ***HB 2402, CH 114 (2020)**
 Transportation committee, joint, evaluating transferred funds' impact: SB 5978
 Transportation committee, joint, rail safety governance, consultant study on: SHB 2287
 Youth advisory council, legislative, transferring to lieutenant governor's office: ***HB 2402, CH 114 (2020)**, SB 6487
 Youth advisory council, legislative, various modifications: ***HB 2402, CH 114 (2020)**, SB 6487

LIBRARIES

Discover passes, provided to libraries for patrons to check out: SB 6670
 Districts, general obligation bonds for, maximum term of, when: ***SB 6305, CH 207 (2020)**
 Firearms, possession on premises of, prohibitions: SB 5434
 Fund-raising contest of chance, prize or purchase in, use tax exemption: SHB 1808, ***SB 6312, CH 159 (2020)**, SB 6390
 Library capital facilities, ballot proposition for financing, requirements: ***SB 6305, CH 207 (2020)**
 Schools, library and technology programs, OSPI to oversee, duties: SB 6371
 State library, Washington state library-archives building project and account: ***ESHB 2015, CH 448 (2019)**, SB 5902
 Teacher-librarian to student ratio, school allocations based on, when: SB 6371

LICENSING, DEPARTMENT (See also BOATS AND BOATING; DRIVERS AND DRIVERS' LICENSES; FIREARMS; MILITARY; MOTOR VEHICLES; PROFESSIONS; REAL ESTATE AND REAL PROPERTY)

Motor vehicle excise tax, DOL collection for regional transit authority: SB 6606
 Permanent cosmetics businesses and artists, licensing and regulation: SHB 1158
 Professional engineers and land surveyors, state board of registration for, and DOL: ***HB 2833, CH 47 (2020)**, SB 6323
 Professional engineers and land surveyors, state board of registration for, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Professional licensing, applicants with criminal convictions, process for: SHB 2356
 Professions, regulating, only in public interest, sunrise review process: HB 2477
 Road usage fee, for electric/hybrid vehicles, implementation plan, DOL role: SB 6586
 Traffic fines, unpaid, work group on economic burden of, DOL to convene: SB 6153
 Transportation network companies, drivers, and vehicles, uniform regulation: SB 5926
 Uniform commercial code, increasing surcharge on filings: SB 6074
 Vehicle licensing system, agent/subagent service fee adjustment: SB 5419

LIENS

Clean energy building improvements, C-PACER program for, liens as part of: ***E2SHB 2405, CH 27 (2020)**, SB 6222
 Impounded vehicles, auction by operator, moneys to fulfill operator's lien: SB 5668
 Impounded vehicles, personal property in, sale to fulfill lien against: SB 5652
 Property tax liens, foreclosure, sale of property as is: ***HB 1634, CH 28 (2019)**, SB 5518
 Stored vehicle, when possessory lien on, wholesale auction dealer requirements: SB 6410
 Tax liens, federal, documents exemption from recording surcharges: ***HB 1980, CH 136 (2019)**, SB 5898
 Wage liens, comprehensive provisions: SB 6053

LIEUTENANT GOVERNOR

Governor's duties, lieutenant governor performing, payment for: SB 5797
 Legislative youth advisory council, transferring to lieutenant governor's office: *HB 2402, CH 114 (2020), SB 6487
 Washington generals, association of, renaming: *HB 2402, CH 114 (2020)
 Washington state leadership board, renaming Washington generals as: *HB 2402, CH 114 (2020)

LIFE SCIENCES DISCOVERY FUND AUTHORITY

Authority statutes, repealing or recodifying: HB 1335, *SB 5490, CH 83 (2019)
 Authority, removing provision from statute: *HB 2402, CH 114 (2020)
 Life sciences discovery fund, transferring administration of: HB 1335, *SB 5490, CH 83 (2019)

LIQUOR AND CANNABIS BOARD (See also ALCOHOLIC BEVERAGES; DRUGS)

Employees, interest arbitration for: SB 6629, SB 6687
 Licensing and enforcement system modernization project account, delaying expiration: *SHB 1430, CH 164 (2019)
 Liquor laws and rules, written interpretations by board: SB 6341
 Marijuana, businesses, compliance and enforcement reform, board role: SB 5318
 Marijuana, businesses, investor or financier transaction fee, collecting: SB 6085
 Marijuana, businesses, limiting board regulatory authority, when: SB 6661
 Members, adding legislators to board: SB 5296
 Rule making by board, various provisions: SB 5296
 Technical corrections to board statutes, various: SB 5296
 Vapor products, licensing and regulation, board authority: *HB 2826, CH 133 (2020), SB 6254, SB 6579

LIVESTOCK (See also ANIMALS; FOOD AND FOOD PRODUCTS; HORSES; WILDLIFE)

Brand inspection, WSDA authority to conduct, removing: HB 2075, SB 5967
 Brands, various provisions: SB 5959
 Cattle transaction reporting system, electronic, modifying: SB 5956, SB 5959
 Feed lots, certified, license fees: SB 5959
 Identification, livestock identification advisory committee, provisions: SB 5959
 Inspection program, repealing provisions: HB 2075, SB 5967
 Inspection program, report concerning: SB 5959
 Inspection, field livestock inspectors: SB 5959
 Markets, public livestock, provisions: SB 5959
 Wolf-livestock conflict response and proactive nonlethal deterrents: *ESHB 2097, CH 450 (2019)
 Wolf-livestock conflict response, radio collars on gray wolves, use of: SHB 2906

LOANS (See also FINANCIAL INSTITUTIONS)

Debt buyers, actions against debtors, prohibitions: *SHB 2476, CH 30 (2020)
 Linked deposit program, administrative provisions: SB 5167

LOCAL GOVERNMENT (See also BUILDING CODES AND PERMITS; CITIES AND TOWNS; COMPUTERS; COUNTIES; ENVIRONMENT; GROWTH MANAGEMENT; HOMELESS PERSONS; HOMES AND HOUSING; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; LAND USE PLANNING AND DEVELOPMENT; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; OPEN PUBLIC MEETINGS; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; RECORDS; SPECIAL AND SPECIAL PURPOSE DISTRICTS; TAXES - SALES; TAXES - USE)

Automated decision systems, agency development, procurement, and use of: SB 5527
 Bags, carryout, local ordinances, prohibition: SB 5323
 Bots, using online to mislead, prohibiting, when: HB 2396
 Broadband internet services, local government authority to provide: SB 5085
 Building communities fund program, grant assistance award amounts: HB 1952
 Clean energy building improvements, C-PACER program for, county role: *E2SHB 2405, CH 27 (2020), SB 6222
 Clean energy building improvements, C-PACER program for, municipality role: SB 5730
 Community preservation and development authorities, creating: *HB 1918, CH 447 (2019)
 Continuity of government, after catastrophic incident: SB 5012, *SJR 8200 (2019)
 Contracts, beneficial interest in, adjusting exemption thresholds, when: *SB 6326, CH 69 (2020)
 Coronavirus, declared state of emergency, appropriations for response to: *EHB 2965, CH 7 (2020), SB 6696

Data systems, breach notification, "personal information": ***SB 6187, CH 65 (2020)**
 Driving records, of local government employees: ***SHB 1360, CH 99 (2019)**, SB 5725
 Dwelling units, accessory, creating within urban growth areas: SB 5812
 Energy service contractors, registry for municipalities: SB 5308
 Facial recognition services, agency use of, requirements: SB 6280
 Facial recognition technology, government use, restrictions: SB 5528
 Governing bodies, election when jurisdiction modifies districting plan: SB 5266
 Homeless persons, job training/housing, grant program for municipalities: SB 6385
 Homeless persons, religious organizations hosting, local actions/regulations: ***ESHB 1754, CH 223 (2020)**, SB 5644
 Homes, unrelated occupants occupying, city/county limit of, prohibiting: SB 6302
 Housing, emergency/supportive, agencies providing, local utility connection charge waiver: SB 6414
 Income tax, levy by city, county, or city-county, prohibiting: SB 6462
 Income tax, local or state, prohibiting imposition of: SB 6702
 Infrastructure, funding of, Washington investment trust, creating for: SB 5949, SB 5995
 Infrastructure, projects, housing development, certain tax revenues for: SB 5788, SB 5952
 Infrastructure, projects, including natural/green infrastructure measures: SB 5788, SB 5952
 Infrastructure, projects, loan agreements with housing finance commission: HB 1441, SB 5304
 Investment portfolios, separately managed, for governmental entities: ***SHB 1284, CH 163 (2019)**, SB 5306
 Military benefit zones, creating to finance public improvements: SB 5571
 Military installations, infrastructure to support, new account for grants for: SB 5748
 Parks benefit districts, formation by city, county, or certain districts: SB 5680
 Personal information, social security number last 4 digits as breached data: ***SB 6187, CH 65 (2020)**
 Personal property, sales/use between political subdivisions, tax exemptions: ***SB 5337, CH 188 (2019)**
 Public improvements, building business ecosystems area financing for: SB 5564
 Residential evictions, ordinances prohibiting, prohibition of: SB 6651
 Revenue, supreme court decisions altering, fiscal notes for, provision of: SB 6353
 Safety, local public, building construction for, tax exemptions: SB 5348
 Sanctuary policies for immigrants, prohibiting: SB 6030
 Self-insurance risk programs, local government joint, participation in: ***HB 1431, CH 26 (2019)**, SB 5584
 Tolls, vehicle toll imposition by local governments, prohibiting: SB 5104
 Vehicle maintenance/repair, agreements for fire protection districts to provide: SB 5670
 Voting, ranked choice, local government option to use: SB 5708, SB 6569
 Wages, payment of, governmental employers requiring working without: SB 5707

LODGING (See also BUSINESSES; TAXES - LODGING)

Human trafficking, transient accommodation employee training: SHB 2320, SB 6356
 Lodging, short-term rentals through internet platforms, special excise taxes: SB 6680
 Lodging, tourism promotion area formation charge for furnishing, increasing: SB 6592
 Lodging, tourism promotion area formation charges for furnishing, removal petition: SB 6592
 Public accommodation, places of, closed captioning on televisions in: SB 6182
 Sale of lodging, special excise taxes on: HB 1242, SB 5228, SB 6446, SB 6680
 Short-term agreements, standards for, for transient accommodations: SB 5863
 Short-term rental operators and platforms, requirements: ***SHB 1798, CH 346 (2019)**, SB 5870

LONG-TERM CARE (See also BACKGROUND CHECKS; LONG-TERM CARE OMBUDS, OFFICE OF STATE; PUBLIC ASSISTANCE; VULNERABLE ADULTS)

Adult family homes, bed capacity: ***ESHB 1023, CH 220 (2020)**, SB 5396
 Adult family homes, safe egress for residents: HB 1423, SB 5403
 Adult family homes, serving persons with dementia and Alzheimer's, specialty contract: SB 5672
 Adult family homes, serving persons with developmental disabilities, specialty contract: SB 5672
 Adult family homes, sexually violent predator placement in, prohibiting: SB 5038
 Adult family homes, training network for: SB 5728
 Assisted living facilities, volunteers: SB 5533
 Assisted living facilities, volunteers and employees: ***2SHB 1645, CH 270 (2020)**
 Boarding homes, using residential dwellings as, county authority to authorize: ESHB 2890
 Case management responsibilities, to include oversight of care provided: SB 6658

Community residential service businesses, Snohomish county benchmark rate: SB 5281
 Consumer directed employer program, repealing: SB 6658
 Consumer directed employers, abuse/discrimination protections for caregivers: SB 6205
 Continuing care retirement communities, various provisions: E2SHB 1296, HB 2345, SB 5796
 Enhanced services facilities, as health care facilities for background checks: 2ESHB 1565, SB 5568
 Enhanced services facilities, sexually violent predator placement in: SB 5038
 Funds for services and supports, investing of, constitutional amendment: ***ESJR 8212 (2020)**
 Health care facilities, various, sharing criminal background check information: 2ESHB 1565, SB 5568
 Home care agencies, abuse/discrimination protections for caregivers: SB 6205
 Home care agencies, vendor rate and health benefits for workers: ***HB 2380, CH 336 (2020)**, SB 6249
 Home care services, individual providers of, requirements for and oversight of: SB 6658
 Home care settings, free from abuse/discrimination, work group, convening: SB 6205
 In-home personal care or respite services, electronic timekeeping, repealing: ***HB 2380, CH 336 (2020)**, SB 6249
 In-home services agencies, rural health clinics in home health shortage area: SHB 2621, ***SB 6359, CH 258 (2020)**
 Insurance benefit for long-term care, creating: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Long-term services and supports council, establishing: ***2SHB 1087, CH 363 (2019)**
 Long-term services and supports trust commission, establishing: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Long-term services and supports trust program, premium exemption, when: SB 6267
 Long-term services/supports, hospital-DSHS eligibility assessment agreements: SB 6275
 Long-term services/supports, presumptive eligibility for, waiver request: SB 6275
 Nursing facilities, coronavirus outbreak, medicaid payments in response to: ***EHB 2965, CH 7 (2020)**
 Nursing homes, Indian tribal, medicaid rate methodology exemption: ***EHB 1564, CH 301 (2019)**, SB 5569
 Nursing homes, inspection of: SB 6250
 Nursing homes, large nonessential community providers: SB 6250
 Nursing homes, medicaid rate methodology, inflation adjustments: SB 5836, SB 6250
 Nursing homes, medicaid rate methodology, rebasing of rates: SB 5836, SB 6250, SB 6396, SB 6515
 Nursing homes, medicaid rate methodology, technical corrections: ***EHB 1564, CH 301 (2019)**, SB 5569
 Nursing homes, minimum staffing standards, direct care staff hours calculation: ***EHB 1564, CH 301 (2019)**
 Nursing homes, volunteers: SB 5533
 Nursing homes, volunteers and employees: ***2SHB 1645, CH 270 (2020)**
 Providers, consumer use beyond 40 hours per week of, when: SB 6658
 Providers, various types, sharing criminal background check information: 2ESHB 1565, SB 5568
 Providers/workers, certificate of parental improvement for, role of, when: ***2SHB 1645, CH 270 (2020)**, SB 5533
 Providers/workers, long-term services and supports trust program training for: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Residential services/supports, certification fees, for complaint investigations: ***SB 5359, CH 458 (2019)**
 Retirement facilities, postsecondary student housing in, pilot program: SB 6560
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Workers, workplace violence committees, role of: SB 6205

LONG-TERM CARE OMBUDS, OFFICE OF STATE (See also LONG-TERM CARE)

Continuing care retirement communities, ombuds access pilot program: SB 5796

LOTTERY, STATE (See also GAMBLING)

Lottery activities, self-exclusion program, establishing: ***SHB 1302, CH 213 (2019)**

LOW-INCOME PERSONS (See also HOMELESS PERSONS; HOMES AND HOUSING)

Child care, working connections, policies for promoting stability/quality care: ***SHB 2456, CH 279 (2020)**, ESHB 2471, SB 6351, SB 6540
 Energy transition assistance to low-income households, when: SB 5981
 Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 Fruit and vegetable incentives program, establishing: ***SHB 1587, CH 168 (2019)**, SB 5583
 Guardianship appointment, legal services to assist with, grant pilot project for: SB 6644
 Higher education students, low-income, application fees waiver: SB 5477
 Home weatherization and rehabilitation public works, prevailing wages for: ***HB 1743, CH 29 (2019)**, SB 5766
 Homeownership development, by cooperative association, tax exemption: ***ESHB 1107, CH 361 (2019)**, SB 5289
 Homeownership projects, funding from housing trust fund: SB 5746

Homeownership, American dream homes, tax distributions/B&O tax credit: SB 6457
 Kindergartners, children's educational savings account program: SB 5704
 Manufactured/mobile home parks, tenant relocation assistance: E2SHB 1033, SB 5183
 Mobile home parks, very low-income spaces, nonprofit property tax exemption: ***SHB 2384, CH 273 (2020)**, SB 6232
 Motor vehicle excise tax, low-income market value adjustment, credits via: SB 5075
 Pets, low-income veterinary services for: SB 5004
 Solar projects, community, access to: ***ESHB 2248 (2020) V**, SB 6223
 Students, dual enrollment scholarship pilot program, apprenticeship materials: ***SB 6374, CH 259 (2020)**
 Students, dual enrollment scholarship pilot program, Washington: ***2SHB 1973, CH 176 (2019)**
 Students, extracurricular/athletic activities participation: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Students, in running start, low-income status documentation: SB 5593
 Students, world language proficiency tests for, grants to cover costs: SB 5087
 Supports and basic income pilot program, creating: SB 6625
 Traffic fines, unpaid, work group on economic burden of, convening: SB 6153
 Young adults, medicaid-ineligible, health coverage for: SB 5814

MANUFACTURED HOUSING AND MOBILE HOMES

Communities, closure notices and closure notice period: SB 6271
 Communities, landlord duties and obligations: EHB 2610, SB 6230
 Communities, ordinances prohibiting eviction, prohibition of: SB 6651
 Communities, preserving in event of voluntary sale, requirements: EHB 2610, SB 6230
 Communities, resident nonprofit cooperative purchase of: EHB 2610, SB 6230
 Manufactured homes, transactions fee, modifying: ESHB 1997
 Manufactured/mobile home parks, closure notices and closure notice period: SB 6271
 Manufactured/mobile home parks, landlord annual registration assessment: ESHB 1997
 Manufactured/mobile home parks, owners and tenants, work group to study: ***ESHB 1582, CH 342 (2019)**
 Manufactured/mobile home parks, real estate sales excise tax exemption: ESHB 1997
 Manufactured/mobile home parks, siting requirements: ESHB 1207
 Manufactured/mobile home parks, tenant relocation assistance: E2SHB 1033, SB 5183
 Manufactured/mobile home title owner, delinquent tax interest/penalty waiver: ***HB 2512, CH 175 (2020)**
 Manufactured/mobile home title owner, property taxes and distraint action: ***HB 2512, CH 175 (2020)**
 Manufactured/mobile homes, foreclosure or distraint sales: SB 5131
 Mobile home parks, lot rent increase mediation process: SB 5761
 Mobile home parks, relocation coordination program to assist tenants: ESHB 1997
 Mobile home parks, very low-income spaces, nonprofit property tax exemption: ***SHB 2384, CH 273 (2020)**, SB 6232
 Tenants, manufactured/mobile home parks, various protections: ***ESHB 1582, CH 342 (2019)**
 Trailers, park model, foreclosure or distraint sales: SB 5131
 Utilities, water/sewer, individual unit metering for: SB 5775

MANUFACTURING AND TECHNOLOGY (See also HAZARDOUS MATERIALS; HAZARDOUS WASTE; SOLID WASTE)

Aerospace technology innovation, joint center, extending: SB 6139
 Agricultural products, manufacturers of, supply chain disclosures by: SB 5693
 Bioeconomy, Washington state's, opportunities to further develop, studying: SB 6435
 Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Decision systems, automated, agency development, procurement, and use of: SB 5527
 Facial recognition technology, government use, restrictions: SB 5528
 Hydroelectric generation, oil-free turbine technology, sales/use tax exemptions: ESHB 2825
 Manufacturing and warehousing job centers account, creating: ***EHB 1948 (2020) V**, SB 5862
 Manufacturing B&O tax rate, lowering ceiling of: SB 5608
 Manufacturing facilities, asbestos-containing building material requirements for: SB 6473
 Manufacturing, advisory committee, department of commerce to meet with: ESHB 2879
 Manufacturing, public policies for growth, studying: ESHB 2879
 Video games, casino-style, impact on consumers, studying: SB 6689
 Video games, casino-style, randomized rewards/no confirmation step, prohibitions/requirements: SB 6689

MAPS AND MAPPING

Washington plane coordinate system, revising system and renaming as: ***HB 2860, CH 50 (2020)**

MARINE WATERS, STATE (See also COMMERCIAL VESSELS AND SHIPPING; FISH; FISHING; OCEAN WATERS AND RESOURCES; OIL AND GAS; PILOTAGE COMMISSIONERS, BOARD; PUGET SOUND)

Aquaculture, finfish, inspections/monitoring/testing, ecology/DFW costs recovery: SB 6613

Derelict vessel recycling waste stream pilot project, creating: SB 6528

Derelict vessel removal program, expanding prevention and enforcement: SB 6528

Fish habitat projects, to include kelp, eelgrass, and oyster restoration: ***SB 5404, CH 150 (2019)**

Harbors, harbor maintenance tax, federal, requesting that congress reform: SJM 8016

Hiram M. Chittenden locks, costs/benefits of dismantling, examining: SB 6380

Orcas, southern resident, commercial whale watching regulation: 2SHB 1580, SB 5577

Orcas, southern resident, protections and recovery: ***2SHB 1579, CH 290 (2019) PV**, 2SHB 1580, SB 5577, SB 5580

Ports, Washington ports grant program, appropriations for establishing: SB 5972

Salish Sea shared waters forum, emergency response system funding: ***ESHB 1578, CH 289 (2019)**, SB 5578

MARRIAGE AND MARRIED PERSONS (See also COUNSELORS AND COUNSELING; DISCRIMINATION; DOMESTIC RELATIONS)

Abusive use of conflict, abusive litigation between intimate partners as: SB 6268

Age, minimum for contracting a marriage: SB 6701

Child marriage, voiding and prohibiting: SB 6701

Dissolution proceedings, decree/documents in primary language of parties: SB 5984

Intimate partner, adding term to various domestic violence statutes: ***SHB 2473, CH 29 (2020)**

Intimate partners, abusive litigation between, orders restricting: SB 6268

Military spouse liaison, creating position of: SHB 2200, ***ESB 6626, CH 328 (2020)**

Military spouses, as higher education "resident student": SB 6116

Military spouses, employment of, statewide plan for increasing: SHB 2730

Military spouses, employment of, termination of employment contract: SHB 2730

Military surviving spouses, public employment exam scoring criteria status: SB 6338

Rape of a child, first degree, proof of nonmarriage as element in, eliminating: SB 6155

Solemnizing of marriages, by whom: ***SB 5622, CH 52 (2019)**, SB 6184

Vital records, single comprehensive state system: SB 5332

MENTAL HEALTH (See also COUNSELORS AND COUNSELING; GAMBLING; HEALTH CARE AUTHORITY; HOSPITALS; INSURANCE; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SUBSTANCE USE DISORDER; TITLE ONLY BILLS)

Advance directives, mental health, work group for examining use, convening: SB 6591

American Indians/Alaska Natives, suicide/drug overdose crisis, addressing: SB 6258

Behavioral health administrative services organizations, B&O tax deduction, when: ***HB 2943 (2020) V**, SB 6639

Behavioral health facilities/services, King county payroll expense tax use for: SB 6692

Behavioral health innovation and integration campus at UW, creating: ***E2SHB 1593, CH 323 (2019)**, SB 5516

Behavioral health ombuds, state office of the, establishing: 2SHB 2386

Behavioral health organizations, MCOs and BH-ASOs, duties of: SB 6469

Behavioral health organizations, reallocation of duties to MCOs and BH-ASOs: SB 5432

Behavioral health professionals, advanced peer support specialist credential: ***2SHB 1907, CH 446 (2019)**, SB 5055

Behavioral health professionals, bachelor's level credential: SB 5053

Behavioral health professionals, designated crisis responder protocols: ***2SHB 1907, CH 446 (2019)**

Behavioral health professionals, evidence-based practices programs: SB 5903

Behavioral health professionals, geriatric behavioral health workers: ***HB 1349, CH 12 (2019)**, SB 5454

Behavioral health professionals, loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**

Behavioral health professionals, reciprocity program: ***SB 5054, CH 351 (2019) PV**

Behavioral health professionals, residential treatment facilities, provisions: ***SHB 2883, CH 185 (2020)**, SB 6634

Behavioral health professions, opportunity grant and scholarship programs: SB 5635

Behavioral health providers, medicaid rate increases, operating budget funds use: ***EHB 2584, CH 285 (2020)**

Behavioral health providers, state law and best practices, online training: SB 5903

Behavioral health providers, training to be chemical dependency counselors: SB 5715
 Behavioral health services and training, by organizations, B&O tax deduction: SB 5637
 Behavioral health services, client criminal justice system involvement reduction: SB 5056
 Behavioral health services, criminal justice system-involved persons needing: ***2SHB 1767, CH 378 (2019)**
 Behavioral health services, for adolescents, access to: ***E2SHB 1874, CH 381 (2019)**, SB 5904
 Behavioral health services, government-funded program, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639
 Behavioral health services, health/social welfare organizations, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639
 Behavioral health services, offender reentry community services work group: SB 6638
 Behavioral health services, offender reentry services before and after release: SB 6638
 Behavioral health services, pharmaceutical advertising sales surcharge for: SB 5659
 Behavioral health services, prevention and family services and programs: ***HB 1900, CH 172 (2019)**, SB 5826
 Behavioral health, community behavioral health services act, chapter 71.24 as: SB 5380, SB 5432
 Behavioral health, community facilities, bonds for capital improvements: SB 5537
 Behavioral health, community facilities, new types of: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Behavioral health, enhanced services facilities, admission criteria: ***SHB 2448, CH 278 (2020)**
 Behavioral health, evaluation and treatment facilities, co-occurring disorders: SB 6469
 Behavioral health, full integration implementation: SB 5432
 Behavioral health, managed care organizations and BH administrative services organizations: SB 5432
 Behavioral health, secure withdrawal management and stabilization facilities: SB 6469
 Behavioral health, Washington health corps initiative for professionals: ***2SHB 1668, CH 302 (2019)**
 Behavioral health, workforce academic and career pathway programs: SB 5633
 Children and youth behavioral health work group, members/recommendations: ***2SHB 2737, CH 130 (2020)**, SB 6588
 Children and youth behavioral health work group, renaming previous group as: ***2SHB 2737, CH 130 (2020)**, SB 6588
 Children's mental health, comprehensive strategies for services/supports: SB 5903
 Children's mental health, infant/early childhood programs/consultation model: SB 5903
 Children's mental health, parents' right to direct, parents' bill of rights: SB 6664
 Commitment, involuntary, "likelihood of serious harm" and "gravely disabled": SB 5720
 Commitment, involuntary, certain offenders, reentry community safety program: SB 5048
 Commitment, involuntary, certified facility admission from single bed certification: SB 6024
 Commitment, involuntary, community and state hospital care, work group: SB 5432
 Commitment, involuntary, designated crisis responders, video/audio use: ***ESHB 2099, CH 5 (2020)**
 Commitment, involuntary, detained then released, firearm prohibition: SB 5181
 Commitment, involuntary, discharge planning, criminal history disclosure: SHB 1826
 Commitment, involuntary, diversion of veterans from: SB 5047
 Commitment, involuntary, gravely disabled persons, manifesting self-neglect: SB 6458
 Commitment, involuntary, Indian tribe exclusive jurisdiction, when: SB 6259
 Commitment, involuntary, initial detention and single-bed certifications: SB 5720
 Commitment, involuntary, long-term treatment role of community facilities: SB 5041, SB 5045
 Commitment, involuntary, long-term treatment via managed care: SB 5045
 Commitment, involuntary, minor provisions and adult provisions: SB 5720
 Commitment, involuntary, of incapacitated person by guardian: SB 5114
 Commitment, involuntary, person's last known address and voting districts: SB 5287
 Commitment, involuntary, release to less restrictive alternative: SB 5038, SB 5040, SB 5048
 Commitment, involuntary, various additional provisions: SB 5720
 Commitment, involuntary, video technology use during interview: ***ESHB 2099, CH 5 (2020)**
 Costs for care, health care cost transparency board, establishing: ***2SHB 2457, CH 340 (2020)**
 Court appointed resource executor (CARE) officers, pilot program: SB 6109
 Criminally insane, competency evaluations and/or restoration: SB 5039, SB 5444
 Criminally insane, competency evaluators: SHB 1100, SB 5046
 Criminally insane, competency restoration workers for, PSERS plan 2: ***HB 2189, CH 108 (2020)**
 Criminally insane, forensic navigators, appointment of: SB 5444
 Criminally insane, forensic services, health care information disclosure: ***HB 2416, CH 81 (2020)**
 Criminally insane, reentry community safety program: SB 5048
 Criminally insane, reentry community safety program, renaming: SB 6638
 Criminally insane, reentry community services program, establishing: SB 6638

Deadly force, by officer, mental health training provisions relevant to: ***SHB 1064, CH 4 (2019)**, SB 5029
 Electroconvulsant therapy, provisions: SB 5842
 Executorships, persons with behavioral health disorders, CARE officers for: SB 6109
 Family reconciliation services, for families or youth experiencing conflict: ***SHB 2873, CH 51 (2020)**, SB 6611
 Geriatric behavioral health workers, provisions: ***HB 1349, CH 12 (2019)**, SB 5454
 Gravely disabled persons, guardianship pilot program: SB 5114
 Gravely disabled persons/minors, manifesting self-neglect, blue flag law: SB 6458
 Gun violence victims, helpline/referral service/counseling/therapy guide: SB 6553
 Health benefit plans, mental health wellness examinations: SB 6685
 Health care coverage for mental health/substance use disorder, requirement: ***SHB 2338, CH 228 (2020)**
 Health carrier behavioral health network access standards: ***ESHB 1099, CH 11 (2019)**
 Hospitals, psychiatric, inspection and licensing standards enforcement: ***SHB 2426, CH 115 (2020)**
 Hospitals, psychiatric, inspection and provisional license: SB 6274
 Hospitals, psychiatric, patient elopements and deaths, reporting of: ***SHB 2426, CH 115 (2020)**, SB 6274
 Hospitals, psychiatric, technical assistance for: ***SHB 2426, CH 115 (2020)**
 Hospitals, state, and community facilities, long-term inpatient care, work group: SB 5432
 Hospitals, state, community facilities as alternative to: SB 5041, SB 5045, SB 5537
 Hospitals, state, transferring licensing and inspection to department of health: SB 6600
 Incompetent persons, health care informed consent for: ***EBH 1175, CH 209 (2019)**
 Incompetent to stand trial, firearm possession prohibition, when: ***SB 5205, CH 248 (2019)**
 Insanity, not guilty by reason of, restoration of right to possess firearms: SB 6289
 Law enforcement officer mental health and wellness, task force on, convening: SB 6570
 Law enforcement officers, behavioral health, task force/pilot projects/grants: SB 6570
 Legislative bills concerning mental health, fiscal notes to include fiscal impact: SB 5636
 Medical assistance, psychiatric per diem payments to rural hospitals: ***HB 1534, CH 116 (2019)**
 Mental health disorders, changing to "behavioral health disorders": SB 5720
 Mental health professionals, providers who qualify as: SB 5904
 Music therapists, licensing of, and advisory committee: SB 5485
 Partnership access lines for providers/moms/kids, requirements: ***SHB 2728, CH 291 (2020)**
 Post-traumatic stress disorder, public safety telecommunicators: ***SHB 2758, CH 234 (2020)**
 Protection orders, extreme risk, when threat of harm to certain groups: SB 5745
 Psychiatric consultation call center, implementing: ***SHB 2728, CH 291 (2020)**
 Psychiatric pharmacist practitioners, role of: SB 6609
 Psychologists, reciprocity program: ***SB 5054, CH 351 (2019) PV**
 Records, mental health services, provider or facility disclosure, when: SB 5660
 Self-harm, potential hotline/program for reporting, establishing: SB 5835
 Self-neglect, gravely disabled persons or minors manifesting, blue flag law: SB 6458
 Sensitive health care services, mental health services as: SB 5889
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Students, adverse childhood experiences in healthy youth survey: SB 6191
 Students, behavioral health system for, learning assistance program role: SB 6132
 Students, student health and well-being primary contact, in each building: SB 5685
 Students, student supports work group, convening: SB 5903
 Suicide, assessment and treatment training, athletic trainers to complete: SB 5688
 Suicide, assessment/treatment training for mental health professionals: ***ESHB 2411, CH 229 (2020)**
 Suicide, assessment/treatment training for optometrists: ***ESHB 2411, CH 229 (2020)**
 Suicide, by law enforcement officers, prevention efforts: SB 6570
 Suicide, prevention and crisis intervention information on identification cards: ***SHB 2589, CH 39 (2020)**, SB 6449
 Suicide, prevention awareness training for construction workers: ***ESHB 2411, CH 229 (2020)**
 Suicide, prevention training program for health care professionals: ***ESHB 2411, CH 229 (2020)**
 Suicide, prevention training program for veterinarians/veterinary technicians: ***ESHB 2411, CH 229 (2020)**
 Suicide, prevention training program, acupuncture/Eastern medicine practitioners: ***ESHB 2411, CH 229 (2020)**
 Suicide, school-based behavioral health and suicide prevention advisory group: ***2SHB 2737, CH 130 (2020)**, SB 6588
 Suicide, telehealth training/treatment program to aid at-risk students: SB 5389
 Suicide/drug overdose crisis, American Indians/Alaska Natives, addressing: SB 6258

Telebehavioral health programs, partnership access lines, various: ***SHB 2728, CH 291 (2020)**
 Telebehavioral health programs, psychiatric consultation call center: ***SHB 2728, CH 291 (2020)**
 Telehealth training/treatment program to aid at-risk students: SB 5389
 Telepsychiatry, offering consultations via, provisions: ***E2SHB 1593, CH 323 (2019)**
 Telepsychology, psychology interjurisdictional compact act: SB 6549
 Treatment, admission to certified facility from single bed certification, as priority: SB 6024
 Treatment, adolescents, in residential centers, when medical necessity: ***SHB 2883, CH 185 (2020)**, SB 6634
 Treatment, certified crisis facilities, behavioral health co-occurring disorders: SB 6469
 Treatment, community behavioral health services act, chapter 71.24 as: SB 5380, SB 5432
 Treatment, community facilities for behavioral health, capital improvements: SB 5537
 Treatment, community facilities for behavioral health, new types of: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Treatment, for adolescents, access to: ***E2SHB 1874, CH 381 (2019)**, SB 5904
 Treatment, gun violence victims, helpline/referral service/counseling/therapy guide: SB 6553
 Treatment, initial detention and single-bed certifications: SB 5720
 Treatment, long-term inpatient, community and state hospital care, work group: SB 5432
 Treatment, long-term inpatient, community hospital and facility role: SB 5041, SB 5045
 Treatment, long-term inpatient, discharge planning, criminal history disclosure: SHB 1826
 Treatment, long-term inpatient, managed care capitation risk model: SB 5045
 Treatment, mental health drop-in center services pilot program: ***2SHB 1394, CH 324 (2019)**
 Treatment, mental health peer respite centers: ***2SHB 1394, CH 324 (2019)**
 Treatment, persons with developmental disabilities and behavior health needs: ***2SHB 1394, CH 324 (2019)**
 Treatment, qualified residential programs licensed as group care facilities: ***HB 1900, CH 172 (2019)**, SB 5826
 Treatment, wilderness therapy programs for troubled youth: SB 6637
 Veterans attending colleges, mental health counselors for: SB 5428
 Volunteer programs, in state government, review of: SB 5265
 Wellness examinations, for mental health, requiring health plan coverage for: SB 6685
 Wilderness therapy programs, for troubled youth, licensing: SB 6637
 Youth, at-risk, family reconciliation services when experiencing conflict: ***SHB 2873, CH 51 (2020)**, SB 6611

METALS

Bullion, precious metal or monetized, eliminating tax preferences for: SB 5658
 Steel products, American or recycled, using for public works: SB 5456

MILITARY (See also DISCRIMINATION; MILITARY DEPARTMENT; VETERANS)

Allied forces, veterans of, remembrance emblem for license plates: HB 2013
 Clark, Regina, petty officer first class, naming SR-507 bridge as Regina Clark memorial bridge: ***SHJM 4007 (2019)**
 Died in service, gold star license plates, issuance: ***SHB 1197, CH 210 (2019)**, SB 5783
 Drivers' licenses, commercial, knowledge test waiver for military members: ***EHB 2188, CH 78 (2020)**, SB 5544
 Gold Star memorial highway, requesting that WSTC name SR-902 as: HJM 4016
 Impounded motor vehicles, sale of, servicemember exception: SB 5463
 Installations, infrastructure to support, new account for grants for: SB 5748
 Killed in line of duty, spousal survivors, property tax exemption: SB 5049
 Korean war, Korean veterans memorial highway, requesting that WSTC name I-5 as: SJM 8020
 License plates, special, Purple Heart plates, fees exemption, when: ***HB 2058, CH 139 (2019)**
 Members, students who are, as higher education "resident student": ***SHB 2543, CH 232 (2020)**
 Members, with disabilities, recreational/rehabilitation facility, tax exemptions: SB 5890
 Military benefit zones, creating to finance public improvements: SB 5571
 Military reservation, recreational/rehabilitation facility on, tax exemptions: SB 5890
 Monument, global war on terror, service members who died in, work group: SB 5712
 National guard, college tuition/fees waiver, eligibility: ***E2SHB 2158, CH 406 (2019)**, SB 5231, ESB 5755
 National guard, college tuition/fees waiver, eligibility of veteran's child: HB 2542
 National guard, spouses/dependents, as higher education "resident student": SB 6116
 National guard, Washington postsecondary education grant program for: HB 1201, ***SB 5197, CH 297 (2020)**
 National guard, wildland fire response duty, pay for: ***HB 1137, CH 66 (2019)**, SB 5196
 Nuclear war, checks and balances to reduce risk: SJM 8006
 Persian Gulf, Afghanistan, and Iraq veterans memorial highway, requesting that WSTC name U.S. 101 as: SJM 8020

Purple heart trail, requesting that WSTC name I-5 as: SJM 8020
 Retirement systems, state, interruptive military service credit for, studying: ***SHB 2544, CH 178 (2020)**
 Schools, enrollment of children from nonresident military family: ***SHB 1210, CH 72 (2019)**, SB 5603, SB 5771
 Schools, military-friendly, purple star award: SB 5367
 Space economy, fostering, workforce and defense contracting needs: HB 2596
 Spouses, military spouse liaison, creating position of: SHB 2200, ***ESB 6626, CH 328 (2020)**
 Spouses, military spouse recruitment program: SB 5772
 Spouses, military surviving, public employment exam scoring criteria status: SB 6338
 Spouses, military, employment of, statewide plan for increasing: SHB 2730
 Spouses, military, employment of, termination of employment contract: SHB 2730
 Spouses/dependents, military, as higher education "resident student": ***SHB 2543, CH 232 (2020)**, SB 6116
 Tenancy, rental, termination by armed forces member: ***ESHB 1138, CH 23 (2019)**, SB 5180
 Vehicles, military surplus, collector vehicle license plates for: SB 5417
 Vehicles, military surplus, operation on public highways: SB 5417
 Vietnam war, Vietnam veterans memorial highway, requesting that WSTC name U.S. 12 as: SJM 8020
 Voting, ballots/envelopes and registration, digital signature use: SB 6183
 War, period of, defining for LEOFF retirement plans 1 and 2: SB 6418
 World War I veterans, requesting that WSTC name U.S. 395 as memorial highway after: SJM 8020
 World War II veterans memorial highway, requesting that WSTC name U.S. 97 as: SJM 8020

MILITARY DEPARTMENT (See also EMERGENCY MANAGEMENT AND SERVICES; EMERGENCY, STATE OF)

Emergency management, continuity of government planning: SB 5012
 Military department active state service account, funds sources and use: SB 5858
 Search and rescue grant program, establishing, department role: SB 6179
 Volunteer programs, within department, review of opportunities to include: SB 5265

MINES AND MINING (See also HYDRAULIC PERMITS AND PROJECTS; RIVERS AND STREAMS)

Mining and logging, in upper Skagit watershed, requesting prevention of: SJM 8014
 Motorized or gravity siphon aquatic mining, discharges from, prohibitions: ***ESHB 1261, CH 10 (2020)**, SB 5322, SB 6149

MINORITIES (See also DISCRIMINATION; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS)

Chinese American history month, designating, and commemorating Chinese Americans: SB 6679
 Color, communities of, social equity program for marijuana retail licenses: SB 6604
 Community development authority, Washington, creating: SB 5084
 Demographic details, personal, state employee disclosure exemption: SB 6431
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Early learning/child care, children from diverse backgrounds, DCYF reporting: ***SB 6507, CH 262 (2020)**
 Educators, beginning, mentoring by and of underrepresented populations: SB 6138
 Equity and cultural competency, center for, establishing for public schools: SB 5908
 Equity, Washington state office of, and task force, establishing: SB 5776
 Equity, Washington state office of, establishing: ***E2SHB 1783, CH 332 (2020) PV**
 Ethnic studies, K-6 students, resources, materials, and standards: ***SB 6066, CH 59 (2020)**
 Ethnic studies, requirements and advisory committee: SB 5023, ***SB 6066, CH 59 (2020)**
 Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 Filipino American history month, establishing: ***SB 5865, CH 283 (2019)**
 Hair texture/protective styles associated with race, discrimination based on: ***HB 2602, CH 85 (2020)**
 Holocaust, lessons of, teaching in public schools: SB 5612
 Interpreters, educational, for persons with limited English proficiency: SB 5606
 Language access, special education student's family's preferred language: ***ESHB 1130, CH 256 (2019)**
 Language access, students and families with barriers, work group, convening: ***ESHB 1130, CH 256 (2019)**
 Language access, training and monitoring programs: SB 5606
 Marijuana, retail licenses, social equity grant program for: ***E2SHB 2870, CH 236 (2020)**
 Marriage dissolution proceedings, documents in primary language of parties: SB 5984

Pacific islanders, COFA citizens, dental coverage for: ***ESB 5274, CH 311 (2019) PV**
 Pacific islanders, COFA migrants, federal benefits for, requesting that congress restore: SJM 8017
 Protection orders, extreme risk, when threat of harm to certain groups: SB 5745
 Race, hair texture/protective styles associated with, discrimination based on: ***HB 2602, CH 85 (2020)**
 Students, in foster care and/or homeless, educational outcomes and work group: ***SHB 2711, CH 233 (2020)**
 Students, underrepresented populations, educational mentor grant program, creating: SB 5859
 Voter qualifications/prerequisites, declaratory judgment for/certification of, when: SB 6688
 Voting practices, covered, covered jurisdiction initiation of, requirements: SB 6688

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE

Complete equity act, prohibiting preferential treatment by state, impact of: SB 5935
 Marijuana equity loan program and advisory board, creating: SB 6085

MOTION PICTURES (See also ADVERTISING)

Motion picture competitiveness program, joint task force on, creating to study: SB 5943

MOTOR VEHICLES (See also BICYCLES; DRIVERS AND DRIVERS' LICENSES; FERRIES; ROADS AND HIGHWAYS; TAXES - MOTOR VEHICLE EXCISE; TOWING AND TOW TRUCKS; TRAFFIC; TRANSPORTATION; UTILITIES)

All-terrain vehicles, tracked, snowmobile defined to include: SB 6363
 All-terrain vehicles, wheeled and tracked, concurrent licensing process: SB 6363
 All-terrain vehicles, wheeled, county roads authorized for, maintenance: EHB 2501, SB 6403
 All-terrain vehicles, wheeled, nonresident registration exemption, when: ***ESHB 2723 (2020) V**, SB 6115
 All-terrain vehicles, wheeled, road or highway use: SHB 1028, SHB 2244, SB 5666, SB 6114
 Alternative fuel vehicles, clean, tax preferences for: ***E2SHB 2042, CH 287 (2019)**
 Alternative fuel vehicles, transportation electrification fees, imposing: ***E2SHB 2042, CH 287 (2019)**
 Animal in vehicle, preventing cruelty by removing, liability for: SB 6151
 Auction dealers, wholesale motor vehicle, possessory lien on stored vehicle: SB 6410
 Autonomous vehicles, testing under self-certification testing pilot program: ***ESHB 2676, CH 182 (2020)**, SB 6659
 Buses, school, stop signals, height requirements: ***SB 6102, CH 95 (2020)**
 Campers/RVs, waste discharge from unauthorized street use, general permit: SB 6283
 Child restraint systems, requirements and information: ***SHB 1012, CH 59 (2019)**
 Combinations of farm vehicles, highway operation, weight limit exception, when: SB 5883
 Combinations of vehicles, highway operation, pilot program: SB 5830
 Combinations of vehicles, truck tractor with 3 trailing units, certain highways: SB 6597
 Commercial motor vehicle, definition: ***SB 5230, CH 44 (2019)**
 Commercial vehicles, physical or medical safety belt exemption exception: ***HB 1901, CH 173 (2019)**, SB 5827
 Cycles, motor-driven, operator license and endorsement for: SB 5303
 Cycles, motor-driven, operator license, endorsement, and additional penalty: ***SHB 1116, CH 65 (2019)**
 Cycles, motor-driven, when operating: SB 5007
 Dealers, manufacturer qualified cash incentives for, dealer B&O tax deduction: ***HB 2903 (2020) V**, SB 6654
 Dealers, of new motor vehicles, offering secondary products: ***SHB 2374, CH 174 (2020)**, SB 6340
 Electric and hybrid vehicles, per mile road usage fee, implementation plan for: SB 6586
 Electric vehicles, adoption by lower income residents, barriers to, studying: ***E2SHB 2042, CH 287 (2019)**
 Electric vehicles, annual registration renewals, application fee: SB 5971
 Electric vehicles, car-sharing programs, pilot program: ***E2SHB 2042, CH 287 (2019)**
 Electric vehicles, charging infrastructure for new buildings, requiring, when: SB 6684
 Electric vehicles, charging stations at new buildings: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Electric vehicles, electric utility charging stations for, electricity surcharge: SB 6682
 Electric vehicles, infrastructure grant program, making permanent: ***E2SHB 2042, CH 287 (2019)**
 Electric vehicles, manufacturer as new vehicle dealership owner/operator: SB 6082
 Electric vehicles, sales/use tax exemptions, emission program, and infrastructure: SB 5336
 Electric vehicles, transportation electrification fees, imposing: ***E2SHB 2042, CH 287 (2019)**
 Emissions, California standards, revising adoption of: ***SB 5811, CH 143 (2020)**
 Employee vehicles, employer searches of, prohibitions: SB 6177
 Exhaust system, modifying vehicle to increase smoke/soot, civil infraction: SB 6010

Fee, annual vehicle, transportation benefit district imposition of, restoring: SB 6677
 Fees and taxes for vehicles, limiting or repealing various: SB 6031, SB 6245, SI 976
 Fees, various, modifying and remitting to DOL and counties: ***EHB 1789, CH 417 (2019)**
 Fees, various, revenues for transportation funding: SB 5971
 Felonies, motor vehicle-related, offender community custody: SB 5492
 Gasoline operations, mobile on-demand fueling truck permit or certification: ***ESHB 2783, CH 43 (2020)**
 Gasoline operations, mobile on-demand operator certification: ***ESHB 2783, CH 43 (2020)**
 Gasoline operations, mobile on-demand, fire code standards for site permits: ***ESHB 2783, CH 43 (2020)**
 Hazardous waste/debris, from vehicle, removal/clean-up, cost recovery, when: EHB 1169, ***SB 6078, CH 198 (2020)**
 Impounded motor vehicles, sale of, servicemember exception: SB 5463
 Indian tribal jurisdictions, agreements for registration and license plates with: SB 6133
 Indian tribal jurisdictions, compacts for registration and license plates with: ***HB 2491, CH 118 (2020)**, SB 6251
 Installment contracts, retail, purchase of secondary product, prohibitions: ***SHB 2374, CH 174 (2020)**, SB 6340
 Lamps, stop, and other signaling devices, color requirements: ***ESB 5937, CH 321 (2019)**
 Laws, various, technical corrections and alignment with federal law: ***SB 5230, CH 44 (2019)**
 Leaks, don't drip and drive program, statewide, developing: 2SHB 1853
 License plate indicator tabs, transporter's, for tow truck: ***SB 5230, CH 44 (2019)**
 License plates, allied forces veterans remembrance emblem for, provisions: HB 2013
 License plates, automated recognition systems: SB 5529
 License plates, obstruction by cargo or cargo-carrying device: HB 2197
 License plates, permanent, for fire trailers: SHB 2353
 License plates, special, armed forces plates: ***SB 5230, CH 44 (2019)**
 License plates, special, collector vehicle plates for military surplus vehicles: SB 5417
 License plates, special, collector vehicle plates, personalized: SB 5005
 License plates, special, collector vehicle plates, qualifications for: SB 6156
 License plates, special, disabled American veteran or former POW plates, criteria: HB 1707
 License plates, special, gold star plates, issuance: ***SHB 1197, CH 210 (2019)**, SB 5783
 License plates, special, horseless carriage plates, qualifications for: SB 6156
 License plates, special, Mount St. Helens plates, creating: HB 2085, ESHB 2085
 License plates, special, Patches pal plates, creating: HB 1255, SHB 1255
 License plates, special, Purple Heart plates, fees exemption, when: ***HB 2058, CH 139 (2019)**
 License plates, special, San Juan Islands plates, creating: ***EHB 1996, CH 177 (2019)**
 License plates, special, San Juan Islands stewardship plates, creating: SB 5919
 License plates, special, Seattle NHL hockey plates, creating: ***HB 2669, CH 129 (2020)**, SB 6562
 License plates, special, Seattle Storm plates, creating: ***HB 2062, CH 384 (2019)**, SB 5930
 License plates, special, Washington apples plates, creating: ***ESB 6032, CH 93 (2020)**
 License plates, special, Washington law enforcement officer health and wellness plates: SB 6225
 License plates, special, Washington state parks-Sasquatch plates: SB 5611
 License plates, special, Washington wine plates: SHB 2050, E2SHB 2050
 License plates, special, women veterans plates, creating: SHB 2187, SB 6433
 License plates, special, working forests plates, creating: EHB 2166
 License plates, tribal, agreements for: SB 6133
 License plates, tribal, compacts for: ***HB 2491, CH 118 (2020)**, SB 6251
 Licensing system, agent/subagent service fee adjustment: SB 5419
 Licensing system, nontitled vehicle ownership changes, service fee: SB 5419
 Licensing, car tab fees, "bring back our \$30 car tabs": SB 6031, SI 976
 Licensing, car tab fees, bring back our \$30 car tabs act: SB 6245
 Licensing, car tab fees, bring back our \$30 car tabs act, \$30 tabs provisions: SB 6350
 Long and/or wide vehicles, negotiating roundabouts: SB 6084
 Manufacturers, all-electric vehicles, as new vehicle dealership owner/operator: SB 6082
 Marine cargo, unregistered vehicles shipped as, operation on public roadways: ***SHB 1254, CH 94 (2019)**
 Marine cargo, unregistered vehicles shipped as, registration exemption: SB 5267
 Mechanics, safety glazing/film suncreening material installation services, unlawful purchase or sale of: ***SB 5881, CH 438 (2019)**
 Mechanics, safety glazing/film suncreening materials, unlawful installation: ***SB 5881, CH 438 (2019)**

Military surplus vehicles, operation on public highways: SB 5417
Mopeds, when operating: SB 5007
Motorcycles, education, instruction permit, license, and additional penalty: ***SHB 1116, CH 65 (2019)**
Motorcycles, electric, annual registration renewal fee: SB 5128
Motorcycles, motorcycle operator subsidy program, establishing: ***SHB 1116, CH 65 (2019)**
Motorcycles, motorcycle safety education advisory board, members: SB 5303
Motorcycles, operation as snow bike, when: ***SHB 1436, CH 262 (2019)**
Motorcycles, operator education course, instruction permit, and license: SB 5303
Motorcycles, operator passing vehicle in same lane, when: SB 5254
Motorcycles, operator use of shoulder, when: SB 5254
Motorcycles, operators, helmet use: SB 5007
Motorcycles, operators, mandatory liability insurance: ***HB 1014, CH 60 (2019)**, SB 5007
Motorcycles, parking methods: EHB 1058, SB 5653, ***SB 6565, CH 163 (2020)**
Motorcycles, profiling by law enforcement, prohibiting: SB 6130
Mufflers, requirements: SB 5015
Narrow track vehicles, definition and provisions: ESHB 1510
Off-road vehicles, fees, disposition of moneys from: ***EHB 1846, CH 130 (2019)**
Off-road vehicles, nonresident registration exemption, removing, when: ***ESHB 2723 (2020) V**, SB 6115
Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**, SB 6115
Off-road vehicles, road or highway use: SHB 1028, SB 5666, SB 6114
Parts and accessories for automobiles, retail sales, additional tax on: SB 5971
Private vehicles, use by state officials/employees, reimbursement rate: SB 6193
Registration, collector vehicles, qualifications for: SB 6156
Registration, exemption, marine cargo, certain vehicles shipped as: SB 5267
Registration, failing to register vehicle, deferred prosecution, program for: SB 5362
Registration, filing fee, distribution to county of resident address: SB 5832
Registration, fire trailers: SHB 2353
Registration, off-road and wheeled all-terrain vehicles: ***ESHB 2723 (2020) V**, SB 6115
Registration, service and filing fees, various: ***EHB 1789, CH 417 (2019)**
Registration, stolen vehicle check fee for applicants, exemption, when: SB 5591
Registration, tribal, agreements for: SB 6133
Registration, tribal, compacts for: ***HB 2491, CH 118 (2020)**, SB 6251
Registration, vehicle liability policy proof when applying for: SB 5924
Registration, weight fees, increases: SB 5130, SB 5971
Reseller permits, in connection with vehicle use tax: ***HB 1347, CH 11 (2020)**
Riders of certain vehicles, as vulnerable users of a public way: ***SB 6045, CH 146 (2020)**
RVs/campers, waste discharge from unauthorized street use, general permit: SB 6283
Safety belts, physical or medical exemption from requirement, exception to: ***HB 1901, CH 173 (2019)**, SB 5827
Scooters, motorized foot, regulation of, and various provisions: ***ESHB 1772, CH 170 (2019)**, SB 5751
Semitrailers, negotiating roundabouts: SB 6084
Sharing, peer-to-peer vehicle sharing program act: SHB 2773
Snow bikes, motorcycles converted to: ***SHB 1436, CH 262 (2019)**
Snowmobiles, defined to include tracked all-terrain vehicles: SB 6363
Snowmobiles, nonresident registration exemption, removing, when: ***ESHB 2723 (2020) V**
Snowmobiles, nonresident registration exemption, when: ***ESHB 2723 (2020) V**
Taxation, sales/use, exemption for certain vehicles: SB 5743, SB 5978
Taxation, sales/use, of motor vehicle, camper, and travel trailer purchases: SJR 8206
Taxation, sales/use, revenue deposits into congestion relief and safety account: SB 6041
Taxation, sales/use, revenue deposits into motor vehicle fund: SB 5743, SB 5978
Taxes and fees for vehicles, limiting or repealing various: SB 6031, SB 6245, SI 976
Titles, certificates of, service and filing fees, various: ***EHB 1789, CH 417 (2019)**
Trailers, commercial, license renewal fee: ***SB 5230, CH 44 (2019)**
Trailers, fire, for wildfire response, registration/license plates: SHB 2353
Trailers, travel, public highway length restriction exemption: ***HB 2242, CH 110 (2020)**, SB 6083
Trip permit fee, distribution of moneys from: SB 5971

Trucks, collector, commercial driver's licensing requirements exemption: SB 5763

Wide and/or long vehicles, negotiating roundabouts: SB 6084

Windows, safety glazing or film sunscreening materials, unlawful installation: ***SB 5881, CH 438 (2019)**

Windows, safety glazing/film suncreening material installation services, unlawful purchase or sale of: ***SB 5881, CH 438 (2019)**

MUSIC AND MUSICIANS

Music therapy, music therapist licensing and advisory committee: SB 5485

NAMED ACTS (See also DOMESTIC RELATIONS; GROWTH MANAGEMENT; SHORELINES AND SHORELINE MANAGEMENT; TITLE ONLY BILLS)

Adolescent behavioral health care access act: ***E2SHB 1874, CH 381 (2019)**, SB 5904

Alyssa's law, eating disorders among persons with diabetes, studying: SB 6663

Balance billing protection act, medical billing by out-of-network providers: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699

Blue flag law, self-neglecting gravely disabled persons/minors, Ch. 71.05/71.34: SB 6458

Body art, body piercing, tattooing, and permanent cosmetics act: SHB 1158

Brennen's law, on health carrier behavioral health network access standards: ***ESHB 1099, CH 11 (2019)**

Bring back our \$30 car tabs act, \$30 car tab provisions: SB 6350

Bring back our \$30 car tabs act, as legislative enactment of I-976 with modifications: SB 6245

Bring back our \$30 car tabs, as initiative to the legislature: SI 976

Bring back our \$30 car tabs, as legislative enactment of I-976: SB 6031

Building business ecosystems act, building business ecosystems area financing: SB 5564

Business corporation act, revisions: SB 5003, SB 6037

Call center jobs act, Washington: SB 5058

Carbon pollution reduction act, cap and trade program: SB 5981

Caring for those with behavioral health disorders act: SB 6109

Child care access now act, Washington: ***2SHB 1344, CH 368 (2019)**, SB 5436

Clean air act, reorganizing with environmental health statutes into new title: ***SHB 2246, CH 20 (2020)**

Clean energy transformation act, modifying: SB 6135

Clean energy transformation act, Washington: SB 5116

Cody's law, concerning missing and unidentified persons: ***EHB 2792, CH 45 (2020)**

Common interest ownership act, Washington uniform, various changes: ***ESB 5334, CH 238 (2019)**

Community behavioral health services act, chapter 71.24 renamed as: SB 5380, SB 5432

Complete equity act, prohibiting preferential treatment by state: SB 5935

Complete equity act, repealing state civil rights act and replacing it with: SB 5935

Consumer protection in eye care act: SB 5759

Corporate crime act, crimes committed by business entities: ***HB 1252, CH 211 (2019)**

Courts open to all act, restricting civil arrests/information disclosure at facilities: ***SHB 2567, CH 37 (2020)**, SB 6522

Data management and protection act, public agency personal data use: SB 5377

Death with dignity act, barriers to full access, studying: ***SHB 2419 (2020) V**

Death with dignity act, hospital access-to-care policies: SHB 2326

Death with dignity act, provider provision of information to patient regarding: ***ESHB 1608, CH 102 (2020)**, SB 5542

Deputy Daniel McCartney act, sentencing enhancement for body armor: SB 5050

Diversity, equity, and inclusion act, Washington state: SI 1000

Domestic worker protection act: SHB 2511

Early care and education act: SB 6253

Electronic authentication act, repealing: ***HB 1908, CH 132 (2019)**, SB 5501

Employee fair classification act, concerning employer-employee relationship: SB 5513, SB 5690

Employment opportunity act, restaurants paying training period wages: SB 6377

Estate and transfer tax act, raising exclusion amount and instituting tax increases: SB 6581

Evergreen promise act, high school pilot program and postsecondary award: SB 5884

Excess compensation tax act: SB 6017

Fair repair act, concerning digital electronic products: SB 5799

Fair share employer disclosure act, employees receiving public assistance: SB 6310

Faithful presidential electors act, uniform: ***SB 5074, CH 143 (2019)**

Guardianship, conservatorship, and other protective arrangements act: SB 5604
 Guardianship, conservatorship, and other protective arrangements act, modifying: SB 6287
 HEAL act of 2019, state agency principles of environmental justice: EHB 2009
 Higher education equity act, faculty ideological diversity, requiring: SB 5914
 Housing justice act, justice system-impacted persons seeking housing: SB 6490
 Hunger-free schools act: ***ESHB 2660, CH 288 (2020)**
 Indian fugitive extradition act: SB 5081
 Indian health improvement act, Washington: ***SB 5415, CH 282 (2019)**
 Interstate nurse licensure compact of 2019, multistate licensing: SB 5460
 Interstate nurse licensure compact of 2020, multistate licensing: SB 6209
 Jennifer and Michella's law, DNA sample collection and analysis: ***SHB 1326, CH 443 (2019)**
 Keep our communities graffiti free act: SB 6460
 Law enforcement training and community safety act, modifying: ***SHB 1064, CH 4 (2019)**, SB 5029
 Life and disability insurance guaranty association act, modifying: SB 6050
 Limited cooperative association act, Washington: ***SB 5002, CH 37 (2019)**
 LINK-AIR act, electrification of aircraft: HB 1397
 Linking communities by encouraging regional aircraft electrification act: HB 1397
 Living organ donor act: SB 6039
 Model toxics control reform act: SB 5993
 Natural death act, advance directives: ***EHB 1175, CH 209 (2019)**
 New hope act, certificates of discharge and conviction records vacating: ***SHB 1041, CH 331 (2019)**
 Nikki Kuhnhausen act, crime victim's gender/identity/expression/sexual orientation: ***EHB 1687, CH 3 (2020)**
 Notarial acts, revised uniform law on, amendments to: ***SB 5641, CH 154 (2019)**
 Parentage act, uniform, comprehensive changes related to: SB 5333
 Parental notification of abortion act: SB 5185
 Parents' bill of rights, right to direct child's upbringing/education/health care: SB 6664
 Patient protection and affordable care act, federal, codifying provisions of: ***SHB 1870, CH 33 (2019)**, SB 5805
 Peer-to-peer vehicle sharing program act: SHB 2773
 Personal protection act, Washington, removing restrictions on bearing of arms and personal protection: SB 6673
 Pollution prevention for healthy people and Puget Sound act: SB 5135
 Privacy act, Washington, consumer data protections: SB 5376
 Private vehicle rental act: SB 5893
 Psychology interjurisdictional compact act, interstate telepsychology: SB 6549
 Recognition and enforcement of Canadian domestic violence protection orders act, uniform: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Reproductive health care access for all act: SB 5602
 Responsible teen communications act, sexually explicit depictions of minors: ***SHB 1742, CH 128 (2019)**
 Right to tribal regalia act: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Rural child care access act: ***HB 2619, CH 343 (2020) PV**
 Rural college promise act: SB 6614
 Rural development and opportunity zone act, Washington: SB 5423
 Safe leave act for Washington railroad workers: SB 5879
 Safer schools act of 2019, school district employee firearm possession: SB 5977
 Salmon repopulation act: SB 6509
 School-based health center authorization act: SB 6563
 Secure choice retirement savings program act: SB 5740
 Securities act of Washington, debenture company laws, repealing: ***SB 6131, CH 151 (2020)**
 Serious homelessness engagement leads to effective results (SHELTER) act: SB 6459
 Small business bill of rights: SB 5948
 Sports wagering act, wagering at card rooms, racetracks, and tribal casinos: SB 6277
 State bar act, concerning bar association, repealing: ESHB 1788
 State employment resident hiring preference act: SB 5101
 Student loan relief and reform act: SB 5774
 Three branches act, government administrative procedures responsibilities: SB 6044
 Transparency in reproductive health act, concerning abortion information: SB 6598

Uniform adult guardianship and protective proceedings jurisdiction act, modifying: SB 6287
 Uniform directed trust act: SB 6029
 Uniform electronic transactions act, adoption of: SB 6028
 Unsworn declarations act, uniform, renaming previous act as: SB 5017
 Unsworn foreign declarations act, uniform, renaming and revising: SB 5017
 Vaccine consumer protection act: SB 5365
 Voting opportunities through education (VOTE) act: ***ESB 6313, CH 208 (2020)**
 Voting rights act, technical amendments to: ***SHB 1091, CH 64 (2019)**
 Wage recovery act, Washington, establishing wage liens: SB 6053
 Washington captive insurer act, exempting captive insurers from B&O taxation: SB 6331
 Washington pesticide application act, revisions to: ***HB 2624, CH 180 (2020)**, SB 6518
 Washington pesticide control act, revisions to: ***HB 2624, CH 180 (2020)**
 Washington privacy act, personal data management and oversight: SB 6281
 Washington soil health initiative act: SB 6306
 Welcome to Washington act, highway-focused litter control: SB 5093
 Welcome to Washington baby act of 2019: SB 5683
 Wildfire prevention act: SB 5996
 Wildfire prevention and suppression act: SB 5996
 Women on corporate boards act: SB 6037
 Women's right to know act, concerning abortion information: SB 5966
 Workforce education investment act: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment act, rural college promise act to expand on: SB 6614

NATURAL DISASTERS (See also EMERGENCIES; FIRE PROTECTION)

Catastrophic incidents, plans and guidance for school districts: SB 5247
 Earthquakes, catastrophic incident planning relevant to: SB 5247
 Earthquakes, functional recovery building standard and task force: SB 5557
 Earthquakes, impact on buildings, incentives and grants to reduce risk: SB 5557
 Goods and services sales during time of disaster, limiting price increases for: SB 6699
 Volcano early warning and monitoring, urging congress to address: SJM 8019
 Work group on natural disaster and resiliency activities, creating: SB 5106

NATURAL RESOURCES, DEPARTMENT (See also DISCOVER PASS; FIRE PROTECTION; FOREST LAND; FOREST PRACTICES AND PRODUCTS)

Actions, significant agency, DNR scientific information sources: SB 5241
 Aquatic lands, tidelands/shorelands, leasing and re-leasing of: ***ESHB 1849, CH 131 (2019)**
 Aquatic lands, tidelands/shorelands, leasing, re-leasing, and platting of: SB 5852
 Board of natural resources, marbled murrelet conservation role of: SB 5547
 Derelict vessel recycling waste stream pilot project, creating, DNR role: SB 6528
 Derelict vessel removal program, expanding prevention and enforcement: SB 6528
 Dredged material management program office, role of: ***SHB 1480, CH 225 (2019)**
 Employees, interest arbitration for: SB 6629
 Enforcement actions, DNR burden of proof: SB 6227
 Herbicides, aerial application on forestlands, DNR role: SB 6488
 Land acquisitions by DNR, restrictions: SB 5102
 Lands, agricultural/grazing, compensating lessee for nondefault/early termination: SHB 2498
 Lands, DNR, pollinator habitat: SB 5552
 Lands, DNR, use restriction/closure signs, legal authority reference on: ESHB 2138
 Lands, natural and working, carbon sequestration/storage capabilities, DNR role: ***E2SHB 2528, CH 120 (2020)**
 Marbled murrelet, long-term conservation strategies, DNR role: SB 5547
 Natural area preserve, property acquisitions for: SB 5103
 Natural resources conservation areas, property acquisitions for: SB 5103
 Roads, on DNR land, when exclusive access to private property: SB 5368
 Rule making, significant legislative rules, scientific information, DNR role: SB 5241
 Shooting, recreational target, on DNR-managed lands: SB 5099, SB 6541
 State-owned land/property, underutilized, inventory of, DNR role: EHB 2896

Urban and community forestry program, revising previous program name to be: SHB 2768, SB 6529
 Urban forestry, program, needs, assistance, plans, ordinances, and DNR role: SHB 2768, SB 6529
 Utility wildland fire prevention task force, convening: SB 5305
 Vegetation management, nonchemical strategies, DNR trials and evaluation: SB 6488
 Wildfires, 2018 season, appropriations from budget stabilization account for: *SHB 2159, CH 418 (2019), SB 6009

NEWS MEDIA (See also ADVERTISING; TELEVISION AND TELEVISIONS)

Broadcasters, first informer, during state of emergency: *HB 1147, CH 207 (2019), SB 5186
 Broadcasters, radio/television, standard B&O tax deduction for advertising: *HB 2035, CH 449 (2019)
 Candidates, political, deepfake audio or visual media of, prohibitions, when: SB 6513
 Media literacy/digital citizenship, school support of: SB 5594
 Newspapers, legal, publication of legal notices in: SB 5232
 Political candidates, deepfake audio or visual media of, prohibitions, when: SB 6513

NONPROFIT ORGANIZATIONS (See also ALCOHOLIC BEVERAGES; BUSINESS ORGANIZATIONS; DRUGS; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Charitable organizations, services for homeless persons, audits/audit reports: SB 6612
 Entities, nonprofit, crimes committed by, fines/legal financial obligations: *HB 1252, CH 211 (2019)
 Environmental and sustainability educational content, role of nonprofit: *EHB 2811, CH 292 (2020), SB 6124
 Fairs, nonprofit state fair foundations, state property tax exemption: SB 6587
 Fraternal societies and orders, nonprofit, special banquet liquor permit: SB 5742
 Fund-raising contest of chance, prize or purchase in, use tax exemption: SHB 1808, *SB 6312, CH 159 (2020), SB 6390
 Gambling activities, religious or scientific nonprofit corporation licensing for: *SB 6120, CH 150 (2020)
 Gambling licenses, exemption for certain organizations, when: SB 5595
 Gun clubs, nonprofit, clay target sales and use tax exemptions for: SB 5726
 Health insurance carriers, nonprofit, surplus levels in rate filings, review of: SB 6097
 Holocaust, lessons of, teaching in public schools, role of organizations: SB 5612
 Housing, affordable rental, sale to nonprofit entity for, excise tax exemption: *SHB 2634 (2020) V, SB 6366
 Housing, affordable, very low-income, nonprofit property tax exemption, changes: *SHB 2384, CH 273 (2020), SB 6232
 Housing, emergency/supportive, nonprofit providing, local utility connection charge waiver: SB 6414
 Manufactured/mobile home community, preservation by organization of: EHB 2610, SB 6230
 Ombuds, office of corrections, transferring to nonprofit organization: SB 6322
 Projects, involving ground-breaking, archaeological or cultural site impacts: SB 6448
 Shelter, emergency, entities providing, local utility connection or service line charge waiver: ESHB 2629
 Student scholarship organizations, contributions to, tax credits: SB 6520
 Utilities, local, connection charges for certain nonprofits, waiving, when: SB 6414
 Utilities, local, connection or service line charges for certain nonprofits, waiving, when: ESHB 2629
 Wine societies/organizations, local wine industry association alcohol license: SB 6392

NOTARIES PUBLIC

Electronic records notaries public, communications technology remote use: *SB 5641, CH 154 (2019)
 Natural death act, advance directives, notary role: *EHB 1175, CH 209 (2019)

OCEAN WATERS AND RESOURCES

Leasing, tidal/submerged outer continental shelf lands, prohibiting, when: SB 6432
 Oil/gas drilling, surface, in outer coastal waters, prohibiting: SB 6432

OIL AND GAS (See also ENERGY; FUELS; UTILITIES)

Drilling, surface, in outer coastal waters, prohibiting: SB 6432
 Gasoline operations, mobile on-demand fueling truck permit or certification: *ESHB 2783, CH 43 (2020)
 Gasoline operations, mobile on-demand operator certification: *ESHB 2783, CH 43 (2020)
 Gasoline operations, mobile on-demand, fire code standards for site permits: *ESHB 2783, CH 43 (2020)
 Heating oil tanks, insurance program, as revolving loan and grant program: SB 6256
 Hydraulic fracturing, for oil and natural gas, prohibiting: *SB 5145, CH 294 (2019)
 Leasing, tidal/submerged outer continental shelf lands, prohibiting, when: SB 6432
 Natural gas businesses, conducting, city/town imposition of tax: SB 6652

Natural gas companies, pipeline leaks/emissions, reducing, reporting: ***E2SHB 2518, CH 32 (2020)**
 Natural gas, renewable, modifying tax exemptions: ***HB 1070, CH 202 (2019)**, SB 5108
 Oil facilities and rail tank cars, crude oil vapor pressure: SB 5579
 Oil facilities and tankers, crude oil type and gravity: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil refineries/terminals, use of class B firefighting foam with PFAS chemicals: ***ESHB 2265, CH 23 (2020)**
 Oil spills, risk model, vessel restrictions, tug escorts, and response system: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Petroleum, underground tanks, financial responsibility, emergency program: SB 6257
 Petroleum/petrochemical high hazard facilities, advanced safety training at: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Petroleum/petrochemical high hazard facilities, new apprenticeship programs: SB 6054
 Petroleum/petrochemical high hazard facilities, skilled and trained workforce: ***ESHB 1817, CH 306 (2019)**, SB 5698

OPEN PUBLIC MEETINGS

Executive sessions, hospital governing bodies and quality improvement committees: ***SHB 1239, CH 162 (2019)**
 Hospital governing bodies and quality improvement committees, proceedings: ***SHB 1239, CH 162 (2019)**

ORDERS OF COURT (See also DOMESTIC VIOLENCE)

Abusive litigation between intimate partners, orders restricting: SB 6268
 Antiharassment protection orders, temporary: ***SHB 1350, CH 216 (2019)**
 Electronic monitoring, with victim notification, when certain orders: SB 5149
 Extreme risk protection orders, against person under 18: SB 5072
 Extreme risk protection orders, ensuring compliance, procedures for: ***SHB 2622, CH 126 (2020)**
 Extreme risk protection orders, grounds for: SB 5745
 Extreme risk protection orders, various provisions: SB 5027, SB 6307
 Firearms, surrender of and possession prohibition for order violations, removing provisions: SB 6673
 No-contact orders, violation of, arrest for: ***HB 1055, CH 18 (2019)**
 Protection orders, violation of various, firearm surrendering: ***SHB 1786, CH 245 (2019)**
 Protection orders, vulnerable adult, firearm surrender/possession-prohibition: SB 2305
 Restraining orders, violation of, arrest for: ***HB 1055, CH 18 (2019)**
 Sexual assault, protection orders, petition for: ***HB 1149, CH 258 (2019)**
 Stalking protection orders, vulnerable adult victim applying for: ESHB 1422
 Truancy, detention for failure to comply with court order, eliminating: SB 5290
 Various protection, no-contact, and restraining orders, provisions: ***SHB 1786, CH 245 (2019)**, SB 6673

OUTDOOR RECREATION (See also PARKS; PARKS AND RECREATION COMMISSION; SPORTS AND RECREATION)

Districts, park and recreation, city or county withdrawal from: ***SHB 2044, CH 138 (2019)**
 Glacier highway, requesting that WSTC name state route number 165 as the: SJM 8021
 Metropolitan park districts, city or county withdrawal from: ***SHB 2044, CH 138 (2019)**
 Recreation sites/lands, day-use permit, repealing: SB 6174
 Recreation sites/lands, free access to, repealing discover pass to allow: SB 6093, SB 6174
 Recreation sites/lands, pass/permit violations, penalty distribution: ***SHB 1293, CH 268 (2020)**, SB 5420
 Recreation sites/lands, use restriction/closure signs, legal authority reference: ESHB 2138
 Recreational facilities, public facility district authority, when: ***HB 1499, CH 341 (2019)**, SB 5515
 Shooting, recreational target, on DNR-managed lands: SB 5099, SB 6541
 Sno-parks, seasonal or day-use permit for access: ***SHB 1953, CH 175 (2019)**

PARKING (See also GROWTH MANAGEMENT)

Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 Fee violations, ticket issuance by RTA or PTBA: SB 5673
 Fees, for parking in DOT or public entity park-and-ride lots: SB 5673
 Motorcycles, parking methods: EHB 1058, SB 5653, ***SB 6565, CH 163 (2020)**
 Narrow track vehicles, definition and parking: ESHB 1510
 Off-street parking facilities, city-owned property used for, sales of: ***SHB 1083, CH 254 (2019)**
 Park and ride lots, fees for parking in: SB 5673
 Park and ride lots, private employer transportation service vehicle use of: SB 5896
 Safety rest areas along highways, parking at: ***SB 5506, CH 436 (2019)**
 Time restriction enforcement, using automated license plate recognition: SB 5529

Van accessible spaces for persons with disabilities, use requirements: SB 5253

PARKS (See also DISCOVER PASS; HOMELESS PERSONS; OUTDOOR RECREATION; PARKS AND RECREATION COMMISSION; PUBLIC LANDS)

City/county parks, funding for, local sales/use tax: ESHB 2625
 Districts, park and recreation district formation of parks benefit district: SB 5680
 Districts, park and recreation, city or county withdrawal from: *SHB 2044, CH 138 (2019)
 Districts, park and recreation, parks funding, local sales/use tax: ESHB 2625
 Districts, parks benefit districts and parks improvement districts: SB 5680
 Firearms, possession on park facility premises, prohibitions: SB 5434
 Habitat, for bees/pollinators, protecting and promoting: SB 5552
 Marathon Park, in Olympia, renaming after Joan Benoit Samuelson: SCR 8403
 Metropolitan park districts, city or county withdrawal from: *SHB 2044, CH 138 (2019)
 Metropolitan park districts, commissioners, compensation of: *HB 1092, CH 198 (2019), SB 5036, SB 6046
 Metropolitan park districts, parks benefit districts establishment by: SB 5680
 Metropolitan park districts, parks funding, local sales/use tax: ESHB 2625
 Peace arch historical state park, peace arch as official state peace monument: SB 5953
 State, day-use permit, repealing: SB 6174
 State, discover passes provided to libraries for checking out to patrons: SB 6670
 State, free access to, initiating by repealing discover pass: SB 6093, SB 6174
 State, funding with Washington state parks-Sasquatch special license plates: SB 5611
 State, leases/concessions in, maximum length, extending: *HB 2601, CH 123 (2020), SB 6252

PARKS AND RECREATION COMMISSION (See also DISCOVER PASS)

Bicycle routes, scenic bikeways program for designation of, establishing: *HB 2587, CH 286 (2020)
 Discover passes, providing to libraries for patrons to check out: SB 6670
 Employees, interest arbitration for: SB 6687
 Lease of parkland or property, beyond 20 years, commission votes required: *HB 2601, CH 123 (2020), SB 6252
 Leases/concessions in state parks or parkways, maximum length, extending: *HB 2601, CH 123 (2020), SB 6252
 State-owned land/property, underutilized, inventory of, commission role: EHB 2896
 Volunteer programs, within commission, review of opportunities to include: SB 5265

PERFORMING ARTS AND PERFORMANCE FACILITIES

Arenas and other eligible projects, sales and use taxes deferral: *ESHB 1839, CH 347 (2019), SB 5813
 Arenas, certain areas of, leasehold excise tax exemption: *HB 1301, CH 335 (2019), SB 5198
 Building for the arts program, modifying: HB 2352
 Cultural access programs, community preservation and development authorities: *SB 5792, CH 192 (2020)
 Cultural access programs, public school access: *SB 5792, CH 192 (2020)
 Cultural access programs, same requirements for all counties: *SB 5792, CH 192 (2020)
 Tickets, resellers of, licensing and regulation: SB 5321

PERSONAL PROPERTY (See also ANIMALS; BUSINESSES; FIREARMS; REAL ESTATE AND REAL PROPERTY; REVENUE, DEPARTMENT; SALES; TREASURER, STATE)

Forfeiture of property, standard of proof: SB 5060
 Impounded vehicles, personal property in, tow truck operator authority: SB 5652
 Lost and found property, monetary thresholds for disposition: *SHB 1764, CH 30 (2019)
 Political subdivisions, property sales or use between, tax exemptions: *SB 5337, CH 188 (2019)
 Property offense, persistent property offender arrested for, charging, when: SB 6502
 Seizure and forfeiture of property, drug offenses, recordkeeping and reporting: SB 6266
 Self-storage units, personal property in, consumer protections: SB 5957
 Theft, concealing property to deprive other person: SB 5248
 Unclaimed property, rewards cards: SB 5654

PEST CONTROL AND PESTICIDES (See also INSECTS; WEEDS)

Burning, outdoor, authorizing for silvicultural insect or disease control: *2SHB 1784, CH 305 (2019), SB 5279
 Chlorpyrifos-containing pesticides, prohibiting use of, exception: SB 6518
 Herbicide aerial application on forestlands, various provisions: SB 6488

Herbicides, aerial application on forestlands work group, recommendations of: SB 6488
 Imidacloprid, in shellfish beds: SB 5626
 Mosquito control districts, application of property tax provisions to: HB 1583, ***SB 5519, CH 54 (2020)**
 Pesticide aerial application on forestlands, work group on, establishing: SB 5597
 Pesticide application act, licensing examinations/fees, third-party entities for: ***HB 2624, CH 180 (2020)**
 Pesticide application safety committee and advisory work group, establishing: 2SHB 1725, SB 5550
 Pesticide application safety work group, recommendations of: 2SHB 1725, SB 5550
 Pesticide control act, licensing examinations/fees, third-party entities for: ***HB 2624, CH 180 (2020)**
 Shellfish beds, burrowing shrimp in, chemical control of: SB 5626
 Vegetation management, nonchemical strategies, trials and evaluation: SB 6488

PHARMACIES AND PHARMACISTS

Benefit managers, pharmacy, HCA or state agency as, when: ***E2SHB 2662, CH 346 (2020)**
 Biological products, interchangeable, confirmation for dispensing of: ***HB 2251, CH 21 (2020)**
 Compounding of prescription drugs, requirements: SB 5663
 Corrections, department of, DOC pharmacy returned medications reuse, when: SB 6526
 Electronic communication of prescription to pharmacy, provisions: SB 5446
 HIV, preexposure prophylaxis, dispensing without prescription, requirements: SB 6303
 Nonresident pharmacies, licensure and license renewal: ***HB 1412, CH 25 (2019)**, SB 5459
 Nonresident pharmacies, mail order, unintentional use/enrollment: SB 5184
 Pharmacies, community, in retail pharmacy network, requirements: SB 5421
 Pharmacy benefit managers, community pharmacies in retail network of: SB 5421
 Pharmacy benefit managers, contracts with pharmacies: SB 5422
 Pharmacy benefit managers, drug data reporting: ***E2SHB 1224, CH 334 (2019)**, HB 2710
 Pharmacy benefit managers, filling prescription through mail order: SB 5184
 Pharmacy benefit managers, health care benefit managers doing business as: SB 5601
 Pharmacy benefit managers, licensing and regulation of: SB 5601, SB 5982
 Pharmacy benefit managers, prescription drugs, maximum point-of-sale cost: ***SHB 2464, CH 116 (2020)**
 Pharmacy benefit managers, regulation of: SB 5422
 Pharmacy benefit managers, repealing/recodifying and replacing chapter: SB 5601
 Pharmacy services administrative organizations, drug data reporting: ***E2SHB 1224, CH 334 (2019)**, HB 2710
 Pharmacy tourism programs for obtaining drugs outside U.S., developing: SB 6111
 Psychiatric pharmacist practitioners, role of: SB 6609
 Students, practice of pharmacy by, when: ***HB 1726, CH 270 (2019)**

PILOTAGE COMMISSIONERS, BOARD (See also COMMERCIAL VESSELS AND SHIPPING; MARINE WATERS, STATE)

Self-insurance risk program, local government joint, board participation: ***HB 1431, CH 26 (2019)**, SB 5584

PLUMBERS AND PLUMBING

Advisory board of plumbers, state, duties and members: SB 5235, ***SB 6170, CH 153 (2020)**
 Contractors, licensing and regulation of: SB 5235, ***SB 6170, CH 153 (2020)**
 Efficiency standards, various plumbing products: ***2SHB 1444, CH 286 (2019)**, SB 5115
 Plumbers, various, regulation of: SB 5235, ***SB 6170, CH 153 (2020)**

POLLUTION CONTROL HEARINGS BOARD

Architectural paint stewardship program, board role: ***SHB 1652, CH 344 (2019)**
 Plastic packaging, prohibitions and penalties, board role: SB 5397
 Polystyrene packaging/coolers/food service products, prohibitions, board role: SB 6213

POLLUTION LIABILITY INSURANCE AGENCY

Heating oil tanks, insurance program, as revolving loan and grant program: SB 6256
 Petroleum, underground tanks, financial responsibility, emergency program: SB 6257

PORT DISTRICTS

Airports, district-operated, aircraft noise abatement programs, provisions: ***SHB 1847, CH 105 (2020)**, ***HB 2315, CH 112 (2020)**, SB 6214

Bellingham, port of, new salmon hatchery, construction of: SB 5824
 Bellingham, port of, new salmon hatchery, feasibility of: SB 6509
 Broadband internet services, district authority to provide: SB 5085
 Cargo-handling equipment, fully automated, funds allocation for, prohibiting: SB 5905, SB 6535
 Officials, candidates for, campaign contribution limits: ***HB 1375, CH 100 (2019)**, SB 5309
 Port commissions, commissioner compensation: SB 6046
 Port commissions, commissioner elections when modifying boundaries: SB 5266
 Port commissions, commissioner elections, ranked choice voting: SB 5708, SB 6569
 Telecommunications facilities, district selection of company to operate: 3SHB 1498, SB 5511
 Tolls, vehicle toll imposition by districts, prohibiting: SB 5104
 Worker development and training programs, provisions: ***HB 1568, CH 117 (2019)**, SB 5570

PROFESSIONAL EDUCATOR STANDARDS BOARD

Administrators, preparation programs, Indian history/culture/government in: SB 6262
 Educator conditional scholarship and loan repayment programs, board role: ***E2SHB 1139, CH 295 (2019) PV**
 Educator recruitment and preparation programs, PESB role: ***E2SHB 1139, CH 295 (2019) PV**
 Mental health and well-being, student, PESB role: SB 5777
 Mental health and well-being, student, work group on, convening: SB 5777
 Principals, preparation programs, Indian history/culture/government in: SB 6262
 Teachers, certification of, basic skills assessments for applicants, PESB role: ***SHB 1621, CH 121 (2019)**, SB 5512
 Teachers, certification of, certain assessment requirements, removing: SB 6067
 Teachers, certification of, professional educator collaborative, PESB role: ***E2SHB 1139, CH 295 (2019) PV**

PROFESSIONS (See also ACCOUNTANTS AND ACCOUNTING; AGRICULTURE; ATTORNEYS; BUSINESSES; CONTRACTORS; ELECTRICIANS AND ELECTRICAL INSTALLATIONS; GEOLOGY AND GEOLOGISTS; HEALTH CARE PROFESSIONS AND PROVIDERS; HOMES AND HOUSING; HUMAN REMAINS; REAL ESTATE AND REAL PROPERTY; SCHOOLS AND SCHOOL DISTRICTS; VOCATIONAL EDUCATION)

Adult entertainers, not employed by establishment, requirements for employer: SB 6517
 Adult entertainers, safety of, and advisory committee, convening: ***EHB 1756, CH 304 (2019)**, SB 5724
 Architects, landscape, licensing, out-of-state applicants for: SB 6465
 Architects, registration of, various provisions: ***SHB 1148, CH 67 (2019)**, SB 6465
 Athlete agents, student athlete benefits provided by, prohibitions/restrictions: ***SB 6286, CH 157 (2020)**
 Auctioneers, registration with department of revenue: ***HB 1176, CH 442 (2019)**, SB 5125
 Auto mechanics, safety glazing/film sunscreening material installation services, unlawful purchase or sale of: ***SB 5881, CH 438 (2019)**
 Barbers, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Barbers, paying fee to use barber shop premises, when not "employment": SB 5326
 Booth renters, at salon/shop licenseholder's premises, prohibitions: SB 5326
 Cosmetologists, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Cosmetologists, paying to use salon/shop premises, prohibition, when: SB 5326
 Custodians, sexual harassment/assault of, employer prevention role: SB 5258
 Engineers, joint engineering activities between conservation districts: ***HB 1426, CH 103 (2019)**, SB 5585
 Engineers, professional, and land surveyors, board for, authority/duties: ***HB 2833, CH 47 (2020)**, SB 6323
 Engineers, professional, board for land surveyors and, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Engineers, registration of: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Estheticians, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Hair designers, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Hair designers, paying to use salon/shop premises, prohibition, when: SB 5326
 Housekeepers, motel/hotel, sexual harassment/assault of, preventing: SB 5258
 Interpreter services, spoken language, provider collective bargaining scope: ***HB 2691, CH 289 (2020)**, SB 6207
 Interpreters, educational, for persons with limited English proficiency: SB 5606
 Interpreters, services for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Land surveyors, board for professional engineers and, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Land surveyors, board for professional engineers and, authority/duties: ***HB 2833, CH 47 (2020)**, SB 6323
 Land surveyors, registration of: ***HB 1176, CH 442 (2019)**, SB 6465
 Landscape architects, licensing, out-of-state applicants for: SB 6465

Language access providers, collective bargaining, expanding scope of: ***HB 2691, CH 289 (2020)**, SB 6207
 Legal service contractors, registration of: SHB 2306, SB 6146
 Licensing, applicants with criminal convictions, process for: SHB 2356
 Licensing, out-of-state applicants, equivalent in-state license, when: SB 6465
 Licensing, regulation and implementation only in public interest, sunrise review: HB 2477
 Manicurists, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125, SB 6465
 Manicurists, manicuring for diabetic client, requirements: ESB 5616
 Notaries public, electronic records, communications technology remote use: ***SB 5641, CH 154 (2019)**
 Permanent cosmetics artists, licensing and regulation: SHB 1158
 Private investigators, temporary registration cards: SB 5111
 Regulating of professions, only in public interest, sunrise review process: HB 2477
 Regulatory agency audits, inspections, and examinations, requirements: SB 6408
 Renewable energy credit brokers, registration of and registry for: SB 6698
 Security guards, in health care settings, workplace violence prevention: ***SHB 1931, CH 430 (2019)**, SB 5912
 Security guards, private and armed private, licensing and license renewals: SB 6605
 Security guards, sexual harassment/assault of, employer prevention role: SB 5258
 Security guards, use of force with firearm discharge, reporting: SB 5916
 Surveyors, land, registration, out-of-state applicants, equivalent in-state license: SB 6465
 Travel agents and tour operators, preferential B&O tax rate, eliminating: SB 5997

PSYCHIATRY AND PSYCHIATRISTS (See also COUNSELORS AND COUNSELING; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHOLOGISTS)

Chemical dependency counselors, mental health provider training to become: SB 5715
 Partnership access lines for providers/moms/kids, requirements: ***SHB 2728, CH 291 (2020)**
 Psychiatric consultation call center, implementing: ***SHB 2728, CH 291 (2020)**
 Psychiatric pharmacist practitioners, role of: SB 6609
 Telebehavioral health programs, partnership access lines as: ***SHB 2728, CH 291 (2020)**
 Telebehavioral health programs, psychiatric consultation call center: ***SHB 2728, CH 291 (2020)**
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389
 Telepsychiatry, offering consultations via, provisions: ***E2SHB 1593, CH 323 (2019)**

PSYCHOLOGISTS (See also COUNSELORS AND COUNSELING; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS; SCHOOLS AND SCHOOL DISTRICTS)

Chemical dependency counselors, mental health provider training to become: SB 5715
 Suicide assessment/treatment training for mental health professionals: ***ESHB 2411, CH 229 (2020)**
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389
 Telepsychology, psychology interjurisdictional compact act: SB 6549

PUBLIC ASSISTANCE (See also FOSTER CARE; HEALTH CARE AUTHORITY; LONG-TERM CARE)

Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Child welfare services, casework supervision if child returned home: SB 6525
 Child welfare services, family connections program, implementing: ***SHB 2525, CH 33 (2020)**, SB 6422
 Child welfare services, independent living services, DCYF report on: HB 2580
 Child welfare, homelessness defined for: SHB 2388, SB 6472
 Disabilities, multiple, services for children with, repealing Ch. 74.26: ***HB 2599, CH 122 (2020)**, SB 6362
 Family planning program, persons over 19 not eligible for Take Charge program: SB 5602
 Food assistance, "food stamps," replacing with "food benefits" or federal name: SB 6599
 Food assistance, basic food and training program, access to, when: SB 6625
 Food assistance, basic food work requirements, postsecondary programs for: ***2SHB 1893, CH 407 (2019)**
 Food assistance, basic food, employers with the most employees receiving: SB 6310
 Food assistance, SNAP program, benefits for COFA migrants, requesting that congress restore: SJM 8017
 Food assistance, SNAP program, EBT card use in beer/wine specialty store: ***SB 6136, CH 64 (2020)**
 Food assistance, SNAP program, EBT card use on postsecondary campuses: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, postsecondary student eligibility: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, unauthorized benefits, criminal penalties: SB 5531
 Health coverage, for medicaid-ineligible low-income young adults: SB 5814

Host homes, for youth, funding restrictions, removing: ***SB 6623, CH 265 (2020)**
 Human trafficking, noncitizen victims and family members, public assistance: SB 5164
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Medicaid, access to baby and child dentistry, children with disabilities: SB 5976
 Medicaid, access to baby and child dentistry, outreach/involvement: ***SHB 2905, CH 293 (2020)**
 Medicaid, ambulance transport providers, additional payments to: SB 5517
 Medicaid, ambulance transport providers, payments add-on for: SB 6534
 Medicaid, behavioral health full integration implementation: SB 5432
 Medicaid, behavioral health rate increases, verifying appropriations use for: ***EHB 2584, CH 285 (2020)**
 Medicaid, benefits for COFA migrants, requesting that congress restore: SJM 8017
 Medicaid, for postpartum and pregnant persons: SB 6106
 Medicaid, for postpartum persons, extending: SB 6128
 Medicaid, home health services payment methodology and work group: SB 5828
 Medicaid, home health services reimbursement rate: SB 5828
 Medicaid, hospital patient administrative days, claims codes for tracking: SB 6384
 Medicaid, hospital safety net assessment for, expiration of, extending: SB 5734
 Medicaid, hospital substitute providers, managed care reimbursement of: ***EHB 1552, CH 4 (2020)**
 Medicaid, long-term involuntary psychiatric treatment, via managed care: SB 5045
 Medicaid, managed care organization prior authorization: SB 6404
 Medicaid, managed care organizations, incentive payments to, tax exemption: ***SHB 2024, CH 350 (2019)**
 Medicaid, managed care organizations, performance analysis: SB 5523
 Medicaid, managed care systems, making jail inmate records available to: ***HB 2545, CH 282 (2020)**
 Medicaid, managed health care system, nonparticipating providers: SB 6397
 Medicaid, offender reentry services through, waiver for: SB 6638
 Medicaid, primary care provider reimbursement, medicare payment rate floor for: SB 5319
 Medicaid, primary care provider reimbursement, minimum fee schedule for: SB 6676
 Medicaid, primary care provider reimbursement, payment rate floor for: SB 6676
 Medicaid, public assistance and health insurance coverage, joint beneficiaries: ***HB 2677, CH 183 (2020)**, SB 6395
 Medicaid, rare diseases, coverage for: SB 6486
 Medicaid, reproductive health care access for all act: SB 5602
 Medicaid, rural substitute providers, managed care reimbursement of: ***EHB 1552, CH 4 (2020)**, SB 6358
 Medicaid, school-based health centers, establishment and reimbursement: SB 6279
 Medicaid, small rural low-volume hospitals, enhanced payment to: SB 5872, SB 6354
 Medicaid, substance use disorder programs/facilities, data disclosure: SB 6070
 Medicaid, substance use disorder treatment access: ***ESHB 2642, CH 345 (2020)**
 Medicaid, substance use disorder treatment, transportation for, restrictions: SB 6069
 Medicaid, suspension when incarcerated, restoring benefits before release: SB 6638
 Medicaid, telemedicine and store/forward technology payment parity: SB 5385
 Medicaid, working individuals with disabilities buy-in program, eligibility: ***SHB 1199, CH 70 (2019)**, SB 5754
 Medical assistance, psychiatric per diem payments to rural hospitals: ***HB 1534, CH 116 (2019)**
 Medical care services, noncitizen human trafficking victims and family members: SB 5164
 Medical care services, reproductive health care access for all act: SB 5602
 Offices, local community services, boards of advisors for, establishing: SB 5493
 Postpartum and pregnant women, medicaid coverage: SB 6106
 Postpartum persons, medicaid coverage for, extending: SB 6128
 Pregnant women assistance, essential needs/housing support when eligible for: HB 2809, SB 6495
 Pregnant women assistance, needs standards for: SB 6478
 Prevention and family services and programs, relation to foster care: ***HB 1900, CH 172 (2019)**, SB 5826
 Programs, assistance, consolidated need standards, and living costs study: SB 6478
 Programs, assistance, employers with the most employees receiving, report: SB 6310
 Receipt of assistance, as defendant's proof of indigency, provisions: SB 6215
 Recipients, of food stamps/TANF/SSI, tax credits for employers who hire: SB 6564
 State family assistance, needs standards for: SB 6478
 Supports and basic income pilot program, creating: SB 6625
 Temporary assistance for needy families, expanding access to: SB 6575

Temporary assistance for needy families, for minor parents: SB 5379

Temporary assistance for needy families, various modifications: ***2SHB 1603, CH 343 (2019)**, SHB 2388, SB 5684, SB 6472

WorkFirst TANF program, employers with the most employees receiving: SB 6310

WorkFirst TANF program, homeless recipients, 60-month limit exemption: SB 6478

WorkFirst TANF program, noncompliance, 2 months continuous, grant reduction: ***SHB 2441, CH 338 (2020)**

WorkFirst TANF program, noncompliance, case reviews: SB 6478

WorkFirst TANF program, noncompliance, grant reduction and termination: ***SHB 2441, CH 338 (2020)**

WorkFirst TANF program, various modifications: ***2SHB 1603, CH 343 (2019)**, SB 5684, SB 6478

PUBLIC DEFENSE, OFFICE

Indigent defense services, appropriated funding for: SB 5098

Indigent defense services, certain filing fees to fund: ***2SHB 1048, CH 251 (2019)**

Indigent defense services, proof of indigency by defendant, provisions: SB 6215

PUBLIC DISCLOSURE COMMISSION (See also ADVERTISING; ELECTIONS)

Advertising, bots, using online to mislead, prohibiting: HB 2396

Advertising, top five contributors and top three donors requirements: ***ESHB 1379, CH 261 (2019)**

Advertising, top five contributors requirement: SB 5221

Advertising, when person not a candidate and/or not currently endorsed: SHB 2772, SB 6361

Campaign treasurers, training course for, PDC role: SB 5388

Campaigns, child care as campaign-related expense, when: HB 2540

Campaigns, contributions by corporations, foreign national ownership level: SB 6152

Campaigns, contributions, political committee requirements: ***ESHB 1379, CH 261 (2019)**, SB 5221

Campaigns, contributions, port district officials limits: ***HB 1375, CH 100 (2019)**, SB 5309

Campaigns, contributions, state official/legislator restrictions, when: SB 5270

Campaigns, finance disclosure, PDC administration: ***SHB 1195, CH 428 (2019) PV**, SB 5112

Candidates, statements of financial affairs: SHB 2772

Commission, appointment of members of: SB 5866

Commission, duties of: SHB 2772

Commission, duties of, and commissioner prohibited activities: SB 6361

Elected officials/executive state officers, statements of financial affairs: SHB 2772, SB 6361

Elected/appointed officials, county and superior court, mediation of disputes: SB 5560

Legislative staff members, financial affairs statements, posting online, prohibition: SHB 2772

Lobbyists, respectful workplace code of conduct for, including work group: SB 5861

Media, deepfake audio or visual, of candidates, prohibitions/requirements, when: SB 6513

PUBLIC EMPLOYMENT AND EMPLOYEES (See also COLLECTIVE BARGAINING; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; ETHICS IN GOVERNMENT; LABOR; RECORDS; RETIREMENT AND PENSIONS; STATE AGENCIES AND DEPARTMENTS; WAGES AND HOURS)

Agencies, employees of public, personal information disclosure exemption: ***2SHB 1888, CH 106 (2020)**, SB 6666

Agencies, employees of public, personal information/records requests, notices: SB 6666

Elected officials, state, campaign contribution restrictions, when: SB 5270

Elected officials/executive state officers, statements of financial affairs: SHB 2772, SB 6361

Examinations, competitive, military surviving spouse scoring criteria status: SB 6338

Examinations, competitive, state resident scoring preference: SB 5101

Federal government employees, "unemployed" when wages not paid: SB 5716

Hanford nuclear site, healthy energy workers board, establishing: SB 5627

Harassment, of complaining employee in unfair practices investigations: ***EHB 2020, CH 349 (2019)**, SB 5929

Military spouses, employment opportunities through recruitment program: SB 5772

Payroll deductions of employees, disclosure exemption: SB 6666

Productivity board, reestablishment, duties, and programs of: SB 5095

Public employee salaries/wages, inflationary increase in state budget outlook: SB 5963

Shared leave program, employee intermittent/nonconsecutive leave use: ***HB 2739, CH 6 (2020)**

Shared leave program, employee leave balance allowed for participation: ***HB 2739, CH 6 (2020)**, SB 6284

Shared leave program, for pregnancy disability, parental leave when resolved: SB 6336

Shared leave program, industrial insurance wage replacement impact on: ***HB 2739, CH 6 (2020)**
 State employees, access to child care, access and affordability survey: ***2SHB 1344, CH 368 (2019)**
 State employees, contracts, salary increase/health benefit cost limits: SB 6246
 State employees, electronic access to peer-reviewed journals, studying: SB 5504
 State employees, organ donation by, leave for life-giving procedure: ***SB 6123, CH 305 (2020)**
 State employees, personal demographic details, disclosure exemption: SB 6431
 State employees, personal information disclosure exemption: ***2SHB 1888, CH 106 (2020)**
 State employees, personal information of, person requesting to harass: ***ESHB 1692, CH 373 (2019)**
 State employees, private vehicle use by, reimbursement rate: SB 6193
 State employees, sexual harassment claims, reporting of data: SB 5845
 Veteran, definition of, for public employment purposes, modifying: ***SHB 2544, CH 178 (2020)**

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Uniformed personnel bargaining units, universities and TESC, PERC review: ***SB 5022, CH 234 (2019) PV**

PUBLIC FACILITIES DISTRICTS (See also SPECIAL AND SPECIAL PURPOSE DISTRICTS)

Convention center, expansion, tax deferrals: SHB 2032
 Recreational facilities, other than ski area, authority of districts, when: ***HB 1499, CH 341 (2019)**, SB 5515

PUBLIC FUNDS AND ACCOUNTS

Air pollution control account, adding certain deposits to: 2SHB 2310, SB 6399
 Air pollution control account, deposit of certain penalties into: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Ambulance transport fund, establishing: SB 5517, SB 6534
 Andy Hill cancer research endowment fund match transfer account, deposits into: ***E2SHB 1873, CH 445 (2019)**
 Behavioral health loan repayment program account, creating: ***2SHB 1668, CH 302 (2019)**
 Benefits account, for whole Washington health trust, creating: SB 5222
 Brownfield redevelopment trust fund account, provisions: SB 5993
 Budget stabilization account, appropriations for 2018 wildfires: ***SHB 2159, CH 418 (2019)**, SB 6009
 Budget stabilization account, appropriations for 2019 Clark county measles outbreak: SB 6009
 Budget stabilization account, appropriations for alleviating homelessness: SB 6167
 Budget stabilization account, appropriations for coronavirus response from: ***EHB 2965, CH 7 (2020)**, SB 6696
 Budget stabilization account, appropriations for TRS plan 1: SB 5999
 Budget stabilization account, extraordinary revenue growth amounts transfer: ***ESHB 2163, CH 419 (2019)**
 Capital vessel replacement account, depositing certain surcharges in: SB 5971
 Carbon pollution reduction account, creating: SB 5981
 Career connected learning account, creating: ***E2SHB 2158, CH 406 (2019)**, SB 5327
 Center for childhood deafness and hearing loss account, changing name of: ***HB 1604, CH 266 (2019)**
 Center for deaf and hard of hearing youth account, renaming previous account: ***HB 1604, CH 266 (2019)**
 Chehalis basin taxable account, creating: ***SHB 1154, CH 221 (2020)**
 Child welfare system improvement account, renaming: SB 5955
 City-county assistance account, deposits into: SB 5130, SB 5582, SB 5991, SB 5998, SB 6693
 Clean fuels program account, creating: E2SHB 1110, SB 5412
 Cleanup settlement account, provisions: SB 5993
 Climate impacts resilience account, creating: SB 5981
 Columbia river recreational salmon and steelhead endorsement program account, creating: SB 6166
 Commingled pension fund, of state investment board, provisions: ***SB 6383, CH 160 (2020)**
 Community behavioral health bond account, creating: SB 5537
 Community behavioral health taxable bond account, creating: SB 5537
 Community forestland account, establishing: SB 5873
 Community mental health safety fund, creating: SB 5835
 Complete streets grant program account, transfers to: SB 5521
 Compostable products revolving account, creating: ***ESHB 1569, CH 265 (2019)**
 Congestion relief and safety account, creating: SB 6041
 Connecting Washington account, certain fee deposits into: E2SHB 1110, SB 5412
 Consumer privacy account, creating: SB 6281
 Cooper Jones active transportation safety account, creating: ***ESHB 1793, CH 224 (2020)**

County arterial preservation account, appropriations for: SB 5972
 County road administration board emergency loan account, creating: ***SB 5923, CH 157 (2019)**
 County road administration board emergency loan revolving account, creating: SB 5972
 COVID-19 unemployment account, creating: ***EHB 2965, CH 7 (2020)**
 Crime victims' compensation account, certain deposits to assist victims: ***2SHB 1048, CH 251 (2019)**
 Criminal justice treatment account, provisions: SB 6585
 Dan Thompson memorial developmental disabilities community trust account: SB 6190
 Debt-limit general fund bond retirement account, use of: ***SHB 1101, CH 414 (2019)**, SB 5133
 Dedicated marijuana account, balanced budget requirement for: SB 6660
 Dedicated marijuana account, deposits into: ***HB 2052, CH 277 (2019)**
 Dedicated marijuana account, modifying use of funds from: ***SHB 1415, CH 220 (2019)**, ***E2SHB 2870, CH 236 (2020)**, SB 5482, SB 6604
 Defense community infrastructure account, creating: SB 5748
 Deferred compensation principal account, provisions: ***SB 6383, CH 160 (2020)**
 Department of children, youth, and families contracted services performance improvement account, creating: SB 5955
 Department of licensing wage lien account, creating: SB 6053
 Developmental disabilities community residential investment account, creating: SB 5990
 Developmental disabilities community trust account, use of funds: SB 6190
 Disaster response account, appropriations for coronavirus response from: ***EHB 2965, CH 7 (2020)**, SB 6696
 Displaced worker training account, for whole Washington health trust, creating: SB 5222
 Drug importation program account, creating: SB 6110
 Early learning facilities development account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Early learning facilities revolving account, bonds proceeds deposits and transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Economic assistance reinvestment account, creating: SB 6575
 Education construction fund, transfers to: SB 5264
 Education legacy trust account, balanced budget requirement for: SB 6660
 Education legacy trust account, deposits into: ***ESHB 2140, CH 411 (2019)**, SB 5130, SB 5582, SB 5991, SB 5998, SB 6693
 Education legacy trust account, use of revenue deposited into: SB 6581
 Educator conditional scholarship account, renaming future teachers account as: ***E2SHB 1139, CH 295 (2019) PV**
 Electric vehicle account, creating: SB 5336
 Electric vehicle account, creating by renaming previous account: ***E2SHB 2042, CH 287 (2019)**
 Employee fair classification act account, creating: SB 5513, SB 5690
 Energy transformation account, creating: SB 5981
 Energy transition assistance account, creating: SB 5981
 Environmental legacy stewardship account, repealing, transfer of funds: SB 5993
 Fair fund, deposits into and expenditures from: SB 5277
 Farm and forest account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Federal forest revolving account, school district allocations, eliminating reduction: SB 6573
 Financial fraud and identity theft crimes investigation and prosecution account: SB 6074
 Fire service training account, deposits into: ***HB 2701, CH 88 (2020)**
 Fish, wildlife, and conservation account, establishing: SB 6072
 Forest and fish support account, certain deposits into: ***E3SHB 1324, CH 336 (2019) PV**
 Forest carbon reforestation and afforestation account, creating: SB 6355
 Forward flexible account, appropriations for: SB 5972
 Forward flexible account, creating: SB 5971
 Forward Washington account, creating in motor vehicle fund: SB 5971
 Forward Washington account, state appropriations for: SB 5972
 Foundational public health account, creation and deposits into: SB 5793
 Foundational public health services account, creating: ***E2SHB 1873, CH 445 (2019)**, SB 5986
 Freight mobility investment account, appropriations for: SB 5972
 Freight mobility investment account, motor vehicle fuel tax revenues transfer to: SB 5521
 Freight mobility multimodal account, appropriations for: SB 5972
 Freight mobility multimodal account, motor vehicle fuel tax revenues transfer to: SB 5521
 Gambling revolving account, sports wagering enforcement expenditures from: ***ESHB 2638, CH 127 (2020)**

General fund and related funds, transfers from, expenditure limit adjustment: SB 5609

Growth management planning and environmental review fund, deposits into: ***E2SHB 1923, CH 348 (2019)**, SB 5769

Growth management planning and environmental review fund, funds use: ***E2SHB 1923, CH 348 (2019)**

H-2A enforcement account, creating: SB 5438

Habitat conservation account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133

Health professions account, modifying use of funds from: ***SHB 1415, CH 220 (2019)**, SB 5482

Hemp regulatory account, creating: E2SHB 1401, SB 5719

Higher education retirement plan supplemental benefit fund, provisions: SHB 1661, ***2SHB 1661, CH 103 (2020)**

Home security fund account, budget stabilization account appropriations to: SB 6167

Home security fund account, deposits into, use of: ***E2SHB 1923, CH 348 (2019)**

Home security fund account, funding for homelessness impact grant program: SB 6196

Home visiting services account, funding through: SB 5683

Homeowner protection account, creating: ***E2SHB 1105, CH 332 (2019)**

Housing portfolio monitoring account, creating: ESHB 2849

Housing trust fund, city/county emergency overnight homeless shelters use of: SB 6459

Housing trust fund, funding homeownership projects from: SB 5746

Housing trust fund, shared housing projects, moneys for: SB 6546

Housing trust fund, transfers to housing portfolio monitoring account: ESHB 2849

Impaired driving safety account, deposits into: ***3SHB 1504, CH 330 (2020)**

Income share agreement account, creating: SB 5774

Indian health improvement reinvestment account, creating: ***SB 5415, CH 282 (2019)**

Infrastructure bank, Washington state, creating as special fund: SB 5864, SJR 8209

Insurance commissioner's fraud account, creating: SB 5408

Insurance commissioner's fraud account, funding criminal investigation unit: ***SB 6049, CH 195 (2020)**

International medical graduate residency account, creating: SB 5846

Interstate 405 and state route number 167 express toll lanes operations account, creating: SB 5825

Interstate 405 express toll lanes operations account, repealing: SB 5018

Investment trust, Washington, deposit of public funds: SB 5949, SB 5995

Judicial stabilization trust account, modifying filing fee/surcharge deposits into: ***2SHB 1048, CH 251 (2019)**

Legislative gift center account, funds for Washington state legacy project: SB 5059

Library operations account, funds use: ***ESHB 2015, CH 448 (2019)**, SB 5902

Licensing and enforcement system modernization project account, delaying expiration: ***SHB 1430, CH 164 (2019)**

Limited fish and wildlife account, establishing: SB 6072

Linked deposit program, administrative provisions: SB 5167

Liquor revolving fund, balanced budget requirement for: SB 6660

Liquor revolving fund, mitigation fee deposits into: SB 6104

Local government archives account, funds use: ***ESHB 1667, CH 372 (2019)**, ***ESHB 2015, CH 448 (2019)**, SB 5667, SB 5902

Local law enforcement officers' and firefighters' retirement system benefits account, funds use: ***HB 2144, CH 366 (2019)**, SB 5983

Local public safety enhancement account, using for LEOFF plan 2 benefits: ***HB 2144, CH 366 (2019)**, SB 5983

Local sales and use tax account, depositing certain revenues into: ***ESHB 1839, CH 347 (2019)**

Long-term services and supports trust account, creating: ***2SHB 1087, CH 363 (2019)**, SB 5331

Manufactured/mobile home park relocation fund, renaming previous fund as: E2SHB 1033, SB 5183

Manufacturing and warehousing job centers account, creating: ***EHB 1948 (2020) V**, SB 5862

Marijuana account, dedicated, balanced budget requirement for: SB 6660

Marijuana equity account, creating: SB 6085

Medicaid fraud penalty account, certain deposits into: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292

Military department active state service account, funds sources and use: SB 5858

Mobile home park relocation fund, deposits into: ESHB 1997

Model toxics control capital account, creating: SB 5993

Model toxics control operating account, budget stabilization account appropriations: SB 6167

Model toxics control operating account, creating: SB 5993

Model toxics control stormwater account, creating: SB 5993

Motor vehicle fund, deposits into: SB 5130

Motor vehicle fund, motor vehicle fuel tax revenues in, distribution of: SB 5521
 Motor vehicle fund, motor vehicle sales and use tax revenue deposits into: SB 5743, SB 5978
 Multimodal transportation account, appropriations for: SB 5972
 Multimodal transportation account, transfers from: ***E2SHB 2042, CH 287 (2019)**
 Multimodal transportation account, transfers to other accounts from: SB 5521
 Multiuse roadway safety account, funds use: EHB 2501, SB 6403
 Native American opportunity scholarship account, creating: SB 5709
 Nondebt-limit general fund bond retirement account, use of: SB 5537, SB 6345
 Nonprofit health carrier community benefit fund, excessive surplus deposits: SB 6451
 Office of the homeowners' association ombuds account, creating: SB 5302
 Opportunity pathways account, balanced budget requirement for: SB 6660
 Outdoor recreation account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Paint product stewardship account, creating: ***SHB 1652, CH 344 (2019)**
 Payroll tax oversight account, creating: SB 6692
 Plastic waste reduction account, creating: SB 6627
 Pollution liability insurance agency underground storage tank revolving account: SB 6256
 Pollution liability insurance program trust account, deposits into: SB 6257
 Pollution liability insurance program trust account, transfers from: SB 6256
 Problem gambling account, deposits from self-exclusion programs into: ***SHB 1302, CH 213 (2019)**, SB 5416
 Public disclosure transparency account, use of moneys in: SHB 2772, SB 6361
 Public funds investment account, pooled investment moneys deposits into: ***SHB 1284, CH 163 (2019)**, SB 5306
 Public use general aviation airport loan revolving account, funds use: SB 5011
 Public works assistance account, deposits into: SB 5130, SB 5582, SB 5788, SB 5938, SB 5952, SB 5991, SB 5998, SB 6693
 Puget Sound Gateway facility account, creating: SB 5825
 Puget Sound taxpayer accountability account, use of funds from: SHB 1791, SB 5851
 Recreation access pass account, repealing: SB 6174
 Recreational fisheries enhancement account, deposits into: SB 5692, SB 6166
 Recycling enhancement fee account, creating: ***ESHB 2722 (2020) V**
 Recycling enhancement penalty account, creating: SB 6645
 Regional fisheries enhancement group account, deposits into: SB 5692, SB 6166
 Reserve account, for whole Washington health trust, creating: SB 5222
 Responsible plastic packaging stewardship account, creating: SB 5397
 Rockfish research account, deposits into: SB 5692, SB 6166
 Rural arterial trust account, appropriations for: SB 5972
 Rural college promise program account, creating: SB 6614
 Rural development and opportunity zone account, creating: SB 5423
 Rural mobility grant program account, appropriations for: SB 5972
 Safe leave for railroad workers enforcement account, creating: SB 5879
 School employees' benefits board dental benefits administration account, repealing: SB 6011
 School employees' benefits board insurance reserve fund, repealing: SB 6011
 School employees' benefits board medical benefits administrative account, repealing: SB 6011
 School employees' insurance account, repealing: SB 6011
 School employees' insurance administrative account, repealing: SB 6011
 School hunger reinvestment account, creating: SB 6672
 School zone safety account, depositing certain penalties into: SHB 1256
 Search and rescue account, creating: SB 6179
 Secure choice retirement savings administrative fund, creating: SB 5740
 Separately managed public funds investment account, creating: ***SHB 1284, CH 163 (2019)**, SB 5306
 Separately managed state agency investment account, creating: ***SHB 1284, CH 163 (2019)**, SB 5306
 Separately managed state treasurer's service account, creating: ***SHB 1284, CH 163 (2019)**, SB 5306
 Shared responsibility trust account, creating: SB 5840
 Smoke detection device awareness account, creating: SB 5284
 Social work professional loan repayment program fund, creating: SB 5950
 State building construction account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133

State building construction account, depositing certain revenues into: ***ESHB 1839, CH 347 (2019)**
 State building construction account, funds for new salmon hatchery: SB 5824
 State building construction account, legislative building skylights appropriations: SB 6691
 State debt reduction account, creating for certain deposits and uses: SB 5938
 State expenditure limit overflow account, creating to fund construction: SB 5609
 State firearms background check system account, creating: ***E2SHB 2467, CH 28 (2020)**
 State taxable building construction account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 State toxics control account, funds for new salmon hatchery: SB 5824
 State toxics control account, funds for studying imidacloprid use: SB 5626
 State wildlife account, replacing with two new accounts: SB 6072
 Statewide broadband account, creating: 3SHB 1498, SB 5511
 Sustainable farms and fields account, creating: SB 5947
 Technical amendments to certain fund and account provisions: ***SHB 2205, CH 18 (2020)**
 Telebehavioral health access account, creating: ***SHB 2728, CH 291 (2020)**
 Tobacco prevention and control account, deposits into: SB 5793
 Toxics control accounts, new, hazardous substance tax deposits in: SB 5993
 Toxics control accounts, state and local, repealing, transfer of funds: SB 5993
 Transportation funding, transfers to accounts negatively impacted by I-976: SB 6245
 Transportation improvement account, appropriations for: SB 5972
 Traumatic brain injury account, deposit into and use of certain fees: SB 5126, SB 5127
 Undocumented student support loan account, creating: SB 6561
 Unemployment trust fund account, reimbursing from COVID-19 account: ***EHB 2965, CH 7 (2020)**
 Veterans service officer fund, creating: ***2SHB 1448, CH 223 (2019)**
 Veterans' assistance fund, property tax levy for: HB 1829
 Voluntary cleanup account, deposits into: ***SHB 1290, CH 95 (2019)**, SB 5285
 Vulnerable roadway user education account, creating: ESHB 1966, SB 5723
 Warm water game fish account, deposits into: SB 5692, SB 6166
 Washington children's educational savings account program account, creating: SB 5704
 Washington community development authority account, creating: SB 5084
 Washington forest health bond account, creating: SB 6195
 Washington health trust enforcement account, creating: SB 5222
 Washington housing trust fund, budget stabilization account appropriations to: SB 6167
 Washington housing trust fund, deposits into: SB 5582
 Washington state heritage center account, replacing: ***ESHB 2015, CH 448 (2019)**, SB 5902
 Washington state library-archives building account, creating: ***ESHB 2015, CH 448 (2019)**, SB 5902
 Waste reduction, recycling, and litter control account, use of funds from: ***E2SHB 1114, CH 255 (2019)**, ***E2SHB 1543, CH 166 (2019)**, SB 5093, SB 5323, SB 5545
 Water infrastructure program account, creating: SB 5136
 Water infrastructure program bond account, creating: SB 5136, SB 6345
 Water infrastructure program taxable bond account, creating: SB 5136, SB 6345
 Wildfire prevention and suppression account, creating: SB 5996
 Women veterans account, creating: SHB 2187
 Woodstove education and enforcement account, fee deposits and distribution: SB 5697
 Workforce education investment account, balanced budget requirement for: SB 6198, SB 6660
 Workforce education investment account, creating: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment account, depositing B&O tax surcharges: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment account, revenue deposits into: SB 6492

PUBLIC GUARDIANSHIP, OFFICE

Office of public guardianship and conservatorship, renaming office as: SB 6287
 Services, supported decision-making and estate administration, office role: ***ESHB 1329, CH 215 (2019)**

PUBLIC LANDS (See also FISH AND WILDLIFE, DEPARTMENT; NATURAL RESOURCES, DEPARTMENT; OUTDOOR RECREATION; PARKS; PARKS AND RECREATION COMMISSION; SHORELINES AND SHORELINE MANAGEMENT)

Acquisitions, by DNR, restricting: SB 5102

Acquisitions, by state agencies, agricultural land assessments for: 2SHB 1733, SB 5543
 Adverse possession, use by DNR for acquisitions: SB 5102
 Agency lands, noxious weed control, liaisons and assessment amounts: SB 6401
 Aquatic lands, derelict vessel recycling waste stream pilot project, creating: SB 6528
 Aquatic lands, derelict vessel removal program, prevention and enforcement: SB 6528
 Aquatic lands, floating structure or vessel as residence, water-dependent use: SB 6027
 Aquatic lands, harbors, federal harbor maintenance tax, requesting reform: SJM 8016
 Aquatic lands, tidelands, outer continental shelf, leasing of, prohibitions: SB 6432
 Aquatic lands, tidelands/shorelands, leasing and re-leasing of: ***ESHB 1849, CH 131 (2019)**
 Aquatic lands, tidelands/shorelands, leasing, re-leasing, and platting of: SB 5852
 Bicycle routes, scenic bikeways program for designation of, establishing: ***HB 2587, CH 286 (2020)**
 Equitable apportionment, use by DNR for acquisitions: SB 5102
 Leases, agricultural/grazing, nondefault/early termination of, compensating lessee: SHB 2498
 Natural area preserve, property acquisitions for: SB 5103
 Natural resources conservation areas, property acquisitions for: SB 5103
 Public lands day, designating: ***HB 1449, CH 224 (2019)**
 Recreation sites or lands, pass/permit violations, penalty distribution: ***SHB 1293, CH 268 (2020)**, SB 5420
 Roads, on DNR land, when exclusive access to private property: SB 5368
 Shooting, recreational target, on DNR-managed lands: SB 5099, SB 6541
 State forestlands, payments from exchange of, county prorating, when: ***HB 2119, CH 309 (2019)**, SB 5975
 State lands, certain agencies, use restriction/closure signs, legal authority on: ESHB 2138
 State lands, noxious weeds on, replacing with plants beneficial for pollinators: SB 5552
 State lands, reconveyance of forestland for county-owned community forests: SB 5701
 State-/publicly-owned lands/buildings, inventory of, publication on web site: EHB 2896
 State-owned land/property, underutilized, for affordable housing: EHB 2896

PUBLIC POLICY, INSTITUTE FOR

Domestic violence treatment, multitiered model, evaluating: SB 5681
 Early childhood education and assistance program, outcome evaluation: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484, SB 5534
 Inmates, involvement in postsecondary education before/after release, studying: SB 6576
 Juvenile facilities, placing juvenile offenders convicted in adult court in, impact: ***E2SHB 1646, CH 322 (2019)**, SB 5737
 Long-term care, post-release, DSHS eligibility assessment tool, institute review: SB 6275
 Reentry community services program for offenders, institute evaluation of: SB 6638
 Sexually violent predators, less restrictive alternative services for, adequacy: SB 6640
 State employees, electronic access to peer-reviewed journals, studying: SB 5504
 Video games, casino-style, impact on consumers, studying: SB 6689

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

Explosives, records and reports, disclosure exemption recommendations: ***HB 1673, CH 125 (2019)**
 Recommendations of committee, implementation: ***HB 1537, CH 229 (2019)**, HB 2484, SB 5246

PUBLIC TRANSIT

Cameras, traffic safety, authorized public transportation uses and pilot program: ***ESHB 1793, CH 224 (2020)**
 Cameras, traffic safety, authorized public transportation uses of: SB 5789
 Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 High capacity transportation systems, certain taxes for, nullification: SB 5043, SB 5044, SB 6108
 Light rail, station approval, urban density standards for: SB 5424
 Park and ride lots, private employer transportation service vehicle use of: SB 5896
 Public transportation benefit areas, governing body member compensation: SB 6046
 Public transportation benefit areas, parking fee violation ticket issuance: SB 5673
 Regional transit authorities, board members and duties: SB 5220
 Regional transit authorities, certain voter-approved taxes, nullification: SB 5043, SB 5044, SB 6108
 Regional transit authorities, counties of, use of PSTAA funds by: SHB 1791, SB 5851
 Regional transit authorities, issuing tickets for parking fee violations: SB 5673

Regional transit authorities, light rail station approval, urban density standards: SB 5424
 Regional transit authorities, motor vehicle excise tax imposed by, DOL collection of: SB 6606
 Regional transit authorities, motor vehicle excise tax imposed by, lowering rate: SB 6031, SB 6245, SI 976
 Regional transit authorities, motor vehicle excise tax imposed by, vehicle valuation: SB 5042, SB 5075, SB 6031, SB 6245, SB 6606, SI 976
 Regional transit authorities, motor vehicle excise tax, market value adjustment: SB 5042, SB 5075
 Regional transit authorities, system plans, voter approval: SB 5037
 Transit supportive densities, residential targeted areas in urban growth areas: SB 5353
 Vanpool drivers, driving records of: ***SHB 1360, CH 99 (2019)**, SB 5725

PUBLIC WORKS (See also BUDGETS; CAPITAL PROJECTS ADVISORY REVIEW BOARD; EMPLOYMENT AND EMPLOYEES; LOCAL GOVERNMENT; ROADS AND HIGHWAYS; TRANSPORTATION, DEPARTMENT; UTILITIES)

Alternative contracting, design-build, job order, and project review committee: ***SHB 1295, CH 212 (2019)**, SB 5656
 Apprentice utilization, certain contracts, contractor requirements: ***ESB 6239, CH 255 (2020)**
 Archaeological/cultural sites, impact of state-funded project groundbreaking on: SB 6448, SB 6519
 Bidding, bidder neutrality regarding employee labor relations rights: SB 5169
 Bidding, city contracts, lowest responsible bidder: SB 5225
 Bidding, exemption for second-class cities, when: SB 5618
 Bidding, fire protection district purchases and contracting, limits: HB 1670, SB 5671
 Bidding, municipality fairness, rights of protesting bidders: SB 5702
 Bidding, notices, public agency purchase using other agency's contract: ***ESB 5958, CH 91 (2019)**
 Bidding, prime contract bidder naming of subcontractors, when: ***ESB 5457, CH 140 (2020)**
 Bidding, responsibility criteria, apprenticeship plans with bid documents, when: ***ESB 6239, CH 255 (2020)**
 Bidding, small works roster, bid limits, raising: SB 5618
 Community preservation and development authorities, creating: ***HB 1918, CH 447 (2019)**
 Community revitalization financing, for permanently affordable housing: ***HB 2497, CH 280 (2020)**
 Compost, use by local and state agencies: ***ESHB 2713, CH 290 (2020) PV**
 Contracting, unit-priced contracts for, use by counties: SB 5418
 Contracting, unit-priced contracts for, use by water-sewer districts: SB 5381
 Contracting, use of American or recycled steel products: SB 5456
 Contracts, state agency award to veteran-owned businesses of: SB 5762
 Contracts, state agency services, hours worked on computer, verifying: SB 5809
 Demonstration projects, local sales tax and revitalization financing: SB 6474
 Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: ***SHB 1724, CH 375 (2019)**, SB 5679
 Facility projects, water efficient landscaping: ***HB 1165, CH 9 (2020)**
 Groundbreaking activities, projects involving, notice/consultation requirements: SB 6448, SB 6519
 Infrastructure bank, Washington state, creating as special fund: SB 5864, SJR 8209
 Infrastructure, funding of, Washington investment trust, creating for: SB 5949, SB 5995
 Local infrastructure financing tool program, for permanently affordable housing: ***HB 2497, CH 280 (2020)**
 Local infrastructure investment programs, local jurisdiction commencing of: SB 6328
 Local revitalization financing, for demonstration projects: SB 6474
 Local revitalization financing, for permanently affordable housing: ***HB 2497, CH 280 (2020)**
 Local revitalization financing, project award criteria, affordable housing: ESHB 2804
 Local revitalization financing, project award criteria, brownfield development: ESHB 2804
 Local revitalization financing, state contribution limit and project award criteria: ESHB 2804
 Local revitalization financing, state contribution, studying effectiveness of: ESHB 2804
 Prevailing wages, exemption for off-site fabrication for certain school works: SB 5934
 Prevailing wages, for affordable housing, shelters, and low-income home rehab: ***HB 1743, CH 29 (2019)**, SB 5766
 Prevailing wages, program administration, fees for: ***SB 5566, CH 193 (2019)**
 Prevailing wages, small scale capital budget projects exemption: SB 5556
 Prevailing wages, violations and protections: SB 5035
 Projects of statewide significance, designation process and tax credits: SB 5540
 Projects, major capital construction, predesign requirements, reducing: SHB 2936
 Projects, state-funded, involving groundbreaking activities, notice/consultation: SB 6448, SB 6519
 Public works assistance account, deposits and withdrawals: SB 6693

Small works roster, bid limits, raising: SB 5618
 Small works roster, irrigation district use of: ***ESB 5453, CH 462 (2019)**
 Small works roster, limited public works process use: SB 5418
 Traffic signals and illumination equipment, work contracts: ***SB 5179, CH 310 (2019)**
 Value planning, grants to entities for: SB 5788, SB 5952

PUBLIC WORKS BOARD

Board, state treasurer to be member of: HB 1285, SB 5307
 Public works assistance account, appropriations to board from, use of: SB 5788, SB 5952

PUGET SOUND (See also FERRIES; MARINE WATERS, STATE; PUBLIC LANDS)

Derelict vessel recycling waste stream pilot project, creating: SB 6528
 Derelict vessel removal program, expanding prevention and enforcement: SB 6528
 Ferry service, passenger-only, authority and investment plan: ***HB 2641, CH 181 (2020)**
 Waste discharge, from campers/RVs into Puget Sound, general permit: SB 6283

RAILROADS (See also PUBLIC TRANSIT)

Amtrak 501 derailment report, confirmation of compliance with, requiring: SB 6321
 Amtrak, compliance with 501 derailment report, UTC confirmation of, requiring: SB 6321
 Crew, freight and passenger trains, minimum requirements: ***HB 1841, CH 170 (2020) PV**
 Grade crossings, clearing for law enforcement/emergency services vehicles: SB 6675
 Hazardous material trains, minimum crew requirements: SB 5877
 Hazardous material-carrying trains, minimum crew requirements: ***HB 1841, CH 170 (2020) PV**
 Highway grade crossing, stop sign at, bicyclist requirements: SB 6208
 Oil, vapor pressure of crude, in rail tank car at loading/unloading facility: SB 5579
 Rail safety governance best practices, consultant study on: SHB 2287
 Sound transit, compliance with Amtrak 501 derailment report by, requiring: SB 6321
 Workers, including operating craft employees, safe leave act and account: SB 5879
 Yardmasters, hours of service and rest periods: SB 5878

REAL ESTATE AND REAL PROPERTY (See also BOUNDARIES; BUILDING CODES AND PERMITS; GROWTH MANAGEMENT; HOMES AND HOUSING; IMPACT FEES; LANDLORD AND TENANT; SUBDIVISIONS; TAXES - PROPERTY; TAXES - REAL ESTATE SALES EXCISE; WATER; WATER RIGHTS)

Address confidentiality program, participant property ownership assistance: ***ESHB 1643, CH 122 (2019)**
 Appraisal management companies, requirements: SHB 1244, ***SB 5124, CH 74 (2019)**
 Appraisers and appraiser trainees, certificates, licenses, and registrations: SB 5480
 Appraisers, licensing, out-of-state applicants, equivalent in-state license, when: SB 6465
 Asbestos-containing building material, nonresidential construction prohibitions: SB 6473
 Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Brokers, as dual agents, prohibitions and requirements: SB 5189
 Brokers, B&O tax rate, increasing, when: SB 5129
 Brokers, licensing, out-of-state applicants, equivalent in-state license, when: SB 6465
 Commercial and residential property, property tax exemptions for, with value limits, constitutional amendment: SJR 8218
 Commercial property assessed clean energy and resiliency program, authorizing: ***E2SHB 2405, CH 27 (2020)**, SB 6222
 Commercial property, improvements, creating C-PACER program for: ***E2SHB 2405, CH 27 (2020)**, SB 5730, SB 6222
 Commercial real estate, brokers as dual agents: SB 5189
 Common interest communities, construction defect actions against professionals: SHB 1576
 Common interest ownership act, Washington uniform, various changes: ***ESB 5334, CH 238 (2019)**
 Concrete pumping services, as "constructing"/related activities, excise taxation: SB 6317
 Construction defect actions, against construction professionals, requirements: SHB 1576
 Dampers, fire and/or smoke, buildings equipped with, owner inspection role: ***HB 2701, CH 88 (2020)**
 Disclosure statement, past property use for illegal drug manufacturing: SB 5391
 Disclosure statement, proximity to working forest: ***HB 1011, CH 17 (2019)**
 Disclosure statement, smoke detection devices: SB 5284
 Easement, for private road across another's land, interest holders to maintain: SB 6008

Fire control systems, buildings equipped with, owner inspection role: ***HB 2701, CH 88 (2020)**
 Firms, real estate, registration with secretary of state: ***HB 1176, CH 442 (2019)**, SB 5125
 Foreclosure, liens for taxes, sale of property as is: ***HB 1634, CH 28 (2019)**, SB 5518
 Foreclosure, protections, penalties for delinquent property taxes, eliminating: SB 6314
 Foreclosures, due to property tax delinquency, taxpayer protections: ***E2SHB 1105, CH 332 (2019)**
 Forfeiture of property, standard of proof: SB 5060
 Historic property, special valuation for property tax, extensions of, when: ***SHB 2868, CH 91 (2020)**
 Impact fees, property owner refund of, time limit: SB 6387
 Liens, as part of C-PACER program for clean energy building improvements: ***E2SHB 2405, CH 27 (2020)**, SB 6222
 Liens, wage liens for wage claims on property, comprehensive provisions: SB 6053
 Residential real property value subject to property tax levy, limiting: SJR 8219
 Smoke control systems, buildings equipped with, inspection by contractor: ***HB 2701, CH 88 (2020)**

RECORDS (See also ADVERTISING; ARCHIVES; BACKGROUND CHECKS; COMPUTERS; CRIMINAL OFFENDERS; HEALTH AND SAFETY, PUBLIC; INSURANCE; JUVENILE COURT AND JUVENILE OFFENDERS; PUBLIC DISCLOSURE COMMISSION; SECRETARY OF STATE)

Blockchain technology, Washington blockchain work group, establishing: SB 6065
 Cities/towns, office hours fewer than 30, records requests when: SB 5787
 Databases, state agency, limiting availability for immigration enforcement: SB 5497
 Disclosure, exemptions, bids and proposals submitted to agency: SB 5246
 Disclosure, exemptions, bump-fire stock buy-back program personal information: ***SB 6025, CH 239 (2019)**
 Disclosure, exemptions, bump-fire stock buy-back program, SB 6025 concerning, authorizing consideration of: ***SCR 8406 (2019)**
 Disclosure, exemptions, certain distillery licensing information: HB 1838, SB 5750
 Disclosure, exemptions, certain USFDA information or records: ***HB 1385, CH 337 (2019)**, SB 5455
 Disclosure, exemptions, department of corrections' security threat group database: SB 5888
 Disclosure, exemptions, DRS-administered retirement plan medical information: SB 6499
 Disclosure, exemptions, election operations/infrastructure security records: SB 6285
 Disclosure, exemptions, employing agency investigative records: SB 5246
 Disclosure, exemptions, employment and volunteers information: SB 5246
 Disclosure, exemptions, health care information provided to legislator: SB 6539
 Disclosure, exemptions, paid family and medical leave records: ***SHB 1399, CH 13 (2019)**, SB 5449
 Disclosure, exemptions, personal information, exception when consent: SB 5246
 Disclosure, exemptions, personal information, higher education institutions: ***2SHB 1888, CH 106 (2020)**
 Disclosure, exemptions, personal information, public agency employees: ***2SHB 1888, CH 106 (2020)**, SB 6666
 Disclosure, exemptions, personal information, state agency employees: ***2SHB 1888, CH 106 (2020)**
 Disclosure, exemptions, postsecondary institution employee sexual misconduct: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Disclosure, exemptions, proprietary and related information: SB 5246
 Disclosure, exemptions, public agency employee payroll deductions: SB 6666
 Disclosure, exemptions, public employment application information: ***HB 1537, CH 229 (2019)**
 Disclosure, exemptions, single comprehensive state vital records system: SB 5332
 Disclosure, exemptions, state employee personal demographic details: SB 6431
 Disclosure, exemptions, sunshine committee recommendations: ***HB 1537, CH 229 (2019)**, SB 5246
 Disclosure, exemptions, unfair labor practices investigative records: ***EHB 2020, CH 349 (2019)**, SB 5929
 Electronic transactions, governmental agencies, uniform act adoption: SB 6028
 Electronic, repealing certain statutes: SB 6028
 Electronic, uniform electronic transactions act, adoption of: SB 6028
 Employment security department, ESD agency privacy officer, designating: ***ESB 5439, CH 81 (2019)**
 Higher education institutions, records release process for research, exemption: ***SB 5786, CH 88 (2019)**
 Legislative agencies, public records disclosure: SB 5784
 Personal data, businesses controlling/processing, WA privacy act: SB 6281
 Personal data, public agency use of, data management and protection act: SB 5377
 Personal information, brokered, acquiring or using of, prohibitions: E2SHB 1503
 Personal information, consumer data and related, Washington privacy act: SB 5376
 Personal information, data broker registration and additional requirements: E2SHB 1503
 Personal information, of public agency employees, disclosure exemption: SB 6666

Personal information, of public agency employees, notice of request for: SB 6666
 Personal information, of state employee, requesting to harass, liability for: ***ESHB 1692, CH 373 (2019)**
 Personal information, protections and security breaches: ***SHB 1071, CH 241 (2019)**, SB 5064
 Personal information, social security number last 4 digits as breached data: ***SB 6187, CH 65 (2020)**
 Public records act, courts and judicial branch offices, applying act to: SB 6438
 Public records officers, for legislature, clerk and secretary to be: SB 5784
 Public records, agencies subsequently discovering additional records: SB 6543
 Public records, reporting of metrics by agencies, modifying requirements: ***ESHB 1667, CH 372 (2019)**, SB 5667
 Public records, training grant and consultation programs, eliminating expiration: ***ESHB 1667, CH 372 (2019)**, SB 5667
 Sexual assault, child victim identifying information, confidentiality of: HB 2484
 Sexual assault, child victim personal information, confidentiality of: ***HB 1505, CH 300 (2019)**
 Special purpose districts, office hours fewer than 30, records requests when: SB 5787
 Sunshine committee, recommendations of: ***HB 1537, CH 229 (2019)**, SB 5246
 Timeshare and condominium owner lists, repealing disclosure exemption: ***HB 1537, CH 229 (2019)**, SB 5246
 Vital records, single comprehensive state system: SB 5332

REDISTRICTING COMMISSION

Accountability, member, public forum, web site, and reporting changes for: ESHB 2575
 Districts, last known address for inmates or involuntarily committed persons: SB 5287
 House districts, two within each senate district, creating, commission role: SB 6197
 Plans, submission to legislature, deadline: SB 5502

REGISTRAR, STATE

State and local registrars, state vital records system role: SB 5332

RELIGION AND RELIGIOUS ORGANIZATIONS (See also DISCRIMINATION; MINORITIES)

Affordable housing, development on religious organization property: ***SHB 1377, CH 218 (2019)**, SB 5358
 Chaplain, changing to "religious coordinator" for DOC institutions: ***SHB 1485, CH 107 (2019)**, SB 5013
 Christian Science treatment, abuse/neglect exemption references, removing: SB 5749
 Educational institutions, postsecondary, religious accommodations by: SB 5166
 Health care faith-based practices, abuse/neglect exemption, when: SB 5749
 Homeless persons, religious organizations hosting, prohibitions/requirements: ***ESHB 1754, CH 223 (2020)**, SB 5644
 Parents' bill of rights, including right to direct child's moral/religious training: SB 6664
 Protection orders, extreme risk, when threat of harm to certain groups: SB 5745
 Students, education rights regardless of religious beliefs/immigration status: ESB 5834
 Threat of mass violence, at place of worship, communicating a: SB 6307

RETIREMENT AND PENSIONS

Benefits, state systems, survivor election, changing after retirement, deadline: ***SB 6417, CH 161 (2020)**
 Benefits, state systems, until end of month retiree/beneficiary dies: SB 5335
 Benefits, survivorship options written consent, state retirement plans: ***HB 1408, CH 102 (2019)**, SB 5661
 Cities, first-class, retirement funds of, investment: SB 5240
 Contributions from wages, revenue use, constitutional amendment: SJR 8211
 Deferred compensation plans, retirement strategy fund asset mix for: ***SB 6383, CH 160 (2020)**
 Firefighters, pre-LEOFF/LEOFF plan 1 pension/disability boards: ***HB 2051, CH 107 (2020)**, SB 5920
 Higher education retirement plans, supplement benefit contribution rates: SHB 1661, ***2SHB 1661, CH 103 (2020)**
 Judges, state retirement systems, benefits when retiree dies: SB 5335
 Law enforcement, pre-LEOFF/LEOFF plan 1 pension/disability boards: ***HB 2051, CH 107 (2020)**, SB 5920
 LEOFF plan 2 retirement board, interruptive military service credit, studying: ***SHB 2544, CH 178 (2020)**
 LEOFF, PERS service credit transfer to, when: SB 5355
 LEOFF, plan 1, disability boards, membership of: ***HB 2051, CH 107 (2020)**, SB 5920
 LEOFF, plan 2, survivor election, deadline for changing: ***SB 6417, CH 161 (2020)**
 LEOFF, plan 2, using funds in certain accounts for benefits improvement: ***HB 2144, CH 366 (2019)**, SB 5983
 LEOFF, plans 1 and 2, defining "period of war" for: SB 6418
 LEOFF, using firefighters' pension levies to fund benefits under: SB 5894
 Membership default, PERS, SERS, and TRS plans 2 and 3: ESHB 1308, ***SB 5360, CH 313 (2019) PV**
 Military service credit, interruptive, for state system members, studying: ***SHB 2544, CH 178 (2020)**

Pension funding council, higher education plan supplemental benefit contributions: **SHB 1661, *2SHB 1661, CH 103 (2020)**

Pension policy, select committee on, interruptive military service credit, studying: ***SHB 2544, CH 178 (2020)**

PERS, emergency medical personnel, local government consortium, service credit: SB 6616

PERS, life annuity benefit, optional: HB 1413, ***SB 5350, CH 189 (2019)**

PERS, opt-out option for certain older employees: SB 5687

PERS, plan 1, monthly benefit increase: ***EHB 1390, CH 329 (2020)**, SB 5400, SB 6165, SB 6662

PERS, plans 2 and 3, early retirement: SB 6662

PERS, plans 2 and 3, postretirement employment in elected council position: SB 6125

PERS, plans 2 and 3, retired teachers working in nonadministrative capacity: ***E2SHB 1139, CH 295 (2019) PV**

PERS, service credit transfer to LEOFF, when: SB 5355

Plan 3 defined contribution plans, retirement strategy fund asset mix for: ***SB 6383, CH 160 (2020)**

Plans, DRS-administered, medical information confidentiality: SB 6499

Postretirement employment, PERS plans 2 and 3, in elected council position: SB 6125

Postretirement employment, PERS, SERS, and TRS plans 2 and 3: SB 5430

Postretirement employment, TRS plans 2 and 3: SB 5801

PSERS, plan 2, competency restoration workers membership: ***HB 2189, CH 108 (2020)**

PSERS, plan 2, life annuity benefit, optional: HB 1413, ***SB 5350, CH 189 (2019)**

School employees, retired, former locally elected officials, health coverage: SB 5686

Secure choice retirement savings trust, program, and fund, creating: SB 5740

SERS, plans 2 and 3, early retirement: SB 5178, SB 6337, SB 6662

SERS, plans 2 and 3, life annuity benefit, optional: HB 1413, ***SB 5350, CH 189 (2019)**

SERS, plans 2 and 3, opt-out option for certain older employees: SB 5687

SERS, plans 2 and 3, retirees in nonadministrative positions: ***E2SHB 1139, CH 295 (2019) PV**

Survivor election for state systems, changing after retirement, deadline for: ***SB 6417, CH 161 (2020)**

TRS, opt-out option for certain older employees: SB 5687

TRS, plan 1, budget stabilization account appropriations for: SB 5999

TRS, plan 1, monthly benefit increase: ***EHB 1390, CH 329 (2020)**, SB 5400, SB 6165, SB 6662

TRS, plans 2 and 3, early retirement: SB 5178, SB 6337, SB 6662

TRS, plans 2 and 3, postretirement employment: SB 5801

Volunteer firefighters' and reserve officers' system, annual fee and benefits: EHB 1912, SB 5829

WSPRS, "salary" for purposes of, modifying: ***SB 6218, CH 97 (2020)**

WSPRS, military service credit, "index" for purposes of, modifying: HB 2340, SB 6219

REVENUE, DEPARTMENT

Business licensing service, application handling fees, increasing: SB 6632

Business licensing service, city option to opt out, when: HB 2749, ***ESB 5402, CH 139 (2020) PV**

Business registration system, various businesses and professions: ***HB 1176, CH 442 (2019)**, SB 5125

Renaming department as department of taxation: SB 5925

Tax revenue, reduction due to tax preferences, DOR submission of: SB 6621

Taxes and rates, by taxing district, online searchable database of, creating: SB 5631

REVISED CODE OF WASHINGTON (See also INITIATIVE AND REFERENDUM)

Common school provisions, obsolete, repealing: SB 5071

Emergencies, suspending statutory provisions, governor authority: ***SB 5260, CH 472 (2019)**

Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**

Financial management, office of, corrections concerning: ***SB 5310, CH 146 (2019)**

Financial management, office of, obsolete provisions concerning: SB 5311

Laws passed during 2020 legislative session, repealing and eliminating all: SB 6703

Life sciences discovery fund authority, repealing or recodifying statutes: HB 1335, ***SB 5490, CH 83 (2019)**

Liquor and cannabis board, technical corrections to statutes: SB 5296

Liquor laws and rules, written interpretations by liquor and cannabis board: SB 6341

Motor vehicle laws, various, technical corrections: ***SB 5230, CH 44 (2019)**

Nonsubstantive changes, reorganizing environmental health statutes: ***SHB 2246, CH 20 (2020)**

Parentage act, uniform, comprehensive changes related to: SB 5333

Respectful language, developmental disabilities/disabilities, individuals with: ***HB 2390, CH 274 (2020)**

Rule making, agency authority for, citation of statutory authorization of: SB 6044

Technical amendments to RCW, various nonsubstantive: ***SHB 1091, CH 64 (2019), *SHB 2205, CH 18 (2020)**

RIVERS AND STREAMS (See also ENERGY; FISH; FISHING; HYDRAULIC PERMITS AND PROJECTS; MINES AND MINING; SHORELINES AND SHORELINE MANAGEMENT; UTILITIES)

Chehalis basin, Chehalis board voting members, tribal voting alternates: ***HB 2109, CH 17 (2020)**

Chehalis basin, office of, strategic plan, implementation and quantified measures: ***SHB 1154, CH 221 (2020)**

Chehalis basin, office of, water infrastructure program role: SB 5136, SB 6345

Columbia river, office of, water infrastructure program role: SB 5136, SB 6345

Ravenna creek, in Seattle, restoring to flow above ground, examining: SB 6380

Riparian easement program, carbon storage impact on timber market value: SHB 2714, SB 6498

Roads, county, by water bodies, vacation when safety hazard: ***SB 5613, CH 300 (2020)**

Skagit river, Seattle city light hydroelectric project, removing dams, examining: SB 6380

Skagit watershed, upper, logging and mining in, requesting prevention of: SJM 8014

Yakima river basin trust water rights program, drought mitigation via: SB 6036

ROADS AND HIGHWAYS (See also BICYCLES; COUNTY ROAD ADMINISTRATION BOARD; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; PARKING; RAILROADS; TRAFFIC)

Adopt-a-highway program, planting vegetation for bees/pollinators: SB 5552

All-terrain vehicles, wheeled, county roads authorized for, maintenance: EHB 2501, SB 6403

Bicycle routes, scenic bikeways program for designation of, establishing: ***HB 2587, CH 286 (2020)**

Bridge, connecting two states, as transportation project of statewide significance prerequisite: ***ESHB 1994, CH 137 (2019)**

Bridge, over Columbia river, replacement, funding for: SB 5978

Bridge, Tacoma Narrows, toll provisions: SB 5913

Bridges, over Columbia river, as projects of statewide significance: SB 5972

Bridges, SR-507 over Skookumchuck river, designating as Regina Clark memorial bridge: ***SHJM 4007 (2019)**

Bridges, various, additive transportation funding for: SB 5972

County roads, by water bodies, vacation when safety hazard: ***SB 5613, CH 300 (2020)**

Debris/hazardous waste from vehicle, removal/clean-up, cost recovery, when: EHB 1169, ***SB 6078, CH 198 (2020)**

Flags, U.S., placement by state highways: SB 5094

Highway projects, general obligation bonds for transportation projects: SB 5970

Highways, farm vehicle combination operation on, weight limit exception, when: SB 5883

Highways, operation of vehicle combinations on, pilot program: SB 5830

Improvements, funding for, motor vehicle sales/use tax revenues: SB 6041

Interstate 405, as eligible toll facility, where and when: SB 5825

Interstate 405, replacing express toll lanes with HOV lane: SB 5018

Interstate 405, suspending toll lanes to study traffic flow: SB 5856

Interstate 5, requesting naming as Korean veterans memorial highway and purple heart trail: SJM 8020

Litter control, highway-focused, program and funding: SB 5093

Pavement condition, preservation rating information for highways: ***HB 2038, CH 36 (2019)**

Projects of statewide significance, transportation, certain projects as: SB 5972

Projects of statewide significance, transportation, designation as: ***ESHB 1994, CH 137 (2019)**, SB 5847

Rest areas, safety, parking requirements and prohibitions: ***SB 5506, CH 436 (2019)**

Rest areas, safety, volunteer refreshment and coffee services at: SB 5901

Rights-of-way, trees and shrubbery, planting for bees/pollinators: SB 5552

Road usage charges, new, prohibiting in rural counties: SB 5255

Road usage fee, per mile for electric and hybrid vehicles, implementation plan for: SB 6586

Roads, private, across another's land, easement interest holders to maintain: SB 6008

State lands, roads on DNR land, when exclusive access to private property: SB 5368

State route number 165, as the glacier highway, requesting that WSTC name: SJM 8021

State route number 167, as eligible toll facility, where and when: SB 5825

State route number 167, suspending toll lanes to study traffic flow: SB 5856

State route number 902, as Gold Star memorial highway, requesting that WSTC name: HJM 4016

Stormwater runoff on state highways, funds use plans for reducing: ***SB 5505, CH 435 (2019)**

Streets, complete streets grant program, transfers to account for: SB 5521

Sweeping, state highway sweeping program, statewide volunteer, establishing: SB 6650
 Tax revenue for highway use, from various vehicle and trailer purchases: SJR 8206
 Toll facilities, high occupancy toll lane pilot project, repealing provisions: SB 5825
 Toll facilities, Puget Sound Gateway facility as eligible facility: SB 5825
 Toll facilities, Tacoma Narrows bridge, toll payer relief: SB 5913
 Toll facilities, using automated license plate recognition systems: SB 5529
 Tolls, vehicle toll imposition by local governments, prohibiting: SB 5104
 Trailers, travel, public highway length restriction exemption: ***HB 2242, CH 110 (2020)**, SB 6083
 U.S. highway 101, requesting naming as Persian Gulf, Afghanistan, and Iraq veterans memorial highway: SJM 8020
 U.S. highway 12, requesting naming as Vietnam veterans memorial highway: SJM 8020
 U.S. highway 395, requesting naming as World War I veterans/Thomas S. "Tom" Foley memorial highway: SJM 8020
 U.S. highway 97, requesting naming as World War II veterans memorial highway: SJM 8020
 Vehicle combinations, truck tractor with 3 trailing units, certain highways: SB 6597
 Worker, for contractor, spouse and children college tuition/fees exemption: ***SB 5119, CH 144 (2019)**

ROCKS AND MINERALS

Agate, Ellensburg blue, designating as official state gem: HB 2757
 Granite, use in veterans' memorials and place in sales/use tax exemptions: SB 6678

SALES (See also ALCOHOLIC BEVERAGES; BUSINESSES; COMPUTERS; DRUGS; FIREARMS; FOOD AND FOOD PRODUCTS; HAZARDOUS MATERIALS; MOTOR VEHICLES; PERFORMING ARTS AND PERFORMANCE FACILITIES; PROFESSIONS; STADIUMS AND OTHER VENUES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - MOTOR VEHICLE EXCISE; TAXES - SALES)

Agricultural products, retail sellers of, supply chain disclosures by, when: SB 5693
 Architectural paint, assessment to be added to purchase price: ***SHB 1652, CH 344 (2019)**
 Bags, film products, degradability and prohibitions: ***ESHB 1569, CH 265 (2019)**
 Bags, retail carryout, standards and pass-through charge: SB 5323
 Commissions, bonus payments as, and earned commissions, payment of: ***HB 2474, CH 84 (2020)**
 Contracts, services/equipment leasing with automatic renewal, requirements: SB 6437
 Disaster, time of, sales of goods/services during, limiting price increases for: SB 6699
 Firefighting foam, class B, with PFAS chemicals: ***ESHB 2265, CH 23 (2020)**, SB 6360
 Food service products, expanded polystyrene, prohibitions: SB 6213
 Food service products, single-use plastic, fee per item sold: SB 6627
 Food service products, single-use plastic, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Food service products, single-use plastic, prohibitions and alternatives: SB 6627
 Food service products, single-use plastic, reducing waste from: SB 6627
 Gift cards and certificates, provisions: ***HB 1727, CH 376 (2019)**
 Internet/mobile application, marketing/advertising to minors via, prohibitions: HB 2442
 Motor fuel pumps, fuel tax sticker for display on: SHB 1633, 2SHB 1633
 Paint for boats, copper-containing antifouling, sale/use prohibitions: SB 6210
 Paint for boats, cybutryne-containing antifouling, sale/use prohibitions: SB 6210
 Polystyrene foam food service products, prohibitions: SB 6627
 Polystyrene, expanded, packaging/coolers/food service products, prohibitions: SB 6213
 Scan-down allowances for retail sellers, B&O taxation purposes: ***EHB 1354, CH 217 (2019)**, SB 5407
 Straws for beverages, plastic, prohibition: SB 5077
 Ticket resellers, licensing and regulation: SB 5321
 Video games, casino-style, randomized rewards/no confirmation step, prohibitions/requirements: SB 6689

SCHOOL DIRECTORS' ASSOCIATION, WASHINGTON STATE (See also SCHOOLS AND SCHOOL DISTRICTS)

Education, state board of, association role: SB 6105
 Educational service district boards, association role: SB 6105
 Equity, diversity, inclusion, and cultural competency training, developing: SB 5908
 Government-to-government task force, tribal consultation training and schedule: SB 6264
 Health centers, school-based, model policy/procedure for, association role: SB 6279

Immigrant students, model policy and procedure: ESB 5834

Indian tribes and schools districts, data sharing agreements between, model for: ***SB 6263, CH 206 (2020)**, SB 6264

Indian tribes and schools districts, tribal councils and boards, regional meetings: SB 6264

Meals, lunch periods, model policy and procedure: E2SHB 1272

School districts, statewide reorganization initiative, association role: SB 5269

Social/emotional school/classroom climate, positive, model policy/procedure: ***ESHB 2816, CH 235 (2020)**

SCHOOLS AND SCHOOL DISTRICTS (See also CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; RETIREMENT AND PENSIONS; SCHOOL DIRECTORS' ASSOCIATION, WASHINGTON STATE; SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI); TITLE ONLY BILLS; WORKER TRAINING AND WORKFORCE NEEDS)

Acceleration, academic, dual credit courses: ***E2SHB 1599, CH 252 (2019)**, SB 5343, SB 5427

Acceleration, academic, eligibility under policy for: ***E2SHB 1599, CH 252 (2019)**, SB 5343

Accountability system, oversight committee, repealing: SB 6099

Administrators, preparation programs, Indian history/culture/government in: SB 6262

Agriculture, food, and natural resources, career-connected learning in: SB 5804

Alternative learning experience courses, provisions: E2SHB 1304

Alternative learning experience courses, vocational, allocations: SB 5448

Alternative learning experience pilot program, vocational, creating: E2SHB 1304

Alternative learning experience, renaming as "personalized learning experience": HB 1674

Assessment tests, as graduation requirements, various provisions: HB 1089, ***E2SHB 1599, CH 252 (2019)**, SB 5014, SB 5548

Assessment tests, nonfederally required, eliminating: SB 5014

Assessments, reading, second grade, modifications: SB 5067

Assessments, science, modifying: ***E2SHB 1599, CH 252 (2019)**, SB 5548

Bathrooms, menstrual hygiene products in, providing: SB 6073

Bleeding control kits, requiring schools to stock: SB 6157

Bonds and payment levies, school district, at least 55% of voters to authorize: SB 5252, SJR 8202

Bonds and payment levies, school district, simple majority to authorize: SB 5066, SJR 8201

Bullying, district harassment, intimidation, and bullying prohibition/policy: SB 5689

Buses, agreements for fire protection districts to provide maintenance/repair: SB 5670

Buses, driver qualifications and training: SB 5263

Buses, stop signals, height requirements: ***SB 6102, CH 95 (2020)**

Buses, student parent transporting infant on school bus: ***ESHB 2455, CH 339 (2020)**, SB 5379, SB 6255

Buses, transportation services contracts, employer health benefits contribution: SB 6176

Buses, with red flashing lights, failing to stop for: SB 5770

Cards, associated student body (ASB), opportunity gap for acquisition: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**

Career and college readiness, demonstrating: ***E2SHB 1599, CH 252 (2019)**, SB 5548

Career and technical education, course equivalencies for: ***2SHB 1424, CH 221 (2019)**, SB 5069

Career and technical education, course equivalencies, civics within: SB 5067

Career and technical education, dual credit, eliminating direct costs to students: SB 6505

Career and technical education, extraordinary revenue growth transfer for: ***ESHB 2163, CH 419 (2019)**

Career and technical education, funding allocations use: SB 5803

Career and technical education, skill center programs class size, reducing: SB 6653

Career and technical education, various provisions: ***E2SHB 1139, CH 295 (2019) PV**, E2SHB 1304, SB 5448, SB 5803, SB 5804

Career launch programs, funding to districts for: SB 5327

Certificates of achievement, discontinuing: HB 1089, ***E2SHB 1599, CH 252 (2019)**, SB 5014, SB 5548

Charter school commission, efficient administration of: ***HB 2853, CH 49 (2020)**

Charter schools, COVID-19, graduation requirements emergency waivers: ***EHB 2965, CH 7 (2020)**

Charter schools, local effort assistance funding for: SB 6550

Chinese American history month, public school commemoration of: SB 6679

Choice, parental, public/charter/private school, funding to follow student to: SB 6608

Civics, stand-alone course in, options: SB 5067

Civics, stand-alone course in, to include materials on voting: ***ESB 6313, CH 208 (2020)**

Class size, decreased class size values in distribution formula: SB 6615

Class size, K-3 allocations for smaller, demonstrating actual size, delaying: SHB 2108
 Climate/next generation science standards, teacher training grant program: SB 5576
 Coaches, not eligible for SEBB benefits: SB 6290
 College in the high school, concurrent enrollment programs: ***SHB 1734, CH 272 (2019)**, SB 5706, SB 6505
 College in the high school, dual credit courses: SB 5427, SB 6505
 College in the high school, dual credit courses, funding of: SB 5729
 College in the high school, dual enrollment scholarship program, creating: SB 5727
 College in the high school, eliminating direct costs to students: SB 6505
 Commission on student learning, repealing remaining section: HB 1120, SB 5068
 Common school provisions, obsolete, repealing: SB 5071
 Competency-based education work group, convening: SB 5146
 Composting, in public schools, student opportunity: SB 5187
 Computer science education programs, K-12, data concerning: ***SHB 1577, CH 27 (2019)**, SB 5574
 Computer science grant program, middle-school, establishing: SB 6339
 Computer science, elective course access: ***SB 5088, CH 180 (2019)**
 Computers, surplus school district equipment, purchase by students: SB 5086
 Construction and other capital expenditures, education construction fund use: SB 5264
 Construction assistance, for small school districts, program grants for: SB 5572
 Construction assistance, for small/rural districts, program grants for: SB 6596
 Construction assistance, funding percentage and cost/space allocations: SB 5853
 Construction, prevailing wage exemption for off-site fabrication, when: SB 5934
 Construction, school construction assistance program, modifying: SB 5853
 Construction, tangible personal property and labor/services, tax exemptions: SB 5348
 Counselors, comprehensive school counseling program, plans, implementing: SB 6480
 Counselors, guidance, allocations for: SB 5315, SB 5465
 Counselors, guidance, duties of and allocations for: SB 5343
 Credit retrieval programs, bilingual instruction requirement, when: SB 5475
 Cultural access programs, community preservation and development authorities: ***SB 5792, CH 192 (2020)**
 Cultural access programs, public school access: ***SB 5792, CH 192 (2020)**
 Cultural access programs, same requirements for all counties: ***SB 5792, CH 192 (2020)**
 Cursive writing, teaching in common schools: SB 5650
 Days, required for school year, waivers of requirement: ***HB 1803, CH 274 (2019)**
 Diplomas, awarding to deceased student: SB 6092
 Diplomas, withholding for student damage to property, requirements: SHB 1715
 Districts, board of directors, director compensation for large districts: SB 6242
 Districts, commission on statewide school district reorganization, establishing: SB 5269
 Districts, educational progress, OSPI posting of information: ***SB 6103, CH 61 (2020)**
 Districts, Federal Way, compensation regionalization factor: SB 5773
 Districts, first responder building mapping information system use by: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Districts, four-year budget plans, reporting requirements: ***SHB 1151, CH 208 (2019)**, SB 5105, SB 5465
 Districts, governing body elections when modifying boundaries: SB 5266
 Districts, Granite Falls, compensation regionalization factor: SB 6226
 Districts, local effort assistance, recalculating and increasing, when: SB 6075
 Districts, nonhigh school, payments due to high school districts from: ***EHB 2040, CH 225 (2020)**
 Districts, nonhigh school, provisions: ***EHB 2040, CH 225 (2020)**
 Districts, proposed transfer of territory, citizen petitions: SB 5731
 Districts, ranked choice voting for directors: SB 5708, SB 6569
 Districts, small, construction assistance program modernization grants for: SB 5572
 Districts, small, remote and necessary, local effort assistance funding: SB 6510
 Districts, small/rural, construction assistance program grants for: SB 6596
 Districts, special education reporting and recognition: SB 5532
 Districts, statewide reorganization plan: SB 5269
 Districts, surplus property, lease/rental for affordable housing purposes: ***HB 2617, CH 40 (2020)**, SB 6265
 Districts, surplus property, online inventory: SB 5086
 Districts, tribal leaders congress on education collaboration with: SB 6264

Districts, waivers of state laws and rules, granting to schools: SB 5092
 Drivers, using wireless device in school zone, penalty increase: SHB 1256
 Dropout early warning and intervention data system, use of: SB 5343
 Dropout prevention, building bridges programs: SB 5067
 Dropouts, K-12 prevention, intervention, and reengagement system, functions: SB 5343
 Dropouts, obsolete provisions, repealing: SB 5071
 Drugs, opioid overdose medications, grades 7-12 school access: SB 5464
 Drugs, opioid overdose medications, K-12 school access: 2SHB 1039
 Drugs, substance abuse, at-risk students, telehealth training/treatment program: SB 5389
 Dual credit courses, dual credit task force, creating: SB 6505
 Dual credit courses, various provisions: SB 5427, SB 5727, SB 5729, SB 6505
 Dual enrollment scholarship pilot program, apprenticeship materials: ***SB 6374, CH 259 (2020)**
 Dual enrollment scholarship pilot program, Washington, creating: ***2SHB 1973, CH 176 (2019)**
 Dual language learning, early learning dual language grant program: SB 5607
 Dual language learning, heritage language grant program: SB 5607
 Dual language learning, K-12 dual language grant program: SB 5070, SB 5607
 Dual language learning, various provisions: SB 5607
 Dyslexia advisory council, duties of: SB 6101
 Dyslexia, school district screening for, requirements: SB 6101
 Early learning, basic education program of, establishing: SB 5757
 Education accountability system oversight committee, repealing: ***HB 2402, CH 114 (2020)**, SB 6099
 Educational service district boards, association role: SB 6105
 Educational service districts, alternative route teacher certification pilot program: ***E2SHB 1139, CH 295 (2019) PV**
 Educational service districts, behavioral health role: SB 5903
 Educational service districts, employee background checks, biennially: SB 6655
 Educational service districts, employee health benefits: SB 6011
 Educational service districts, employee health benefits, SEBB participation: ***ESHB 2140, CH 411 (2019)**, SB 6020
 Educational service districts, employees, career connected learning grant program funding: ***ESHB 2140, CH 411 (2019)**
 Educational service districts, multistage threat assessments role of: SB 5216
 Educational service districts, regional school safety centers: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Educational service districts, school-based health centers role: SB 6279
 Educational staff associates, mentoring, beginning educator support team program: ***E2SHB 1139, CH 295 (2019) PV**, SB 6138
 Educator certification, alternative routes for certain persons: ***E2SHB 1139, CH 295 (2019) PV**
 Educator certification, professional educator collaborative, establishing: ***E2SHB 1139, CH 295 (2019) PV**
 Educator conditional scholarship and loan repayment programs, provisions: ***E2SHB 1139, CH 295 (2019) PV**
 Educator workforce, expanding supply, multiple strategies: ***E2SHB 1139, CH 295 (2019) PV**
 Educators, bilingual educator initiative, provisions: ***E2SHB 1139, CH 295 (2019) PV**
 Educators, mentoring, beginning educator support team program: ***E2SHB 1139, CH 295 (2019) PV**, SB 5158, SB 6138
 Educators, mentoring, underrepresented populations in support team program: SB 6138
 Educators, recruitment of military personnel, work group on, convening: ***E2SHB 1139, CH 295 (2019) PV**
 Educators, recruitment, certification, effectiveness, retention, and supports: ***E2SHB 1139, CH 295 (2019) PV**
 Emergencies, catastrophic incident plans and guidance for districts: SB 5247
 Employees, affected by secondary traumatic stress, training to support: ESHB 1264
 Employees, background checks, biennially after hiring: SB 6655
 Employees, background checks, certificate of parental improvement role: SB 5533
 Employees, benefits for K-12, contract year: SB 5192
 Employees, benefits for part-time, affordable options: SB 6020
 Employees, benefits for part-time, affordable options and SEBB repeal: SB 6011
 Employees, benefits for part-time, PEBB eligibility for full and prorated: SB 6011
 Employees, benefits for part-time, SEBB eligibility for full and prorated: SB 6020
 Employees, benefits, district optional, relation to SEBB benefits: ***HB 2458, CH 231 (2020)**, SB 6479
 Employees, benefits, employee-paid voluntary, SEBB to study: ***HB 2458, CH 231 (2020)**
 Employees, benefits, medicare-eligible retiree PEBB participants, premiums: SB 5469

Employees, benefits, persons not eligible for SEBB benefits: SB 6189, SB 6290
 Employees, benefits, school employees' benefits board, repealing: SB 6011
 Employees, benefits, SEBB contributions when employee waives coverage: SB 6290
 Employees, benefits, SEBB coverage for substance use disorder/mental health: ***SHB 2338, CH 228 (2020)**
 Employees, benefits, SEBB health care plans prior authorization: SB 6404
 Employees, benefits, SEBB, insulin products cost-sharing cap: ***E2SHB 2662, CH 346 (2020)**
 Employees, benefits, SEBB, job-sharing employee hours for eligibility: SB 6296
 Employees, benefits, SEBB, pharmacy tourism program for enrollees: SB 6111
 Employees, benefits, SEBB, telemedicine and store/forward payment parity: SB 5385
 Employees, certificated, national association certification bonuses for: SB 5821
 Employees, certificated, performance evaluation system: SB 5158
 Employees, compensation, regionalization factors for certain districts: SB 5773, SB 6226
 Employees, continuous improvement coaches, funding for: SB 6615
 Employees, educational aide contracts, beneficial interest exemption threshold: ***SB 6326, CH 69 (2020)**
 Employees, full-time certificated, base compensation hours for: SB 5933
 Employees, leave accumulation maximum amount: SB 5414
 Employees, retired under SERS, postretirement employment: ***E2SHB 1139, CH 295 (2019) PV**
 Employees, retired/disabled, former locally elected officials, health coverage: SB 5686
 Employees, single/multi-family housing for, school district role/tax exemption: SB 6512
 Employees, substitute, not eligible for SEBB benefits: SB 6290
 Employees, unused paid sick leave for, accumulation and payments: SB 6368
 English language arts, curriculum to include cursive writing: SB 5650
 Environmental and sustainability standards, programming and experiences: ***EHB 2811, CH 292 (2020)**, SB 6124
 Environmental and sustainability standards, science instruction in: SB 5576
 Equity and cultural competency, center for, establishing: SB 5908
 Equity, diversity, inclusion, and cultural competency training, developing: SB 5908
 Essential academic learning requirements, as "state learning standards": HB 1120, SB 5068
 Ethnic studies, K-6 students, resources, materials, and standards: ***SB 6066, CH 59 (2020)**
 Ethnic studies, requirements and advisory committee: SB 5023, ***SB 6066, CH 59 (2020)**
 Evergreen promise act, high school pilot program and postsecondary award: SB 5884
 Expanded learning grant program, for demonstration projects, establishing: SB 5188
 Extracurricular activities, athletic/other, student concussions, reporting: ***ESHB 2731, CH 347 (2020)**
 Extracurricular activities, data collection pilot: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Extracurricular activities, low-income student opportunity gap, reducing: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Extracurricular activities, PLAY grant program, creating: E2SHB 1660
 Facilities and equipment needs, future, district depreciation subfunds for: SB 5590
 Facilities, school district employee housing, leasehold excise tax exemption: SB 6512
 Facilities, school facilities citizen advisory panel, discontinuing: SB 6105
 Facilities, small school plants, remote/necessary, local effort assistance: SB 6510
 Facilities, technical advisory group, modifying: SB 6105
 Family and community engagement coordinators, allocations for: SB 5465
 Firearms, employee possession on school grounds, when: SB 5977
 Food services, community eligibility provision, reporting concerning: ***SHB 1151, CH 208 (2019)**, SB 5105
 Foreign languages, world language competency grant program, establishing: SB 5087
 Funding, additional state property tax levy, depositing in education legacy trust account: ***ESHB 2140, CH 411 (2019)**
 Funding, counties with federal forest land, eliminating allocation reductions in: SB 6573
 Funding, CTE equipment grants, extraordinary revenue growth transfer for: ***ESHB 2163, CH 419 (2019)**
 Funding, district-wide support services: SB 6615
 Funding, hold harmless payments, revising calculation of: ***ESHB 2140, CH 411 (2019)**
 Funding, K-12 education, exempting legislation from legislative cutoff dates: ESCR 8405
 Funding, K-12 education, extraordinary revenue growth amounts transfer for: ***ESHB 2163, CH 419 (2019)**
 Funding, K-12 staffing enhancements, phasing in: SB 6615
 Funding, local effort assistance, for charter schools: SB 6550
 Funding, local effort assistance, matching funds allocation: SB 5313
 Funding, local effort assistance, recalculating and increasing, when: SB 6075

Funding, local effort assistance, small districts and small school plants: SB 6510
 Funding, local revenue, supplemental expenditure schedule by source: SB 6021
 Funding, per-pupil expenditures by source: ***SB 6103, CH 61 (2020)**
 Funding, state, allocations distribution formula for: SHB 2108, ***SB 6103, CH 61 (2020)**, SB 6615, SB 6653
 Funding, state, prototypical schools, decreasing student FTE average for: SB 6615
 Grades/etc., withholding for student damage to property, requirements: SHB 1715
 Grades/transcripts, withholding for student damage to property, prohibiting: SB 5669
 Graduation ceremonies, Native American right to wear tribal regalia/objects: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Graduation requirements, assessments and/or certificates, various: HB 1089, ***E2SHB 1599, CH 252 (2019)**, SB 5014, SB 5548
 Graduation requirements, emergency waiver program due to COVID-19: ***EHB 2965, CH 7 (2020)**
 Graduation requirements, previously completed high school courses, credit: SB 5146
 Graduation requirements, removing statewide assessments as: ***E2SHB 1599, CH 252 (2019)**, SB 5014, SB 5548
 Graduation requirements, two-credit waivers: SB 5146
 Graduation, graduation from a public high school and earning of a high school diploma: ***E2SHB 1599, CH 252 (2019)**
 Graduation, pathway options: ***E2SHB 1599, CH 252 (2019)**
 Graduation, pathway to graduation and a meaningful high school diploma: SB 5548
 Graduation, plans, high school and beyond: SB 5343
 Graduation, plans, high school and beyond and postschool transition, roles of: ***E2SHB 1599, CH 252 (2019)**, SB 5548
 Graduation, plans, high school and beyond, electronic platforms, list of: ***E2SHB 1599, CH 252 (2019)**
 Graduation: a team effort partnership advisory committee, establishing: ***HB 2402, CH 114 (2020)**
 Guidance and planning program for students, provisions: SB 5343
 Harassment, district harassment, intimidation, and bullying prohibition/policy: SB 5689
 Health centers, school-based for students/community members, authorization: SB 6563
 Health centers, school-based, establishment: SB 6279
 Health centers, school-based, telehealth provided by, grants for: SB 6416
 Health, bleeding control kits, requiring schools to stock: SB 6157
 Health, student health and well-being primary contact, in each building: SB 5685
 Health/mental health, behavioral health partnership access line pilot program: SB 5903
 Health/mental health, for students: ***SHB 1095, CH 204 (2019)**, SB 5442, SB 5903, SB 6279, SB 6416, SB 6563
 Health/mental health, healthy youth survey, adverse childhood experiences: SB 6191
 Health/mental health, student supports work group, convening: SB 5903
 High school diplomas, adult diploma and workforce training program: SB 5891
 High school diplomas, through community or technical college: ***HB 1714, CH 269 (2019)**, SB 5113
 Higher education, financial aid advising days, role of districts: SB 6141
 Holocaust, lessons of, teaching in public schools: SB 5612
 Homeless encampments, siting or establishing near a school, prohibiting: SB 5882
 Immunization, of children, personal or philosophical exemption, removing: ***EHB 1638, CH 362 (2019) PV**, SB 5841
 Immunization, of children, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Indian history/culture/government of nearest tribe, in social studies: SB 6262
 Indian tribal compact schools, graduation requirements emergency waivers: ***EHB 2965, CH 7 (2020)**
 Indian tribal compact schools, local effort assistance funding: SB 6075
 Indian tribal consultation training and schedule, school district collaboration on: SB 6264
 Indian tribal regalia/cultural objects, wearing at graduation ceremonies: ***ESHB 2551, CH 35 (2020)**, SB 6607
 Indian tribes and districts, data sharing agreements between, model for: ***SB 6263, CH 206 (2020)**, SB 6264
 Indian tribes and districts, tribal councils and boards, regional meetings: SB 6264
 Interpreters, educational, for persons with limited English proficiency: SB 5606
 Interpreters, educational, work group on, convening: SB 5606
 Kindergarten, inventory of developing skills, skills/characteristics assessed by: SHB 2865
 Kindergarten, parent guide, developing and publicizing: SHB 2865
 Kindergartner, month of the, September as: SB 5028
 Kindergartners, children's educational savings account program: SB 5704
 Language access, students and families with barriers, work group, convening: ***ESHB 1130, CH 256 (2019)**
 Language access, training and monitoring programs: SB 5606

Learning assistance program, provisions: ***SHB 1151, CH 208 (2019)**, 2SHB 1182, ***ESHB 2660, CH 288 (2020)**, SB 5105, SB 5343

Learning assistance program, student behavioral health role: SB 6132

Levies for schools, enrichment: SB 5313, SB 5316, SB 5466, SB 6344, SB 6477, SB 6533

Levies for schools, lid revisions: SB 5313, SB 5316, SB 5466, SB 6344, SB 6477

Levies for schools, local effort assistance in relation to: SB 5313, SB 5466, SB 6075, SB 6550

Levies for schools, local revenue, supplemental expenditure schedules for: SB 6021

Levies for schools, school district bond payment, at least 55% of voters to authorize: SB 5252, SJR 8202

Levies for schools, school district bond payment, simple majority to authorize: SB 5066, SJR 8201

Levies for schools, state additional property tax, depositing in education legacy trust account: ***ESHB 2140, CH 411 (2019)**

Levies for schools, state additional property tax, discontinuing: SB 6381

Levies for schools, state additional property tax, reducing rate: SB 5314

Levies for schools, state and state additional property taxes, reducing rates: SB 6145

Levies for schools, state property tax, calculation of limit for: SB 6381

Levies for schools, state property tax, reducing rate: SB 6381

Librarians, teacher-librarian to student ratio, allocations based on: SB 6371

Library and technology programs, OSPI to oversee, duties: SB 6371

Marijuana, medical use, consumption by students: ***SHB 1095, CH 204 (2019)**, SB 5442

Mastery-based learning, barriers to, work group on, convening: ***E2SHB 1599, CH 252 (2019)**

Mastery-based learning, students participating in, innovative learning pilot for: SB 6521

Meals, free breakfasts and lunches for students, when: ***ESHB 2660, CH 288 (2020)**, SB 6672

Meals, lunch periods: E2SHB 1272

Media literacy/digital citizenship, leadership team support grant program: SB 5594

Media literacy/digital citizenship, regional conferences on, convening: SB 5594

Mental health, psychologists and social workers, allocations for: SB 5315

Mental health, student behavioral health, learning assistance program role: SB 6132

Mental health, telehealth training and treatment program to aid at-risk students: SB 5389

Mental health/well-being of students, standards, courses, microcredentials: SB 5777

Mental health/well-being of students, work group on, convening: SB 5777

Mentors, educational mentor grant program, creating: SB 5859

Military-friendly schools, purple star award: SB 5367

Nurses, allocations for: SB 5315, SB 5465

Paraeducators, English language learner certificate: SB 5070

Paraeducators, in state allocations distribution formula as: SB 6615

Paraeducators, pipeline for paraeducators conditional scholarship program: ***E2SHB 1139, CH 295 (2019) PV**, SB 5413

Paraeducators, standards of practice, fundamental course of study on: ***SHB 1658, CH 268 (2019)**

Parental involvement in public school system, district policy, requirements: SB 6664

Parents' bill of rights, right to direct child's upbringing/education/health care: SB 6664

Plants, small school, remote and necessary, local effort assistance funding: SB 6510

Principal internship support program, modifying administration of: ***E2SHB 1139, CH 295 (2019) PV**

Principals, mentoring, beginning educator support team program: ***E2SHB 1139, CH 295 (2019) PV**, SB 6138

Principals, preparation programs, Indian history/culture/government in: SB 6262

Principals, teacher principal evaluation program, provisions: ***E2SHB 1139, CH 295 (2019) PV**

Private schools, COVID-19, graduation requirements emergency waivers: ***EHB 2965, CH 7 (2020)**

Private schools, homeowner children attending, state property tax exemption: SB 5758

Professional learning days, content-specific, funding for: SB 5465

Professional learning days, for all state-funded school staff: SB 6615

Professional learning days, mental health and well-being of students: SB 5777, SB 5903

Professional learning days, paraeducator standards of practice: ***SHB 1658, CH 268 (2019)**

Professional learning days, special education staff: SB 5091

Recycling, in public schools, student opportunity: SB 5187

Resource officers, school, K-12 programs: SB 5052

Resource officers, school, training and requirements: ***2SHB 1216, CH 333 (2019)**, SB 5141

Running start program, certain funding prioritizing, prohibiting: SB 5729

Running start program, dual enrollment scholarship program, creating: SB 5727
 Running start program, eliminating direct costs to students: SB 6505
 Running start program, student low-income status documentation: SB 5593
 Running start program, summer school pilot program, establishing: ***2SHB 2864, CH 348 (2020)**
 Safety, drills, active shooter and others, requirements: SB 6389
 Safety, drills, types and frequency, and team of evaluators to review: SB 6389
 Safety, multistage threat assessments in schools: SB 5216
 Safety, school safety and student well-being advisory committee, establishing: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Safety, state school safety center, regional centers, and threat assessment: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Safety, system of school safety supports: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Safety, threat notifications to nearby schools by first responders: SB 5514
 School employees' benefits board, repealing: SB 6011
 Schools, governance, collaborative school-based model: SB 5170
 Science, environmental and sustainability instructional content: ***EHB 2811, CH 292 (2020)**, SB 6124
 Sexual health education, comprehensive: SB 5395
 Sexual health education, to include affirmative consent: SB 6175
 Skill center programs, career and technical education class size for, reducing: SB 6653
 Skill centers, rural satellite and core campus, funding for: SB 5874
 Social emotional learning committee, creating: SB 5082
 Social emotional learning, standards and benchmarks: SB 5082
 Social/emotional school/classroom climate, positive, model policy/procedure: ***ESHB 2816, CH 235 (2020)**
 Spanish language arts standards, development and implementation: SB 5070
 Special education, advocates, advisory committees, and cooperatives: SB 5532
 Special education, assessment, students in juvenile rehabilitation institutions: SB 5962
 Special education, comprehensive approach for improving: SB 5532
 Special education, each student's family's preferred language, documenting: ***ESHB 1130, CH 256 (2019)**
 Special education, excess cost allocation: ***SHB 2787, CH 90 (2020)**, SB 5312, SB 5532, SB 5736, SB 6021, SB 6117, SB 6547
 Special education, excess cost allocation and cost multiplier rate: SB 5312, SB 5736, SB 6117
 Special education, IEP noncompliance, reporting of, prohibiting retaliation: SB 6047
 Special education, professional learning days: SB 5091
 Special education, safety net funding: SB 5091, SB 5532, SB 6021
 Special education, service models description and IEP meetings handout: SB 5262
 Special education, students in early childhood education and assistance: SB 6253
 Sports activities, low-income student participation opportunity gap, reducing: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Sports activities, student concussions, reporting: ***ESHB 2731, CH 347 (2020)**
 Students, adverse childhood experiences: SB 6191
 Students, at-risk, telehealth training and treatment program to aid: SB 5389
 Students, damaging school property, withholding grades/etc. for, prohibiting: SB 5669
 Students, damaging school property, withholding grades/etc. for, requirements: SHB 1715
 Students, deceased, awarding high school diploma posthumously: SB 6092
 Students, education of, parents' right to direct, parents' bill of rights: SB 6664
 Students, education rights regardless of religious beliefs/immigration status: ESB 5834
 Students, female, middle-school computer science grant program: SB 6339
 Students, highly capable, individual highly capable learning plans: SB 6282
 Students, highly capable, programs and services for: SB 5354
 Students, homeless and/or in foster care, educational outcomes and work group: ***SHB 2711, CH 233 (2020)**, SB 6511
 Students, homeless and/or in foster care, project education impact work group: SB 6511
 Students, homeless, building points of contact for: SB 5324
 Students, homeless, certain information concerning, on OSPI web site: ***SB 6103, CH 61 (2020)**
 Students, homeless, identifying and providing with housing, grant programs: SB 5324
 Students, immigrant, model policy and procedure: ESB 5834
 Students, K-12, internet data privacy, attorney general actions: SB 5598
 Students, low-income, extracurricular/athletic activities participation: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Students, low-income, world language proficiency tests for, grants for costs: SB 5087

Students, minor parents, graduation, reality, and dual-role skills programs: SB 5379
 Students, minor parents, transporting infant on school bus: SB 5379
 Students, nonresident from military family, enrollment prior to arrival: *SHB 1210, CH 72 (2019), SB 5603, SB 5771
 Students, parents, transporting infant on school bus: *ESHB 2455, CH 339 (2020), SB 6255
 Students, receiving credit in detention facility, preventing mention on transcript: *SHB 2794, CH 184 (2020)
 Students, sex or violent offenders, district/school notification requirements: *2SHB 1191, CH 167 (2020), SB 5554
 Students, transgender, policy and procedure, district requirements: SB 5689
 Suicide, prevention and crisis intervention information on identification cards: *SHB 2589, CH 39 (2020), SB 6449
 Suicide, school-based behavioral health and suicide prevention advisory group: *2SHB 2737, CH 130 (2020), SB 6588
 Support staff, allocations for: SB 5315
 Teachers, affected by secondary traumatic stress, training to support: ESHB 1264
 Teachers, bilingual education endorsement: SB 5070
 Teachers, certification of, basic skills assessments for applicants: *SHB 1621, CH 121 (2019), SB 5512
 Teachers, certification of, certain assessment requirements, removing: SB 6067
 Teachers, certification, alternative routes and alternative route pilot program: *E2SHB 1139, CH 295 (2019) PV
 Teachers, conditional scholarship and loan repayment programs, provisions: *E2SHB 1139, CH 295 (2019) PV
 Teachers, educator workforce supply, expanding via multiple strategies: *E2SHB 1139, CH 295 (2019) PV
 Teachers, full-time certificated, base compensation hours for: SB 5933
 Teachers, mentoring, beginning educator support team program: *E2SHB 1139, CH 295 (2019) PV, SB 5158, SB 6138
 Teachers, national association certification bonuses for: SB 5821
 Teachers, national board certification bonus, provisions: *ESHB 2660, CH 288 (2020)
 Teachers, next generation science standards training for, grant program: SB 5576
 Teachers, preparation programs and certification and endorsement: *E2SHB 1139, CH 295 (2019) PV
 Teachers, preparation programs, special education coursework within: SB 5532
 Teachers, recruiting Washington teachers program, modifying: *E2SHB 1139, CH 295 (2019) PV
 Teachers, recruitment, certification, effectiveness, retention, and supports: *E2SHB 1139, CH 295 (2019) PV
 Teachers, reprimands, review and expungement of, studying: *E2SHB 1139, CH 295 (2019) PV
 Teachers, retired under TRS, postretirement employment: *E2SHB 1139, CH 295 (2019) PV, SB 5801
 Teachers, retired, as coaches, counselors, mentors, or student advisers: SB 5801
 Teachers, student, provisions: *E2SHB 1139, CH 295 (2019) PV
 Teachers, substitute, contracts for, beneficial interest exemption threshold: *SB 6326, CH 69 (2020)
 Teachers, teacher principal evaluation program, provisions: *E2SHB 1139, CH 295 (2019) PV
 Threat of mass violence, on/at school property/activity, communicating a: SB 6307
 Transitional bilingual instruction program, "eligible pupil": SB 5159
 Transitional bilingual instruction program, endorsement or certification for: SB 5070
 Transportation, bus driver qualifications and training: SB 5263
 Transportation, contractor employee health benefits and pensions: ESHB 1813
 Transportation, services contracts for, employer health benefits contribution: SB 6176
 Truancy, detention for failure to comply with court order, eliminating: SB 5290
 Vaccination, of children, personal or philosophical exemption, removing: *EHB 1638, CH 362 (2019) PV, SB 5841
 Vaccination, of children, proof of immunity: *EHB 1638, CH 362 (2019) PV, SB 5365
 Vapor products, businesses/advertising, distance from schools: SB 6333
 Vocational alternative learning experience pilot program, creating: E2SHB 1304
 Volunteers, schools/school districts, criminal records checks: ESHB 2220
 Waivers, of state laws and rules, districts granting to schools: SB 5092
 Waivers, two-credit, authority and reporting: SB 5146
 Water, lead in systems/outlets, action plans and testing for: E2SHB 1860
 Year, school days in, waivers of requirement: *HB 1803, CH 274 (2019)

SCIENCE (See also ADMINISTRATIVE PROCEDURE; CLIMATE; ENVIRONMENT; FISH AND WILDLIFE, DEPARTMENT; SCHOOLS AND SCHOOL DISTRICTS; SCIENCE, WASHINGTON ACADEMY OF)

Cultural access programs, community preservation and development authorities: *SB 5792, CH 192 (2020)
 Cultural access programs, public school access: *SB 5792, CH 192 (2020)
 Cultural access programs, same requirements for all counties: *SB 5792, CH 192 (2020)
 Mount St. Helens special license plates, creating to promote science, etc.: HB 2085, ESHB 2085
 Volcano early warning and monitoring, urging congress to address: SJM 8019

SECRETARY OF STATE (See also ARCHIVES; ELECTIONS; INITIATIVE AND REFERENDUM; RECORDS)

Address confidentiality program, participant property ownership assistance: *ESHB 1643, CH 122 (2019)
 Address confidentiality program, participant vehicle/vessel owner information: *EHB 2067, CH 278 (2019)
 Archives and records management, division of, duties: *ESHB 1667, CH 372 (2019), SB 5667
 Census, Washington census bill of rights/responsibilities, secretary role: *SHB 2527, CH 34 (2020)
 Corporations/charities, Washington state library-archives building project: *ESHB 2015, CH 448 (2019), SB 5902
 Elections, Washington state library-archives building project and account: *ESHB 2015, CH 448 (2019), SB 5902
 New counties, formation of, establishing procedures, secretary role: SB 5760
 Voters' pamphlet, state, secretary's name in, prohibitions: HB 1212

SECURITIES

Debenture company laws, in securities act of Washington, repealing: *SB 6131, CH 151 (2020)

SENIOR CITIZENS (See also DISABILITIES, INDIVIDUALS WITH; LONG-TERM CARE; VULNERABLE ADULTS)

Continuing care retirement communities, various provisions: E2SHB 1296, HB 2345, SB 5796
 Dementia and Alzheimer's, adult family homes serving persons with, specialty contract: SB 5672
 Diapers, sales and use tax exemptions: SB 5301
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Dwellings for elderly/infirm, substantial development exclusion under SMA: SB 5152
 Geriatric behavioral health workers, provisions: *HB 1349, CH 12 (2019), SB 5454
 Homeless seniors, personal care services pilot project for: SB 5839
 Medicare, asking congress to include dental care coverage in: SHJM 4014, SJM 8010
 Mobility enhancing equipment, sales and use tax exemptions: SB 6658
 Property tax exemption program, disposable income: SB 5160, SB 5625, SB 6199
 Property tax exemption program, expanding: SB 5390
 Property tax exemption program, various provisions: SB 5160, SB 6319
 Property tax exemption, residential, expanding relief beyond retired persons, constitutional amendment: SJR 8218
 Retirement facilities, postsecondary student housing in, pilot program: SB 6560

SENTENCING (See also CLEMENCY AND PARDONS BOARD; CRIMES; CRIMINAL OFFENDERS; DOMESTIC VIOLENCE; FIREARMS; INDETERMINATE SENTENCE REVIEW BOARD; JUVENILE COURT AND JUVENILE OFFENDERS; SENTENCING GUIDELINES COMMISSION; SEX OFFENSES AND OFFENDERS)

Animal cruelty, convicted offender, restrictions imposed when sentenced: SB 6300
 Animals, police, harming, class B felony when animal killed: SB 5614
 Appear or surrender, failure to, crime of, misdemeanor or gross misdemeanor: *ESHB 2231, CH 19 (2020)
 Assault, custodial, with prior conviction, discretionary decline hearing: SB 5880
 Assault, fourth degree, with domestic violence against intimate partner: *SHB 2473, CH 29 (2020)
 Assault, of utility employee, as aggravating circumstance: *HB 1380, CH 219 (2019), SB 5857
 Assault, second degree, as most serious offense, resentencing, when: SB 5288
 Bail jumping, when convicted of violent or sex offense, felony: *ESHB 2231, CH 19 (2020)
 Body armor, sentencing enhancement for: SB 5050
 Business entities, crimes committed by, fines/legal financial obligations: *HB 1252, CH 211 (2019)
 Census taker, impersonating a, crime of, gross misdemeanor: *SHB 2527, CH 34 (2020)
 Communicating a threat of mass violence, class C felony: SB 6307
 Community parenting alternative, modifying: SB 5291
 Cyber harassment, renaming cyberstalking as, and modifying provisions: HB 2129
 Death penalty, eliminating: SB 5339
 Drive-by shooting, at age 16-17, sentencing range: SB 5880
 Driving under the influence, provisions: ESHB 1504, *3SHB 1504, CH 330 (2020), *SHB 2483, CH 117 (2020), SB 5286, SB 5299, SB 6160, SB 6163, SB 6555
 Drug offenders, special sentencing alternative for driving under the influence: SB 6160
 Drug offenders, special sentencing alternatives, modifying: SB 6211
 Drug offenses, persons convicted of, resentencing hearings for: SB 5867
 Electronic monitoring, with victim notification: SB 5149

Elements worksheet, mandatory sentencing, development and use: SB 6298
 Enhancements, various: ESHB 1504, ***3SHB 1504, CH 330 (2020)**, SB 5050
 False reporting of a crime or emergency, classification and penalties: SB 6295
 False reporting of a crime or emergency, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 Fentanyl, manufacture of, moving from drug offense seriousness level II to III: SB 6583
 Firearms, enhancements for, with body armor possession: SB 5050
 Food assistance, SNAP program, unauthorized benefits, criminal penalties: SB 5531
 Harassment, cyber, renaming cyberstalking as, and modifying provisions: HB 2129
 Human remains, unlawful disposition of, changing to class C felony: SB 6501
 Impaired driving, sentencing provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Malicious mischief, third degree, graffiti removal as restitution for: SB 6460
 Marijuana retail outlets, robbery of, special allegation: SB 6033
 Marijuana, possession, misdemeanor convictions, vacation of: ***SB 5605, CH 400 (2019)**
 Mass violence, communicating a threat of, class C felony: SB 6307
 Minor child enhancements, provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**
 Motor vehicle-related felonies, offender community custody: SB 5492
 Murder, first degree, aggravated, death penalty when committed by inmate: SB 5364
 Murder, first degree, aggravated, eliminating death penalty: SB 5339
 Parenting sentencing alternative, modifying: SB 5291
 Persistent offenders, resentencing hearings, when: SB 5288, SB 6202
 Persistent offenders, sentencing as, criteria: SB 5491
 Physical control of vehicle under the influence, provisions: ESHB 1504, ***3SHB 1504, CH 330 (2020)**, ***SHB 2483, CH 117 (2020)**, SB 5286, SB 5299, SB 6160, SB 6163, SB 6555
 Post-conviction review board, renaming ISRB as: SB 5819
 Reporting of a crime or emergency, false, classification and penalties: SB 6295
 Reporting of a crime or emergency, false, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 Resentencing, prosecuting attorney petitioning court for: ***SB 6164, CH 203 (2020)**
 Restitution by offender, to insurance provider, court determination: SB 6220
 Restitution, graffiti removal, for malicious mischief in third degree: SB 6460
 Robbery, first degree, at age 16-17, sentencing range: SB 5880
 Robbery, second degree, as most serious offense, resentencing, when: SB 5288
 Robbery, second degree, as persistent offender finding basis, resentencing: SB 6202
 Social media extortion, by means of threat, as felony: SB 5495
 Stalking, including electronic surveillance and modifying provisions: HB 2129

SEWAGE AND SEWERS (See also UTILITIES; WATER POLLUTION)

Diking, drainage, and sewerage improvement districts, tax rates disclosure: SB 5024
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 On-site sewage systems, health department easement requirement, prohibiting: ***SB 5503, CH 21 (2019) PV**
 Sewerage collection businesses, tax revenues, depositing in certain account: SB 5938
 Utilities, individual unit metering, when: SB 5775
 Water-sewer districts, as broadband internet services providers: SB 5085
 Water-sewer districts, commissioner compensation: ***HB 2449, CH 83 (2020)**, SB 6046
 Water-sewer districts, commissioner insurance coverage: ***SB 5122, CH 40 (2019)**
 Water-sewer districts, tax rates disclosure: SB 5024
 Water-sewer districts, unit priced public works contracting use by: SB 5381

SEX OFFENSES AND OFFENDERS (See also CHILDREN; VICTIMS OF CRIMES)

Abuse, sexual, coordinated community response task force, establishing: SB 6158
 Abuse, sexual, investigation and information sharing: SHB 1595, SB 5461
 Abuse, sexual, of child, reporting, web-based portal with call-back option for: SB 6556
 Abuse, sexual, of child, reports/responses, civil/criminal liability, immunity: ***SB 6423, CH 71 (2020)**
 Assault, child victim identifying information, confidentiality of: HB 2484
 Assault, child victim personal information, confidentiality of: ***HB 1505, CH 300 (2019)**
 Assault, evidence kit collection, hospitals not providing: ***HB 1016, CH 250 (2019)**, SB 5910
 Assault, protection orders, electronic monitoring with victim notification: SB 5149

Assault, protection orders, petition for: ***HB 1149, CH 258 (2019)**
 Assault, sexual assault kits, biological materials collection and analysis: ***ESHB 2318, CH 26 (2020)**
 Assault, sexual assault kits, tracking system, and survivors: ***2SHB 1166, CH 93 (2019)**
 Assault, sexual assault kits, unreported kit storage/preservation: ***ESHB 2318, CH 26 (2020)**
 Assault, sexual, case review program for investigations of: ***ESHB 2318, CH 26 (2020)**
 Assault, sexual, nonfatal strangulation victims, forensic nurse examiners for: SB 6162
 Assault, sexual, victim pelvic exam by health care provider, informed consent: ***ESB 5282, CH 187 (2020)**
 Assault, when workers isolated, employer prevention role: SB 5258
 DNA sample, biological materials collection and analysis: ***ESHB 2318, CH 26 (2020)**
 DNA sample, collection and analysis, Jennifer and Michella's law: ***SHB 1326, CH 443 (2019)**
 Exploitation of children, sexual, adult offenders, mandatory fees: SHB 1836
 Exploitation of children, sexual, advertising commercial, crime of: SB 5897
 Exploitation of minors, sexual, investigation and information sharing: SHB 1595, SB 5461
 Exploited children, commercially sexually, provisions: ***E3SHB 1775, CH 331 (2020)**
 Exploited youth, commercially sexually, provisions: SB 5744
 Harassment, by legislators/legislative branch employees, as ethics violation: ***ESHB 2018, CH 383 (2019)**
 Harassment, state employee claim of, personal information use to harass due to: ***ESHB 1692, CH 373 (2019)**
 Harassment, state employee claims data, reporting of: SB 5845
 Harassment, when workers isolated, employer prevention role: SB 5258
 Health care providers, sanctioned for sexual misconduct, notifying patients: ***SHB 1198, CH 69 (2019)**
 Higher education, Title IX protections and compliance, task force: ESHB 1998
 Hotline/program for reporting potential criminal acts, establishing: SB 5835
 Human trafficking, hearsay evidence by child under 16 concerning: SB 5885
 Human trafficking, human trafficking awareness month, designating January as: SB 6633
 Human trafficking, noncitizen victims and family members, public assistance: SB 5164
 Human trafficking, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Human trafficking, sexual, minor victimized by, private right of action/claim: SB 5897
 Human trafficking, transient accommodation employee training: SHB 2320, SB 6356
 Minors, sexually explicit or intimate images of, minors possessing/dealing in: ***SHB 1742, CH 128 (2019)**
 Misconduct, sexual, postsecondary campus assessments and disclosures: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Misconduct, sexual, postsecondary institution employee against a student: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Misconduct, sexual, postsecondary institution employees, substantiated findings: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Misconduct, sexual, postsecondary institution employment applicants: ***ESHB 2327, CH 335 (2020)**, SB 6439
 Offender registration, registry removal, juveniles/special disposition alternative: ***ESB 6180, CH 249 (2020)**
 Offender registration, waiver, juveniles under special disposition alternative: SB 5351
 Offenders, registered, short-term lodging agreement information concerning: SB 5863
 Offenders, sexual offender treatment providers advisory committee, reestablishing: SB 6641
 Prostitute, patronizing a, gross misdemeanor after first conviction: SHB 1383
 Prostitution charges, immunity when seeking help due to certain crimes: ***HB 1382, CH 114 (2019)**
 Prostitution, promoting, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Prostitution, when guilty of, age threshold and juvenile diversion: ***E3SHB 1775, CH 331 (2020)**, SB 5744
 Prostitution/prostitution loitering, decriminalizing, impact of, work group on: ***E3SHB 1775, CH 331 (2020)**
 Rape of a child, first degree, proof of nonmarriage as element in, eliminating: SB 6155
 Rape, third degree, lack of consent as requirement: SHB 1002, ***SB 5649, CH 87 (2019)**
 Rape, third degree, prostitution charge immunity when seeking assistance: ***HB 1382, CH 114 (2019)**
 Sex offender treatment providers, certified/certified affiliate, availability of: SB 6641
 Sexual motivation, assault in fourth degree with, juvenile offenders: SB 5351, ***ESB 6180, CH 249 (2020)**
 Sexual offender treatment providers advisory committee, reestablishing: SB 6641
 Sexually violent predators, adult family home placement, prohibiting: SB 5038
 Sexually violent predators, conditional release of, placement and treatment: SB 5941, SB 6640
 Sexually violent predators, conditional release to less restrictive alternatives: SB 5040, SB 6436, SB 6640
 Sexually violent predators, placement of, geographical distribution: SB 5040, SB 6640
 Sexually violent predators, secure community transition facility siting: SB 5941
 Statute of limitations, various felony sex offenses, eliminating or extending for: SHB 1231, ***SB 5649, CH 87 (2019)**

Students, sex or violent offenders, district/school notification requirements: *2SHB 1191, CH 167 (2020), SB 5554
Treatment providers, availability and advisory committee: SB 6641

SEXUAL ORIENTATION (See also DISCRIMINATION; GENDER IDENTITY; MINORITIES; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS)

Crime victim's sexual orientation, defenses based on, limiting: *EHB 1687, CH 3 (2020)
Demographic details, personal, state employee disclosure exemption: SB 6431
Diversity, equity, and inclusion act, Washington state: SI 1000
Harassment, discrimination, and retaliation prevention, trainers on, qualifying of: SB 6169
LGBTQ commission, Washington state, establishing: SB 5356
LGBTQ pride month, June as: SB 5356
Protection orders, extreme risk, when threat of harm to certain groups: SB 5745
Reproductive health care access for all act: SB 5602
Veterans, lesbian, gay, bisexual, transgender, and queer coordinator, creating: SB 5900

SHELLFISH (See also FISHING)

Aquaculture, chemical control of burrowing shrimp: SB 5626
Enforcement, property seizure and forfeiture: *ESHB 2571, CH 38 (2020), SB 6071
Enforcement, violations and civil penalties: *ESHB 2571, CH 38 (2020), SB 6071
Imidacloprid, in shellfish beds: SB 5626
Oysters, native, fish habitat projects to include restoration of: *SB 5404, CH 150 (2019)
Razor clam, Pacific, as official state clam: HB 1061, SB 6121

SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC) (See also LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL)

Behavioral health needs, criminal justice system-involved persons with, grant program: *2SHB 1767, CH 378 (2019)
Deadly force, police use of, central repository of information, WASPC role: SHB 2789, SB 6527
Law enforcement officers, behavioral health, pilot projects/grants, WASPC role: SB 6570
Missing persons cases, entry into national missing/unidentified persons system: *EHB 2792, CH 45 (2020)
School resource officers, model agreement and grant program: SB 5052

SHORELINES AND SHORELINE MANAGEMENT (See also HYDRAULIC PERMITS AND PROJECTS; LAKES AND RESERVOIRS; MARINE WATERS, STATE; PUBLIC LANDS; RIVERS AND STREAMS)

Aquatic lands, tidelands/shorelands, leasing and re-leasing of: *ESHB 1849, CH 131 (2019)
Aquatic lands, tidelands/shorelands, leasing, re-leasing, and platting of: SB 5852
Bulkheads, requiring hydraulic approval, shorelines permit exemption: SB 6273
Bulkheads/armoring, replacement, least impactful alternative: SB 6147
Dredged materials, disposal of, where and when: *SHB 1480, CH 225 (2019)
Floating on-water residence, certain vessels as, conforming use: SB 6027
Master programs, county updates schedule, revising: *ESHB 2342, CH 113 (2020)
Roads, county, by water bodies, vacation when safety hazard: *SB 5613, CH 300 (2020)
Shoreline master programs, and comprehensive GMA plans, aligning updates: *ESHB 2342, CH 113 (2020)
Stabilization, replacement of, least impactful alternative to protect fish: SB 6147
Substantial development, excluding certain dwellings for elderly/infirm: SB 5152

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; LONG-TERM CARE; MENTAL HEALTH; SUBSTANCE USE DISORDER; VULNERABLE ADULTS)

Assistance programs, comprehensive study of living costs, DSHS to revise: SB 6478
Behavioral health, full integration implementation, DSHS role: SB 5432
Child support, pass-through payments, reinstating, DSHS role: SB 5144
Competency restoration workers, DSHS, PSERS plan 2 membership: *HB 2189, CH 108 (2020)
Contractors, private, for various services, labor neutrality agreements: SB 5295
Contracts, assurance to avoid services disruption by labor unrest: *SB 6096, CH 201 (2020)
Deaf and hard of hearing, office of, assistive technology materials: *ESB 5210, CH 183 (2019)
Developmental disabilities, persons with, rights as clients of DSHS: *2SHB 1651, CH 271 (2020), SB 5843, SB 6590
Facilities/institutions, when conditions deficient, DSHS and auditor duties: SB 6192

Homeless seniors/persons with disabilities, personal care services pilot: SB 5839
 Hospitals, state, transferring licensing and inspection to department of health: SB 6600
 Indigency, defendant proof of, receipt of public assistance as, DSHS role: SB 6215
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Kindergarten, parent guide, DSHS to provide to parents/caregivers/guardians: SHB 2865
 Long-term care, insurance benefit for, DSHS role: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Long-term care, post-release, eligibility assessment agreements with hospitals: SB 6275
 Long-term services/supports, presumptive eligibility waiver request, DSHS role: SB 6275
 Meals on Wheels program, appropriations to DSHS for: SB 6658
 Offices, local community services, boards of advisors for, establishing: SB 5493
 Sexually violent predators, less restrictive placement services, reviewing: SB 5040
 Social workers, DSHS, professional loan repayment program, establishing: SB 5950
 State-owned land/property, underutilized, inventory of, DSHS role: EHB 2896
 Traumatic brain injuries, in domestic violence cases, handout and web site: ***SHB 1532, CH 110 (2019), *ESB 5573 (2019) V**

SOLID WASTE (See also SEWAGE AND SEWERS)

Boats, derelict vessel recycling waste stream pilot project, creating: SB 6528
 Burning of solid waste, to produce renewable energy: SB 5747
 Collection districts, tax rates disclosure: SB 5024
 Combustion of waste, energy recovery facilities for, tax preferences: SB 6019
 Compost, use by local and state agencies: ***ESHB 2713, CH 290 (2020) PV**
 Composting, in public schools, student opportunity: SB 5187
 Composting, local government residential services, purchasing agreements: ***ESHB 2713, CH 290 (2020) PV**
 Composting, marketing compostability of plastic products, requirements: ***ESHB 1569, CH 265 (2019)**
 Composting, of compostable plastic food service products, feasibility: SB 6627
 Composting, protecting from nuisance lawsuits: SB 5476
 Discharge of waste, from unauthorized camper/RV street use, general permit: SB 6283
 Disposable wipes, as nonflushable products, labeling requirements: ***ESHB 2565, CH 121 (2020)**
 Disposal districts, tax rates disclosure: SB 5024
 Dredged materials, disposal of, where and when: ***SHB 1480, CH 225 (2019)**
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Food waste and wasted food, reducing: ***E2SHB 1114, CH 255 (2019)**
 Industrial symbiosis grant program, for local waste coordination projects: ***SB 6430 (2020) V**
 Industrial waste coordination program and waste heat/materials use projects: SB 5936
 Industrial waste coordination program, for local industrial symbiosis projects: ***SB 6430 (2020) V**
 Litter control, highway-focused, program and funding: SB 5093
 Litter control, volunteer programs, review of: SB 5265
 Plastic beverage containers, postconsumer recycled plastic content of: ***ESHB 2722 (2020) V**, SB 6645
 Plastic carryout bags, single-use, alternatives to: SB 5323
 Plastic food packaging and food service and film products, degradability: ***ESHB 1569, CH 265 (2019)**
 Plastic food service products, single-use, fee per item sold: SB 6627
 Plastic food service products, single-use, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Plastic food service products, single-use, reducing waste from: SB 6627
 Plastic packaging, prohibitions and stewardship programs: SB 5397
 Plastic pollution prevention, marine, requesting action via new trade agreements with China: SJM 8009
 Polystyrene foam food service products, prohibitions: SB 6627
 Polystyrene, coolers, packaging, and food service products, prohibitions: SB 6213
 Recycling development center, with advisory board, creating: ***E2SHB 1543, CH 166 (2019)**, SB 5545
 Recycling, contamination reduction and outreach plans, local and state: ***E2SHB 1543, CH 166 (2019)**, SB 5545
 Recycling, derelict vessel recycling waste stream pilot project, creating: SB 6528
 Recycling, in public schools, student opportunity: SB 5187
 Recycling, plastic beverage container postconsumer recycled plastic content: ***ESHB 2722 (2020) V**, SB 6645
 Recycling, practices, commingling programs, costs, and sites/centers: SB 5854
 Recycling, solar photovoltaic module stewardship/takeback program, modifying: ***ESHB 2645, CH 287 (2020) PV**, SB 6622

Recycling, solar photovoltaic modules, task force, convening: SB 6622
 Recycling, stakeholder work group, convening: SB 5854
 Straws for beverages, plastic, prohibition: SB 5077

SPECIAL AND SPECIAL PURPOSE DISTRICTS (See also AERONAUTICS; CITIES AND TOWNS; COMPUTERS; CONSERVATION; COUNTIES; DIKING AND DRAINAGE; ELECTIONS; FIRE PROTECTION; FLOOD CONTROL; HOSPITALS; HUMAN REMAINS; LOCAL GOVERNMENT; OUTDOOR RECREATION; PARKING; PARKS; PEST CONTROL AND PESTICIDES; PORT DISTRICTS; PUBLIC FACILITIES DISTRICTS; PUBLIC TRANSIT; PUBLIC WORKS; RECORDS; SEWAGE AND SEWERS; SOLID WASTE; UTILITIES; WATER)

Annexation, unincorporated areas, interlocal agreement with code city: ESHB 1598
 Deannexation of portion of certain districts, when: ***SHB 2044, CH 138 (2019)**
 Dissolution of district, effect on county tax levies: ***ESHB 2588, CH 179 (2020)**, SB 6324
 Financial reports, when not certified, certain tax revenues to be withheld: ***ESHB 2588, CH 179 (2020)**, SB 6324
 Governing bodies, member compensation inflation adjustment date: SB 6046
 Governing bodies, member elections when modifying districting plans: SB 5266
 Lake and beach management districts, in special purpose district definition, when: ***ESHB 2588, CH 179 (2020)**
 Officials, candidates for, campaign contribution limits, when: SB 5309
 Public records requests, districts with office hours fewer than 30: SB 5787
 Tax rates, disclosure by various districts: SB 5024, SB 5631
 Unauditable districts, as finding, role of county and state auditors: ***ESHB 2588, CH 179 (2020)**
 Vehicle maintenance/repair, agreements for fire protection districts to provide: SB 5670
 Voting, ranked choice, optional use by various districts: SB 5708, SB 6569

SPORTS AND RECREATION (See also STADIUMS AND OTHER VENUES; TITLE ONLY BILLS)

Athlete agents, student athlete benefits provided by, prohibitions/restrictions: ***SB 6286, CH 157 (2020)**
 Athletes, intercollegiate, compensation of, unfair practices: SB 5875
 Basketball, Seattle Storm special license plates, creating to fund youth programs: ***HB 2062, CH 384 (2019)**, SB 5930
 Concussions, student, during athletic/other activities, reporting: ***ESHB 2731, CH 347 (2020)**
 Fitness centers, safety and sanitation: SB 5553
 Ice hockey, practice facilities, sales/use taxes deferral: ***ESHB 1839, CH 347 (2019)**, SB 5813
 Ice hockey, Seattle NHL team, special license plates: ***HB 2669, CH 129 (2020)**, SB 6562
 Pools, maximum sports pool contestant amount and number of boards: EHB 2216
 School sports, low-income student participation: E2SHB 1660, ***3SHB 1660, CH 13 (2020)**
 Stadiums or raceways, outdoor marijuana advertising at, when: SB 5969
 Student athletes, benefits provided by athlete agents, prohibitions/restrictions: ***SB 6286, CH 157 (2020)**
 Tickets, resellers of, licensing and regulation: SB 5321
 Track and field, Joan Benoit Samuelson, renaming Olympia's Marathon Park after: SCR 8403
 Trainers, athletic, regulatory provisions: SB 5688
 Wagering on sporting events, at card rooms, racetracks, and tribal casinos: SB 6277
 Wagering on sporting events, operation by tribal casinos, authorizing: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Wagering on sporting events, operation by tribal casinos, role of internet: ***ESHB 2638, CH 127 (2020)**, SB 6394
 Wagering on sporting events, via sports pools and online sports pools: SB 6277
 Youth recreational organizations, certified child safety policy and pilot: SB 5161
 Youth sports, concussions in, informational web site: SB 5238

STADIUMS AND OTHER VENUES

Arenas and other eligible projects, sales and use taxes deferral: ***ESHB 1839, CH 347 (2019)**, SB 5813
 Marijuana businesses, outdoor advertising at stadium or raceway, when: SB 5969

STATE AGENCIES AND DEPARTMENTS (See also ADMINISTRATIVE PROCEDURE; BUDGETS; BUILDINGS, STATE; CAPITOL CAMPUS, STATE; COMPUTERS; ENTERPRISE SERVICES, DEPARTMENT; ETHICS IN GOVERNMENT; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; OPEN PUBLIC MEETINGS; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC LANDS; PUBLIC WORKS; RECORDS; REDISTRICTING COMMISSION; REGULATORY ASSISTANCE, OFFICE OF; REVISED CODE OF

WASHINGTON; SEX OFFENSES AND OFFENDERS; STATE GOVERNMENT; STUDIES; WASHINGTON ADMINISTRATIVE CODE)

Art, appropriations to agencies for: ***HB 1318, CH 240 (2019)**, SB 5375
 Automated decision systems, agency development, procurement, and use of: SB 5527
 Board/commission/council/committee members, paid family and medical leave exclusion: SB 6216
 Boards, board of tax appeals, replacing with tax court for state: SB 5632
 Boards, climate oversight board, creating: SB 5981
 Boards, community aviation revitalization board, convening: SB 5011
 Boards, health care cost transparency board, establishing: ***2SHB 2457, CH 340 (2020)**
 Boards, healthy energy workers board, establishing: SB 5627
 Boards, liquor and cannabis board, rule making and technical corrections: SB 5296
 Boards, Native American opportunity scholarship board, creating: SB 5709
 Boards, prescription drug affordability board, establishing: SB 6088
 Boards, productivity board, reestablishment, duties, and programs of: SB 5095
 Boards, professional engineers and land surveyors, state board of registration for, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Boards, Washington background check advisory board, creating: ***E2SHB 2467, CH 28 (2020)**
 Boards, Washington investment trust advisory and transition boards, creating: SB 5949, SB 5995
 Boards, Washington state leadership board, renaming Washington generals as: ***HB 2402, CH 114 (2020)**
 Boards, workforce education investment accountability and oversight board, establishing: ***E2SHB 2158, CH 406 (2019)**
 Bots, using online to mislead, prohibiting, when: HB 2396
 Budgeting, accounting, and reporting system, higher education institutions: SB 5960
 Commission, interstate commission of nurse licensure compact administrators: SB 5460
 Commissions, commission on statewide school district reorganization, establishing: SB 5269
 Commissions, commission on student learning, repealing remaining section: HB 1120, SB 5068
 Commissions, diversity, equity, and inclusion, governor's commission on, creating: SI 1000
 Commissions, interstate commission of nurse licensure compact administrators: SB 6209
 Commissions, long-term services and supports trust commission, establishing: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Commissions, state commercial aviation coordinating commission, creating: SB 5370
 Commissions, Washington cannabis commission, creating: SB 6589
 Commissions, Washington investment trust commission, creating: SB 5949, SB 5995
 Commissions, Washington state LGBTQ commission, establishing: SB 5356
 Continuity of government, after catastrophic incident: SB 5012, ***SJR 8200 (2019)**
 Coronavirus, declared state of emergency, appropriations for response to: ***EHB 2965, CH 7 (2020)**, SB 6696
 Data systems, breach notification, "personal information": ***SB 6187, CH 65 (2020)**
 Data use and security, state agencies, privacy review and survey: SHB 2400
 Equity, Washington state office of, establishing: ***E2SHB 1783, CH 332 (2020) PV**, SB 5776
 Executive branch, state agency rules and procedures role of: SB 6044
 Expenditure information web site, state, accessibility from taxes database: SB 5631
 Facial recognition services, agency use of, requirements: SB 6280
 Facial recognition technology, government use, restrictions: SB 5528
 Gubernatorial appointments, background check information for, providing: SB 5968
 Health trust, whole Washington, creating: SB 5222
 Hiring, from in-state and out-of-state, reporting: SB 5101
 Information technology, cloud computing solutions and migration: SB 5662
 Investment portfolios, separately managed, for governmental entities: ***SHB 1284, CH 163 (2019)**, SB 5306
 Investment trust, Washington, creating: SB 5949, SB 5995
 Journals, peer-reviewed, electronic access for state employees, studying: SB 5504
 Personal data, public agency use of, data management and protection act: SB 5377
 Personal information, social security number last 4 digits as breached data: ***SB 6187, CH 65 (2020)**
 Procurement, automated decision systems for agency use: SB 5527
 Procurement, awarding percentage to veteran-owned businesses: SB 5762
 Procurement, contracting out, requirements and contractor ethics: ***E2SHB 1521, CH 269 (2020)**, SB 5655
 Procurement, contracting out, when conditions at certain facilities deficient: SB 6192

Procurement, contracts for services, computer work hours verification: SB 5809
 Procurement, energy service contractors, performance-based contracts: SB 5308
 Procurement, facial recognition technology, restrictions: SB 5528
 Procurement, ferries, small business enterprise enforceable goals program: ***ESHB 2161, CH 431 (2019)**
 Procurement, hydrofluorocarbons, alternatives to products that use: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Procurement, private contractors for services, labor neutrality agreements: SB 5295
 Property, seizure by agencies and forfeiture: SB 6266
 Property, state-owned land and, underutilized, for affordable housing: EHB 2896
 Regulatory agencies, business/professions audits/inspections/examinations by: SB 6408
 Reports to legislature, for November/December, submitting by October 31st: SB 6624
 Sanctuary policies for immigrants, prohibiting: SB 6030
 Secure choice retirement savings trust, creating: SB 5740
 Telecommunications, cloud computing solutions and migration: SB 5662
 Volunteer programs, in state government, review of: SB 5265
 Wages, payment of, governmental employers requiring working without: SB 5707
 Washington community development authority, creating: SB 5084

STATE DESIGNATIONS, OFFICIAL

Clam, official state, Pacific razor clam as: HB 1061, SB 6121
 Cryptid, official state, designating Sasquatch/Bigfoot as: SB 5615
 Dinosaur, official state, *Suciasaurus rex* as: SHB 2155
 Gem, official state, Ellensburg blue agate as: HB 2757
 Microanimal, official state, designating the tardigrade as: HB 2747
 Peace monument, official state, peace arch as: SB 5953
 Vegetative fossil, official state, petrified wood as: HB 2757
 Vertebrate fossil, official state, Columbian mammoth of North America as: HB 2757

STATE GOVERNMENT (See also BUILDINGS, STATE; CAPITOL CAMPUS, STATE; ETHICS IN GOVERNMENT; GOVERNOR; LEGISLATURE; SEX OFFENSES AND OFFENDERS; STATE AGENCIES AND DEPARTMENTS; STATE DESIGNATIONS, OFFICIAL; TITLE ONLY BILLS)

Continuity of government, after catastrophic incident: SB 5012, ***SJR 8200 (2019)**
 Executive branch, state agency rules and procedures role of: SB 6044
 Expenditure limit, state, adjusting due to transfers from "related funds": SB 5609
 Investment trust, Washington, creating: SB 5949, SB 5995
 Revenue, state revenue reform legislative task force, creating: SB 5541
 State of state message, joint legislative session for: ***HCR 4400 (2019)**, ***HCR 4403 (2020)**
 Volunteer programs, in state government, review of: SB 5265
 Washington generals, association of, renaming as state leadership board: ***HB 2402, CH 114 (2020)**

STUDENT ACHIEVEMENT COUNCIL (See also COLLEGES AND UNIVERSITIES; STUDIES)

Applications, common application, developing, SAC role: SB 6142
 Assistance for students, homeless or formerly in foster care, pilot program: SB 5800
 Child savings account program, statewide, design options for, SAC to study: SB 6577
 Evergreen promise pilot program and award, establishing, council role: SB 5884
 Financial aid, award letter, standards for, SAC role: SB 6141
 Financial aid, high school advising days, SAC role: SB 6141
 Financial aid, Pell/college grant program awards, calculator tool, SAC role: SB 6141
 Housing, for postsecondary students in retirement facilities, pilot program: SB 6560
 Members, graduate student to be added: SB 6127
 Next step advisory committee, convening, SAC role: SB 6542
 Sexual misconduct, campus climate assessments, council role: SB 6439
 Washington American Indian cultural study grant program, advisory committee: SB 6425
 Washington children's educational savings account program, establishing: SB 5704
 Washington income share agreement pilot program, creating, council role: SB 5774
 Washington student loan refinancing program, creating, council role: SB 5774
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

STUDENT FINANCIAL ASSISTANCE, OFFICE (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES; STUDIES)

College bound dual enrollment scholarship program, creating: SB 5727
 Educator conditional scholarship and loan repayment programs, office role: ***E2SHB 1139, CH 295 (2019) PV**
 Evergreen promise pilot program and award, establishing, office role: SB 5884
 Undocumented student support loan program, establishing: SB 6561
 Washington college promise scholarship program, creating: SB 5393

STUDIES

Aircraft, electric or hybrid-electric for commercial travel: HB 1397
 Bioeconomy, Washington state's, opportunities to further develop: SB 6435
 Child savings account program, statewide, design options for: SB 6577
 Commercial office space, tax incentives for developing: ***SHB 1746, CH 273 (2019)**
 Corrections, department of, data systems for offenders/jail interaction: SB 6308
 Death with dignity act, barriers to full access, studying: ***SHB 2419 (2020) V**
 Eating disorders among persons with diabetes: SB 6663
 Educational service districts, employee health benefits and SEBB participation: ***ESHB 2140, CH 411 (2019)**, SB 6020
 Electric vehicle adoption, by lower income residents, barriers to: ***E2SHB 2042, CH 287 (2019)**
 Evergreen promise pilot and Seattle promise programs, effectiveness of: SB 5884
 Facial recognition services, quality, accuracy, and efficacy of: SB 6280
 Ferry service, passenger-only between Olympia and Seattle: SB 5157
 Firearm background checks, single/full point of contact system, feasibility: ***SHB 1949, CH 35 (2019)**
 Historical figure to represent Washington state, creating work group to study: SB 5237
 Homeless assistance, department of commerce data/data collection systems for: SB 6647
 Imidacloprid use in shellfish beds to control burrowing shrimp: SB 5626
 Inmates, involvement in postsecondary education before and after release: SB 6576
 Irrigation district elections practices: ***ESB 5453, CH 462 (2019)**
 Local revitalization financing, state contribution, effectiveness of: ESHB 2804
 Manufacturing, public policies for growth: ESHB 2879
 Medical school graduates, international, full use of: SB 5846
 Military service credit, interruptive, for state retirement system members: ***SHB 2544, CH 178 (2020)**
 Monument, global war on terror, service members who died in, feasibility study: SB 5712
 Motion picture competitiveness program, as economic development tool: SB 5943
 Natural disasters and resiliency activities, work group to study: SB 5106
 Orcas, southern resident, disturbance and noise impact: 2SHB 1580
 Personal data technology, office of privacy and data protection to study: SB 6281
 Private detention facilities, health and safety inspections and enforcement: ***ESHB 2576, CH 284 (2020)**
 Prostitution/prostitution loitering, decriminalizing, impact on enforcement: ***E3SHB 1775, CH 331 (2020)**
 Rail safety governance best practices, consultant study on: SHB 2287
 Refrigerants, low global warming potential: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Renewable energy systems, studying in order to encourage: SB 5223
 School employees' benefits board, employee-paid voluntary benefits: ***HB 2458, CH 231 (2020)**
 School library/technology programs and teacher-librarians, benefits of: SB 6371
 School safety, first responder building mapping information system: ***2SHB 1216, CH 333 (2019)**, SB 5317
 Space economy, fostering, public policies for: HB 2596
 State employees, electronic access to peer-reviewed journals: SB 5504
 State water trust/water banking/transfers, design/use of, work group to study: SB 6494
 Teachers, reprimands, review and expungement of: ***E2SHB 1139, CH 295 (2019) PV**
 Traffic flow, on I-405 and SR-167, suspending toll lanes in order to study: SB 5856
 Universal health care system, establishment in Washington: SB 5822
 Unlawful detainer, proceedings, attorney representation of tenant: SB 5907
 Video games, casino-style, impact on consumers: SB 6689
 Wild horse training/holding program at CRCC, studying feasibility of: ***HB 2579 (2020) V**
 Workers' boards, eligible beneficiaries and covered intermediary employees: SB 5690

SUBDIVISIONS (See also BOUNDARIES; REAL ESTATE AND REAL PROPERTY)

Short subdivision, definition and GMA provisions: ESB 5008

Tiny houses, and tiny houses with wheels, siting of: SB 5383

SUBSTANCE USE DISORDER (See also DRUGS; HEALTH CARE AUTHORITY; MENTAL HEALTH; TITLE ONLY BILLS)

American Indians/Alaska Natives, drug overdose/suicide crisis, addressing: SB 6258

Behavioral health administrative services organizations, B&O tax deduction, when: ***HB 2943 (2020) V**, SB 6639

Behavioral health disorders, changing "substance use disorders" to: SB 5720

Behavioral health facilities/services, King county payroll expense tax use for: SB 6692

Behavioral health innovation and integration campus at UW, creating: ***E2SHB 1593, CH 323 (2019)**, SB 5516

Behavioral health ombuds, state office of the, establishing: 2SHB 2386

Behavioral health organizations, MCOs and BH-ASOs, duties of: SB 6469

Behavioral health organizations, reallocation of duties to MCOs and BH-ASOs: SB 5432

Behavioral health professionals, advanced peer support specialist credential: ***2SHB 1907, CH 446 (2019)**, SB 5055

Behavioral health professionals, bachelor's level credential: SB 5053

Behavioral health professionals, designated crisis responder protocols: ***2SHB 1907, CH 446 (2019)**

Behavioral health professionals, loan repayment program, establishing: ***2SHB 1668, CH 302 (2019)**

Behavioral health professionals, residential treatment facilities, provisions: ***SHB 2883, CH 185 (2020)**, SB 6634

Behavioral health professions, opportunity grant and scholarship programs: SB 5635

Behavioral health providers, medicaid rate increases, operating budget funds use: ***EHB 2584, CH 285 (2020)**

Behavioral health services and training, by organizations, B&O tax deduction: SB 5637

Behavioral health services, client criminal justice system involvement reduction: SB 5056

Behavioral health services, criminal justice system-involved persons needing: ***2SHB 1767, CH 378 (2019)**

Behavioral health services, dual licensure of certain facilities for: ***2SHB 1907, CH 446 (2019)**

Behavioral health services, for adolescents, access to: ***E2SHB 1874, CH 381 (2019)**, SB 5904

Behavioral health services, government-funded program, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639

Behavioral health services, health/social welfare organizations, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639

Behavioral health services, offender reentry community services work group: SB 6638

Behavioral health services, offender reentry services before and after release: SB 6638

Behavioral health services, pharmaceutical advertising sales surcharge for: SB 5659

Behavioral health services, prevention and family services and programs: ***HB 1900, CH 172 (2019)**, SB 5826

Behavioral health, community behavioral health services act, chapter 71.24 as: SB 5380, SB 5432

Behavioral health, enhanced services facilities, admission criteria: ***SHB 2448, CH 278 (2020)**

Behavioral health, evaluation and treatment facilities, co-occurring disorders: SB 6469

Behavioral health, full integration implementation: SB 5432

Behavioral health, managed care organizations and BH administrative services organizations: SB 5432

Behavioral health, secure withdrawal management and stabilization facilities: SB 6469

Behavioral health, Washington health corps initiative for professionals: ***2SHB 1668, CH 302 (2019)**

Behavioral health, workforce academic and career pathway programs: SB 5633

Chemical dependency counselors, mental health provider training to become: SB 5715

Chemical dependency professionals, certification: SB 5053

Chemical dependency professionals, providers who qualify as: ***E2SHB 1874, CH 381 (2019)**, SB 5904

Chemical dependency professionals, reciprocity program: ***SB 5054, CH 351 (2019) PV**

Chemical dependency professionals, renaming: ***ESHB 1768, CH 444 (2019)**

Children and youth behavioral health work group, members/recommendations: ***2SHB 2737, CH 130 (2020)**, SB 6588

Commitment, involuntary, diversion of veterans from: SB 5047

Commitment, involuntary, gravely disabled persons, manifesting self-neglect: SB 6458

Commitment, involuntary, Indian tribe exclusive jurisdiction, when: SB 6259

Costs for care, health care cost transparency board, establishing: ***2SHB 2457, CH 340 (2020)**

Court appointed resource executor (CARE) officers, pilot program: SB 6109

Disorders, persons beginning treatment, recovery coach services referral, when: SB 6311

Disorders, persons presenting with, facility to provide services/information to: SB 6311

Drug offenders, residential treatment-based sentencing alternative, modifying: SB 6211

Executorships, persons with behavioral health disorders, CARE officers for: SB 6109

Gravely disabled persons/minors, manifesting self-neglect, blue flag law: SB 6458

Health care coverage for substance use disorder, requirement: ***SHB 2338, CH 228 (2020)**
 Health care for substance use disorder, as sensitive health care services: SB 5889
 Opioid abuse treatment services, certain B&O tax revenue use for: SB 5988
 Opioid overdose medication, provisions: 2SHB 1039, SB 5380, SB 5464, SB 6447
 Opioid use disorder, FDA-approved medications for, allowing jail inmate use: SB 6585
 Opioid use disorder, individuals with, and their newborns: SB 5380
 Opioid use disorder, patients receiving treatment, 2-week medication supply: SB 6086
 Opioid use disorder, requirements and services, comprehensive: SB 5380
 Opioids, advisory council on state use of penalties from litigation, convening: ESHB 2786
 Opioids/other drugs, crisis services, enhanced 211 drug line pilot project: SB 5546
 Peer counselor certification program: ***2SHB 1907, CH 446 (2019)**, SB 5055
 Peer counselors, certified, safe station pilot program role of: SB 6648
 Peer specialists, certified, safe station pilot program role of: SB 6648
 Recovery residences registry and certification: ***2SHB 1528, CH 264 (2019)**
 Safe station pilot program, at fire department, grant program for: SB 6648
 Self-neglect, gravely disabled persons or minors manifesting, blue flag law: SB 6458
 Services, disruption by labor unrest, contract assurance, DSHS role: ***SB 6096, CH 201 (2020)**
 Students, behavioral health system for, learning assistance program role: SB 6132
 Substance addiction, pharmaceutical advertising sales surcharge for: SB 5659
 Substance use disorder professionals, as discrete health professionals: ***ESHB 1768, CH 444 (2019)**
 Substance use disorder, agency affiliated counselor applicants with: SHB 1529, ***2SHB 1907, CH 446 (2019)**
 Telebehavioral health programs, partnership access lines as: ***SHB 2728, CH 291 (2020)**
 Telebehavioral health programs, psychiatric consultation call center: ***SHB 2728, CH 291 (2020)**
 Telehealth training/treatment program for at-risk youth, establishing: SB 5839
 Treatment, access to, via medicaid, health insurance, PEBB, SEBB: ***ESHB 2642, CH 345 (2020)**
 Treatment, adolescents, in residential centers, when medical necessity: ***SHB 2883, CH 185 (2020)**, SB 6634
 Treatment, certified crisis facilities, behavioral health co-occurring disorders: SB 6469
 Treatment, community behavioral health services act, chapter 71.24 as: SB 5380, SB 5432
 Treatment, community facilities for behavioral health, new types of: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Treatment, community facilities, capital improvements bonds: SB 5537
 Treatment, for adolescents, access to: ***E2SHB 1874, CH 381 (2019)**, SB 5904
 Treatment, health carrier network access standards: ***ESHB 1099, CH 11 (2019)**
 Treatment, law enforcement assisted diversion pilot program: SB 5380
 Treatment, levels of care, action plan for improved transitions between: ***ESHB 2642, CH 345 (2020)**
 Treatment, outpatient, at WA corrections center for women, pilot program: SB 6646
 Treatment, patient beginning, recovery coach services referral, when: SB 6311
 Treatment, programs/facilities receiving capital budget funds, data disclosure: SB 6070
 Treatment, qualified residential programs licensed as group care facilities: ***HB 1900, CH 172 (2019)**, SB 5826
 Treatment, secure detoxification facilities, renaming of: ***2SHB 1907, CH 446 (2019)**
 Treatment, secure withdrawal management and stabilization facilities: ***2SHB 1907, CH 446 (2019)**
 Treatment, single-bed certifications under ITA for: SB 5720
 Treatment, systems for, comprehensive provisions: ***2SHB 1907, CH 446 (2019)**
 Treatment, transportation to, state funds use, regional service area restriction: SB 6069
 Treatment, wilderness therapy programs for troubled youth: SB 6637
 Treatment, withdrawal management programs: ***ESHB 2642, CH 345 (2020)**
 Wilderness therapy programs, for troubled youth, licensing: SB 6637

SUNSET REVIEW

Aerospace technology innovation, joint center, delaying termination/repeal: SB 6139

SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI) (See also SCHOOLS AND SCHOOL DISTRICTS)

Administrative role, OSPI designees and modifications: SB 6105
 Birth-to-three early intervention services, ESIT program to provide, transferring: ***SHB 2787, CH 90 (2020)**, SB 6547
 Building bridges work group, eliminating: ***HB 2402, CH 114 (2020)**
 Choice, parental, public/charter/private, funding to follow student, OSPI role: SB 6608

Computer science grant program, middle-school, establishing, OSPI role: SB 6339
 Construction assistance, for small/rural districts, advisory committee, OSPI role: SB 6596
 Dual credit courses, dual credit task force, creating, OSPI role: SB 6505
 Dyslexia advisory council, OSPI duties: SB 6101
 Early learning, basic education program of, OSPI role in establishing: SB 5757
 Employees, background checks, requirements, when: ***HB 2259, CH 22 (2020)**, SB 6100
 Environmental and sustainability educational content, OSPI role: ***EHB 2811, CH 292 (2020)**, SB 6124
 Equity and cultural competency, center for, establishing in OSPI: SB 5908
 Ethnic studies, requirements and advisory committee, OSPI role: SB 5023, ***SB 6066, CH 59 (2020)**
 Facilities, technical advisory group, OSPI role, modifying: SB 6105
 Graduation, pathway options, OSPI role: ***E2SHB 1599, CH 252 (2019)**
 Graduation: a team effort partnership advisory committee, establishing: ***HB 2402, CH 114 (2020)**
 Healthy youth survey, adverse childhood experiences module, OSPI role: SB 6191
 Heritage language grant program, OSPI role: SB 5607
 High schools, higher education financial aid advising days, OSPI role: SB 6141
 K-12 data governance group, per-pupil expenditures by funding source: ***SB 6103, CH 61 (2020)**
 K-12 dual language grant program, OSPI role: SB 5607
 Kindergarten, parent guide, OSPI to develop for distribution: SHB 2865
 Learning assistance program, panel of experts concerning best practices: 2SHB 1182
 Legislative youth advisory council, transferring to lieutenant governor's office: ***HB 2402, CH 114 (2020)**, SB 6487
 Local revenue, district supplemental expenditure schedules for, OSPI role: SB 6021
 Mastery-based learning, students participating in, innovative learning pilot for: SB 6521
 Meal programs, free breakfasts and lunches for students, OSPI role: ***ESHB 2660, CH 288 (2020)**, SB 6672
 Meals, lunch period duration, demonstration sites and grants, OSPI role: E2SHB 1272
 Principal internship support program, modifying administration of, OSPI role: ***E2SHB 1139, CH 295 (2019) PV**
 Project education impact work group, convening, OSPI role: SB 6511
 Running start program, summer school pilot program, establishing, OSPI role: ***2SHB 2864, CH 348 (2020)**
 Safety, system of school safety supports, OSPI role: ***2SHB 1216, CH 333 (2019)**, SB 5317
 School library and technology programs, OSPI to oversee, duties: SB 6371
 School library/technology programs and teacher-librarians, benefits study: SB 6371
 School resource officers, OSPI role: SB 5052
 Spanish language arts standards, OSPI role: SB 5070
 Special education, service models description and IEP meetings handout: SB 5262
 Students, homeless and/or in foster care, work group, convening, OSPI role: ***SHB 2711, CH 233 (2020)**
 Transgender students, policy and procedure, OSPI role: SB 5689
 Tribal consultation training and schedule, development of, OSPI role: SB 6264
 Web site, OSPI, posting certain information to, requirements: ***SB 6103, CH 61 (2020)**

TATTOOING AND TATTOO ARTISTS

Eyes, scleral tattooing, prohibiting performing of: ***SHB 1856, CH 307 (2019)**

TAX APPEALS, BOARD

Replacing board with tax court: SB 5632

TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC. (See also TAXES - PROPERTY; TITLE ONLY BILLS)

Aircraft fuel, in aircraft for research/development, sales/use tax exemptions: ESHB 2880
 Airplanes, commercial, manufacturer B&O tax preferential rate, apprentice use: ***ESB 6690, CH 165 (2020)**
 Airplanes, commercial, manufacturing/sales B&O tax preferential rate, contingent: ***ESB 6690, CH 165 (2020)**, SB 6694
 Airplanes, large civil, U.S.-EU-WTO disputes, contingent B&O tax rate impact: ***ESB 6690, CH 165 (2020)**
 Airplanes, large private/nonresident, aircraft excise tax exemption, extending: SB 6068
 Airplanes, large private/nonresident, sales/use tax exemptions, extending: SB 6068
 Alternative energy machinery/equipment, sales and use tax exemptions: SB 5116
 Alternative fuel vehicles/infrastructure, various tax preferences for: ***E2SHB 2042, CH 287 (2019)**
 Arenas and other eligible projects, sales/use taxes deferral: ***ESHB 1839, CH 347 (2019)**, SB 5813

Arenas, certain areas of, leasehold excise tax exemption: ***HB 1301, CH 335 (2019)**, SB 5198
 Artistic and cultural organizations, B&O deductions, various changes: ***ESB 5402, CH 139 (2020) PV**
 B&O tax, deduction for certain businesses, creating: SB 5994
 B&O tax, repealing multiple sections and providing deduction, when: SB 5994
 Behavioral health administrative services organizations, B&O tax deduction, when: ***HB 2943 (2020) V**, SB 6639
 Behavioral health services and training, by organizations, B&O tax deduction: SB 5637
 Behavioral health services, government-funded program, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639
 Boat motors, integrated electric, sales and use tax exemptions: SB 6491
 Broadcasters, radio/television, standard B&O tax deduction for advertising: ***HB 2035, CH 449 (2019)**
 Buildings, meeting functional recovery standard, property tax exemption: SB 5557
 Bullion, precious metal or monetized, eliminating tax preferences for: SB 5658
 Businesses, new, B&O tax credit: SB 5619
 Businesses, new, B&O tax exemption: SB 5974
 Businesses, small, small business tax credit, increasing: SB 6492
 Call centers, relocation to other country, preference ineligibility: SB 5058
 Capital gains tax, imposing, including related tax preferences: SB 5961
 Captive insurers, exempting from B&O taxation, when: SB 6331
 Carbon pollution fee, exemptions in connection with: SB 5971
 Clay targets, sales and use tax exemptions: SB 5726
 Clothing and footwear, permanent sales tax exemption for: SB 5624
 Commercial office space, development tax exemption incentives: SB 5051
 Cooperative finance organizations, B&O tax deduction: ***HB 1368 (2020) V**, SB 6137
 Data centers, server equipment/power infrastructure, sales/use tax exemptions: SB 5989, SB 6642, SB 6695
 Diapers, sales and use tax exemptions: SB 5301
 Dietary supplements, permanent sales and use tax exemptions for: SB 6554
 Digital goods, codes, and services, sales/use tax preference provisions: ***ESB 5402, CH 139 (2020) PV**
 Dwelling units, accessory, limited property tax exemption for, when: SB 6231
 Electric vehicles, sales and use tax exemptions: SB 5336
 Electric vessels, retail sales and use tax exemptions, when: ***E2SHB 2042, CH 287 (2019)**
 Electricity generation from water, machinery/equipment for, tax preferences: SB 6012
 Employment positions, creation of, B&O tax credits: SB 5215
 Energy conservation payments from BPA in form of credits, B&O exemption: ***HB 2505 (2020) V**, SB 6172
 Energy performance standard, state, early adoption incentive program: ***E3SHB 1257, CH 285 (2019)**, SB 5293
 Fairs, nonprofit state fair foundations, state property tax exemption: SB 6587
 Feminine hygiene products, sales and use tax exemptions: SB 5147, SB 5206
 Financial institutions, certain investment interest, B&O tax deduction, eliminating: SB 6445
 First responders, spousal survivors of, property tax exemption: SB 5049
 Fish passage barrier removal projects, sales and use tax exemptions for: SB 5798
 Food, prepared, permanent sales tax exemption for: SB 5624
 Fund-raising contest of chance, prize or purchase in, use tax exemption: SHB 1808, ***SB 6312, CH 159 (2020)**, SB 6390
 Harborview medical center, B&O tax exemption for: ***SHB 2168, CH 451 (2019)**
 Health trust, whole Washington, credit against income tax withheld: SB 5222
 Health/social welfare organizations, behavioral health services, B&O tax deduction: ***HB 2943 (2020) V**, SB 6639
 Heavy equipment rental property dealers, property tax exemption for: SB 5628
 Higher education institutions, construction, sales and use tax exemptions: SB 5348
 Historic property, special valuation for property tax, extensions of, when: ***SHB 2868, CH 91 (2020)**
 Hog fuel, sales and use tax exemptions, extending expiration of: ***HB 2848 (2020) V**, SB 6665
 Homeownership development, by cooperative association, property tax exemption: ***ESHB 1107, CH 361 (2019)**, SB 5289
 Housing affordability zones, tax revenues and preferences for: SB 5802
 Housing, affordable rental, property sale for, real estate excise tax exemption: ***SHB 2634 (2020) V**, SB 6366
 Housing, affordable, multi-unit in residential targeted areas, property tax exemption: SB 6411
 Housing, affordable, multi-unit in urban growth areas, property tax exemption: SB 6411
 Housing, affordable, multifamily in rural counties, property tax exemption: SB 5739
 Housing, affordable, multifamily, property tax exemption, extending, when: ***SHB 2950, CH 237 (2020) PV**

Housing, affordable, multifamily, property tax exemption, when: SB 6411

Housing, affordable, services essential for, B&O tax surcharge exemption for: SB 6107

Housing, affordable, very low-income, nonprofit property tax exemption, changes: ***SHB 2384, CH 273 (2020)**, SB 6232

Housing, affordable/workforce, state sales/use tax remittance under infrastructure program: SB 6328

Housing, American dream homes, low-income single-family, B&O tax credit: SB 6457

Housing, for school district employees, leasehold excise tax exemption: SB 6512

Housing, multiple-unit dwellings in urban centers, property tax exemption: SB 5363, SB 5366

Housing, multiple-unit, real estate sales excise tax rate reduction: SB 6201

Housing, self-help, development and sales, excise tax exemptions: SHB 1168, SB 5025

Ice hockey, practice facilities, sales/use taxes deferral: ***ESHB 1839, CH 347 (2019)**, SB 5813

Import B&O tax exemption, limiting: SB 5581

Indian tribe, property exclusively owned by, full exemption, when: SB 6080

Indian tribe, property exclusively owned by, full property tax exemption, when: ***HB 2230, CH 272 (2020)**

Infill development in urban areas, construction/improvement, tax exemptions: SB 5951

Investment management companies, international, tax preferences: ***ESB 6016, CH 426 (2019)**

Investment management services, international, sales and use tax exemptions: SB 5325

Investment projects, small modular nuclear reactor industry, tax preferences: SB 5629

Job seekers, hard-to-place, tax credit incentives for employers who hire: SB 6564

Lemonade/nonalcoholic beverages, sale by child under 16, exemptions: SB 6320

Managed care organizations, incentive payments made to, B&O tax exemption: ***SHB 2024, CH 350 (2019)**

Manufactured/mobile home parks, real estate sales excise tax exemption: ESHB 1997

Manufacturers and their products, preferential B&O tax rate, with contingency: SB 6694

Manufacturing B&O tax rate, lowering ceiling of: SB 5608

Marijuana, medical use, recognition cards and excise tax exemption: SB 5234

Marine propulsion systems, battery-powered, sales/use tax exemptions: ***SHB 2486, CH 341 (2020)**, SB 6318

Memorials, materials/labor for, veterans' organizations sales/use tax exemptions: SB 6678

Military members, spousal survivors of, property tax exemption: SB 5049

Mobility enhancing equipment, sales and use tax exemptions: SB 6658

Motor vehicle dealers, qualified cash incentives for, dealer B&O tax deduction: ***HB 2903 (2020) V**, SB 6654

Motor vehicle excise tax, low-income market value adjustment, credits via: SB 5075

Motor vehicle sales and use taxes, exemptions for certain vehicles: SB 5743, SB 5978

Mushroom farming facilities, sales and use tax deferral: SB 5979

Natural gas, renewable, modifying exemptions: ***HB 1070, CH 202 (2019)**, SB 5108

Nonresident sales tax exemption, narrowing via remittance: SB 5997

Nuclear energy, small modular reactor industry, preferences to increase jobs: SB 5629

Office space, commercial, development tax exemption incentives: ***SHB 1746, CH 273 (2019)**

Performance statements for preferences, updating various: ***ESB 5402, CH 139 (2020) PV**

Personal property, sales/use between political subdivisions, tax exemptions: ***SB 5337, CH 188 (2019)**

Preferences, consolidations, clarifications, corrections, and definitions: ***ESB 5402, CH 139 (2020) PV**

Preferences, discretionary, list and impact of, in state budget outlook: SB 6621

Preferences, discretionary, listing in agency budget documents: SB 6621

Preferences, revenue reduction due to, listing of, submitting: SB 6621

Preferences, technical corrections, various: ***ESB 5402, CH 139 (2020) PV**

Prescription drugs, warehousing/reselling, preferential B&O tax rate, repealing: SB 5988

Private schools, homeowner children attending, state property tax exemption: SB 5758

Processing for hire B&O tax rate, lowering ceiling of: SB 5608

Processors for hire, preferential B&O tax rate provisions: SB 6694

Property tax deferral and grant programs, various provisions: ***ESB 5402, CH 139 (2020) PV**

Property tax exemption program, for seniors, veterans, retired-disabled: SB 5160, SB 5390, SB 5625, SB 6199, SB 6319

Property tax exemption, residential, expanding relief beyond retired persons, constitutional amendment: SJR 8218

Property tax, special valuation for historic property, extensions of, when: ***SHB 2868, CH 91 (2020)**

Property tax, state, expanding homeowner relief through exemption: SB 5390

Property tax, state, nonprofit state fair foundations exemption: SB 6587

Property taxes, exemption for residential and commercial properties, with value limits, constitutional amendment: SJR 8218

Property taxes, homestead exemption from: SB 5791

Property taxes, homestead exemption from, constitutional amendment to allow: SJR 8208

Public facilities district convention center, expansion, tax deferrals: SHB 2032

Recreational/rehabilitation facility, disabled veterans/military, tax exemptions: SB 5890

Renewable energy system cost recovery program, solar project preferences: ***ESHB 2248 (2020) V**, SB 6223

Rural development and opportunity zone act, Washington, tax preferences: SB 5423

Safety, local public, building construction for, sales and use tax exemptions: SB 5348

School district employees, housing for, leasehold excise tax exemption: SB 6512

Schools, construction, sales and use tax exemptions: SB 5348

Solar energy systems, community solar expansion program, incentives and credit: ***ESHB 2248 (2020) V**

Solar energy systems, manufacturing location for public utility tax incentives: SB 5555

Solid waste combustion, energy recovery facilities for, tax preferences: SB 6019

Statewide significance, projects of, tax credits for investing in: SB 5540

Student scholarship organizations, contributions to, tax credits: SB 6520

Timber industry/products, B&O tax preferential rates, continuing: ***E3SHB 1324, CH 336 (2019) PV**

Timber industry/products, mass timber products, B&O tax preferences: ***E3SHB 1324, CH 336 (2019) PV**, SB 5467

Travel agents and tour operators, preferential B&O tax rate, eliminating: SB 5997

Vapor products, when tax contract for sale in Indian country, tax preferences: ***E2SHB 1873, CH 445 (2019)**

Vessels, electric, retail sales and use tax exemptions, when: ***E2SHB 2042, CH 287 (2019)**

Veterans' organizations, memorials, materials/labor for, sales/use tax exemptions: SB 6678

Water right sale separate from property sale, real estate sales excise tax exemption: SB 6301

Wineries, domestic, liquor excise tax on certain sales, exemption: SB 5406

Workforce education investment, B&O tax surcharges for, exemptions: SB 6055, SB 6059, SB 6107

Working families' tax credit, converting sales tax exemption to: SB 5810

Working families' tax exemption, expanding eligibility for: SB 6557

Zoological facilities, B&O tax deduction: SB 6299

TAXES - AIRCRAFT EXCISE

Aircraft, commercial, electric-equivalent, or unmanned, taxation of: SB 5137

Aircraft, emergency medical transportation use of, removing exemption, when: SB 6068

Amount of tax imposed, modifying: SB 5137

TAXES - BUSINESS AND OCCUPATION (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Filing date, annual filers: ***2SHB 1059, CH 63 (2019)**

Filing threshold, raising: SB 6492

Financial institutions, certain consolidated financial institution group members, additional B&O tax: ***SHB 2167, CH 420 (2019)**

Manufacturing tax rate, lowering ceiling of: SB 5608

Municipal B&O tax, apportionment of gross income: ***SHB 1403, CH 101 (2019)**

Natural gas, renewable, B&O taxation: ***HB 1070, CH 202 (2019)**, SB 5108

New businesses, additional mitigation tax for B&O tax exemption for: SB 5974

Nexus, for B&O tax, modifying: SB 5581

Opioids, prescription, surtax on persons warehousing and reselling: SB 5940

Pharmaceuticals, sale of advertising for, B&O tax surcharge, revenue use: SB 5659

Processing for hire tax rate, lowering ceiling of: SB 5608

Rate, general service, increasing for businesses above income threshold: SB 6492

Rate, on certain services, increasing, when: SB 5129

Rate, single low flat, for all businesses: SB 5994

Rates, increasing or providing differential, two-thirds legislative majorities or voter approval: SJR 8210

Revenue, compacts with Indian tribes, governor authority to enter into: ***SHB 2803, CH 132 (2020)**, SB 6601

Scan-down allowances, on food/beverages, B&O taxation purposes: ***EHB 1354, CH 217 (2019)**, SB 5407

Small, fairer system for, single low flat B&O tax rate for all businesses: SB 5994

Surcharge for timber products, modifying: ***E3SHB 1324, CH 336 (2019) PV**

Surcharge for workforce education investment, imposing: ***E2SHB 2158, CH 406 (2019)**
Surcharge for workforce education investment, repealing and replacing: SB 6492
Surcharge for workforce education investment, replacing revenue: SB 6492

TAXES - CIGARETTES

Additional tax on cigarettes: SB 5793
Additional tax on cigarettes, increasing: SB 6007

TAXES - ENHANCED FOOD FISH

Revenues, distribution to city in which fish was landed: SB 5790

TAXES - ESTATE

State estate tax, raising exclusion amount and instituting tax increases: SB 6581

TAXES - EXCISE (See also IMPACT FEES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Ammunition, excise tax on, imposing: SB 6161
Capital gains tax, imposing: SB 5129, SB 5314
Capital gains tax, long-term, imposing: SB 5222, SB 5961
Concrete pumping services, as "constructing"/related activities: SB 6317
Definitions, restoring in certain cases: ***ESB 5402, CH 139 (2020) PV**
Employer tax, for high capacity transportation systems, nullification: SB 5044
Excess compensation tax, imposing: SB 6017
Heated tobacco products, definition and taxation of: SB 5986
High capacity transportation systems, certain voter-approved taxes, nullification: SB 5044
High capacity transportation systems, voter-approved taxes, nullification: SB 6108
Land development or management services, scope of taxation: ***HB 2229, CH 109 (2020)**, SB 6079
Liquor excise taxes, wine sales by winery, exemption and disbursements: SB 5406
Lodging, special taxes on sale of: HB 1242, SB 5228, SB 6446, SB 6680
Marijuana, excise tax provisions concerning medical use: SB 5234
Motor vehicles, various taxes, limiting or repealing: SB 6031, SB 6245, SI 976
Nexus, for B&O and retail sales tax, modifying: SB 5581
Payments, deficient or excess, interest computation periods, revising: HB 2867
Payroll expense tax, advisory and accountability commission, King county role: SB 6692
Payroll expense tax, on businesses in King county, imposing, when: SB 6669
Payroll expense tax, on employers doing business in King county, imposing: SB 6692
Sales, wholesale or retail, land development or management services as: ***HB 2229, CH 109 (2020)**, SB 6079
Tax structure work group, reauthorizing and expanding: SB 5973
Technical corrections, various: ***ESB 5402, CH 139 (2020) PV**
Vapor products, tax on, levying and collecting: ***E2SHB 1873, CH 445 (2019)**, SB 5986

TAXES - HAZARDOUS SUBSTANCES

Toxics control accounts, new, hazardous substance tax deposits in: SB 5993

TAXES - LEASEHOLD EXCISE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Indian tribes, property owned exclusively by, payment in lieu of taxes: ***HB 2230, CH 272 (2020)**

TAXES - LOCAL OPTION TRANSPORTATION

Additional excise taxes, limiting levying of: SB 6652
Annual vehicle fee, transportation benefit district imposition of, restoring: SB 6677
Revenue sources for transportation, various: SB 6652

TAXES - LODGING

Affordable workforce housing, modifying definition for revenue use purposes: HB 2110
Sale of lodging, special excise taxes on: HB 1242, SB 5228, SB 6446, SB 6680

TAXES - MOTOR VEHICLE EXCISE

High capacity transportation systems, voter-approved taxes, nullification: SB 5043, SB 5044, SB 6108
 Regional transit authorities, tax imposed by, DOL collection of, reimbursement: SB 6606
 Regional transit authorities, tax imposed by, lowering rate: SB 6031, SB 6245, SI 976
 Regional transit authorities, tax imposed by, market value adjustment program: SB 5042, SB 5075
 Regional transit authorities, tax imposed by, vehicle valuation: SB 5042, SB 5075, SB 6031, SB 6245, SB 6606, SI 976
 Vehicle valuation requirements: SB 5042, SB 5075, SB 6031, SB 6245, SI 976

TAXES - MOTOR VEHICLE FUEL

Fuel licensees, imposing additional and cumulative tax rate on: SB 5971
 Motor fuel pumps, fuel tax sticker for display on: SHB 1633, 2SHB 1633
 Motor vehicle fund, fuel tax revenues in, distribution of: SB 5521

TAXES - PROPERTY (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Assessment rolls, filing of, when: ***HB 2858, CH 134 (2020)**
 Building business ecosystems area financing, revenue use for: SB 5564
 Collection, refusal to collect, county treasurer liability due to: ***SB 5132, CH 433 (2019)**
 Delinquent taxes, home foreclosure due to, taxpayer protections: ***E2SHB 1105, CH 332 (2019)**
 Delinquent taxes, penalties on, eliminating: SB 6314
 Delinquent taxes, refund of taxes paid due to manifest error: ***HB 1852, CH 32 (2019)**
 Game lands, DFW, payments to counties in lieu of property taxes: SB 5696, SB 6365
 High capacity transportation systems, voter-approved taxes, nullification: SB 5043, SB 5044, SB 6108
 Levies, for community and technical college districts by county: SB 6484
 Levies, for counties, impact of special purpose district dissolution on: ***ESHB 2588, CH 179 (2020)**, SB 6324
 Levies, for firefighters' pensions, using for LEOFF benefits funding: SB 5894
 Levies, for housing benefit districts and affordable housing: SB 6618
 Levies, for low-income homeownership/home repairs/foreclosure prevention: ***SB 6212, CH 253 (2020)**
 Levies, for school district bond payment, at least 55% of voters to authorize: SB 5252, SJR 8202
 Levies, for school district bond payment, simple majority to authorize: SB 5066, SJR 8201
 Levies, for schools, enrichment: SB 5313, SB 5316, SB 5466, SB 6344, SB 6477, SB 6533
 Levies, for schools, lid revisions: SB 5313, SB 5316, SB 5466, SB 6344, SB 6477
 Levies, for schools, local revenue, supplemental expenditure schedules for: SB 6021
 Levies, for schools, state additional, depositing in education legacy trust account: ***ESHB 2140, CH 411 (2019)**
 Levies, for schools, state additional, discontinuing: SB 6381
 Levies, for schools, state additional, reducing rate: SB 5314
 Levies, for schools, state and state additional property taxes, reducing rates: SB 6145
 Levies, for schools, state property tax, calculation of limit for: SB 6381
 Levies, for schools, state property tax, reducing rate: SB 6381
 Levies, for veterans' assistance programs/veterans' assistance fund: HB 1829
 Levies, limiting residential real property value subject to: SJR 8219
 Levies, state, calculation of limit for: SB 5609
 Liens for taxes, foreclosure, sale of property as is: ***HB 1634, CH 28 (2019)**, SB 5518
 Manufactured/mobile home title owner, delinquent tax interest/penalty waiver: ***HB 2512, CH 175 (2020)**
 Mosquito control districts, application of property tax provisions to: HB 1583, ***SB 5519, CH 54 (2020)**
 Special purpose districts, revenue distributions to be withheld, when: SB 6324
 State property tax, additional for schools, discontinuing: SB 6381
 State property tax, additional for schools, reducing rate: SB 5314
 State property tax, calculation of limit for: SB 5609, SB 6381
 State property tax, reducing rate: SB 6381
 State property tax, regular and additional for schools, reducing rates: SB 6145

TAXES - PUBLIC UTILITY TAX

Community residential service businesses, public utility tax on and payments to: SB 5990
 Community solar expansion program, as new/separate program: ***ESHB 2248 (2020) V**
 Renewable energy production incentive program, modifications: ***ESHB 2248 (2020) V**, SB 6223

Renewable energy system cost recovery program, modifications: ***ESHB 2248 (2020) V**, SB 6223

Sewerage collection businesses, tax revenues, depositing in certain account: SB 5938

Water distribution businesses, tax revenues, depositing in certain account: SB 5938

TAXES - REAL ESTATE SALES EXCISE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Additional tax, county/city under GMA imposing without voter approval: SB 5676

Affordable housing, additional tax for: SB 5357

Affordable housing, increasing tax rates: SB 5582

Affordable housing, revenue use for: ***EHB 1219, CH 73 (2019) PV**, SB 5195

Counties, King, taxes retained for collection costs, supportive housing use: ***ESHB 2919 (2020) V**

Counties, under certain size, taxes retained for collection costs, increasing: ***ESHB 2919 (2020) V**

Deposits of revenue into accounts, various: SB 5582, SB 5788, SB 5952, SB 6693

Graduated taxation, implementing: SB 5130, SB 5991, SB 5998

Homeless persons, revenue use for facilities for: ***EHB 1219, CH 73 (2019) PV**, SB 5195

Housing, development of, certain revenues for: SB 5788, SB 5952

Revenues, depositing in certain accounts: SB 5938, SB 6693

TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - USE)

American dream homes, tax distributions for cities and counties: SB 6457

Automobile parts and accessories, additional tax on: SB 5971

Bicycle sales, additional tax on: SB 5971

Car rental, retail, additional sales tax on: SB 5971

Emergency communications systems, maximum tax rate and authorization: SB 5272

Fairs, state retail sales tax on sales at, deposit into fair fund: SB 5277

Food, definition, application of: SB 5581

High capacity transportation systems, voter-approved taxes, nullification: SB 5043, SB 5044, SB 6108

Housing affordability zones, sales tax revenues for: SB 5802

Local sales/use, demonstration projects and local revitalization financing: SB 6474

Local sales/use, emergency communications systems tax rate: SB 5272

Local sales/use, for affordable housing, authority to impose: ***HB 1590, CH 222 (2020)**, SB 6126

Local sales/use, for affordable/supportive housing, modifying provisions: ***EHB 2797 (2020) V**, SB 6631

Local sales/use, for building business ecosystems area financing: SB 5564

Local sales/use, for emergency homeless shelters funding: SB 6649

Local sales/use, for housing benefit districts and affordable housing: SB 6618

Local sales/use, health sciences and services authorities: **2SHB 1659**, SB 5452

Local sales/use, health sciences and services authorities, authority of: ***SB 5596, CH 464 (2019)**

Local sales/use, in connection with military benefit zones: SB 5571

Local sales/use, local parks funding: **ESHB 2625**

Local sales/use, net losses, mitigating via account transfers: ***EHB 1948 (2020) V**, SB 5862

Local sales/use, revenue for housing and related services: ***SHB 1406, CH 338 (2019)**, SB 5646

Local sales/use, rural county for public facilities, to include border counties: SB 5899

Local sales/use, special purpose district revenue to be withheld, when: ***ESHB 2588, CH 179 (2020)**, SB 6324

Local sales/use, transportation benefit district imposing of: SB 6652

Marketplace facilitators, nexus threshold and retail sales tax collection: SB 5581

Military benefit zones and financing, sales and use tax authority: SB 5571

Motor vehicle sales/use tax revenues, into congestion relief and safety account: SB 6041

Motor vehicle sales/use tax revenues, into motor vehicle fund: SB 5743, SB 5978

Motor vehicle, camper, and travel trailer purchases, revenue for highway use: **SJR 8206**

Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**, SB 6115

Rate, state sales tax, reducing: SB 5610

Remote sellers, nexus threshold and retail sales tax collection: SB 5581

Retail car rental, owner renting via marketplace facilitator as, sales taxation: SB 5927

Revenue, compacts with Indian tribes, governor authority to enter into: ***SHB 2803, CH 132 (2020)**, SB 6601

Snowmobiles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**

Streamlined sales and use tax agreement, compliance with: SB 5581

Streamlined sales tax mitigation program, discontinuing: SB 6474

TAXES - SOLID WASTE COLLECTION

Deposits of revenue into public works assistance account, use of: SB 5788

Deposits of revenue into state debt reduction account: SB 5938

TAXES - TIMBER HARVEST EXCISE

Tribal tax, department of revenue collection of, distribution to tribe, when: SB 6671

TAXES - TOBACCO PRODUCTS

Tobacco products, definition to include vapor products for taxation: SB 5793

Tobacco products, tax rate reduction, when: ***E2SHB 1873, CH 445 (2019)**

Vapor products, modifying "tobacco products" to include: SB 5793

TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; TAXES - SALES)

American dream homes, tax distributions for cities and counties: SB 6457

Emergency communications systems, maximum tax rate and authorization: SB 5272

High capacity transportation systems, voter-approved taxes, nullification: SB 5043, SB 5044, SB 6108

Local sales/use, emergency communications systems tax rate: SB 5272

Local sales/use, for affordable housing, authority to impose: ***HB 1590, CH 222 (2020)**, SB 6126

Local sales/use, for affordable/supportive housing, modifying provisions: ***EHB 2797 (2020) V**, SB 6631

Local sales/use, for building business ecosystems area financing: SB 5564

Local sales/use, for emergency homeless shelters funding: SB 6649

Local sales/use, for housing benefit districts and affordable housing: SB 6618

Local sales/use, health sciences and services authorities: 2SHB 1659, SB 5452

Local sales/use, health sciences and services authorities, authority of: ***SB 5596, CH 464 (2019)**

Local sales/use, in connection with military benefit zones: SB 5571

Local sales/use, local parks funding: ESHB 2625

Local sales/use, net losses, mitigating via account transfers: ***EHB 1948 (2020) V**, SB 5862

Local sales/use, revenue for housing and related services: ***SHB 1406, CH 338 (2019)**, SB 5646

Local sales/use, rural county for public facilities, to include border counties: SB 5899

Local sales/use, special purpose district revenue to be withheld, when: ***ESHB 2588, CH 179 (2020)**, SB 6324

Local sales/use, transportation benefit district imposing of: SB 6652

Military benefit zones and financing, sales and use tax authority: SB 5571

Motor vehicle sales/use tax revenues, into congestion relief and safety account: SB 6041

Motor vehicle sales/use tax revenues, into motor vehicle fund: SB 5743, SB 5978

Motor vehicle, camper, and travel trailer purchases, revenue for highway use: SJR 8206

Off-road vehicles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**, SB 6115

Revenue, compacts with Indian tribes, governor authority to enter into: ***SHB 2803, CH 132 (2020)**, SB 6601

Snowmobiles, registering in another state to avoid retail taxes, penalties: ***ESHB 2723 (2020) V**

Streamlined sales and use tax agreement, compliance with: SB 5581

Vehicles, use tax on, reseller permits: ***HB 1347, CH 11 (2020)**

TAXES, GENERALLY (See also IMPACT FEES; INSURANCE; REVENUE, DEPARTMENT; TAXES - EXCISE; TAXES - PROPERTY; TITLE ONLY BILLS)

Advisory votes on tax legislation, removing from statutes: SB 5224, SB 6610

Business taxes, multiple, city/town imposition citing same statutory authority, prohibiting: SB 6194

Districts, local taxation, rates disclosure: SB 5024

Employee wages, hours, or positions, city/town imposing tax based on, prohibiting: SB 5589

Harbor maintenance tax, federal, requesting that congress reform: SJM 8016

Income tax returns, presidential and vice presidential candidate disclosure: SB 5078

Income tax, individual or household, local, prohibiting: SB 6462

Income tax, levy by city, county, or city-county, prohibiting: SB 6462

Income tax, local, personal or business, eliminating prohibition: SB 5928

Income tax, state or local, prohibiting imposition of: SB 6702

Payments, deficient or excess, interest computation periods, revising: HB 2867
 Puget Sound taxpayer accountability account, using for education outcomes: SHB 1791, SB 5851
 Rates and taxes, by taxing district, online searchable database of: SB 5631
 Revenue, department of, renaming as department of taxation: SB 5925
 Revenue, state revenue reform legislative task force, creating: SB 5541
 Tax court, authorizing: SJR 8205
 Tax court, state, establishing: SB 5632
 Tax liens, federal, documents exemption from recording surcharges: ***HB 1980, CH 136 (2019)**, SB 5898
 Tax structure work group, reauthorizing and expanding: SB 5973
 Utilities, city/town, taxes/fees imposed on, disclosure to customers of: ***SHB 2889, CH 135 (2020)**
 Utilities, municipal, surplus property disposal at low/no cost, as a lawful tax: EHB 2896

TELECOMMUNICATIONS (See also ADVERTISING; COMPUTERS; EMERGENCY MANAGEMENT AND SERVICES; HEALTH CARE; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS; TRAFFIC OFFENSES; UTILITIES)

211 information system (WIN 211), enhanced 211 drug line pilot project: SB 5546
 911, false reporting of a crime or emergency, classification and penalties: SB 6295
 911, false reporting of a crime or emergency, classification, penalties, civil action: ***SHB 2632, CH 344 (2020)**
 911, public safety telecommunicators, PTSD as occupational disease: ***SHB 2758, CH 234 (2020)**
 Bluetooth and telecoil assistive technologies, for persons with hearing loss: ***ESB 5210, CH 183 (2019)**
 Broadband access, in unserved areas, grant and loan program for: 3SHB 1498, SB 5511
 Broadband internet services, local government authority to provide: SB 5085
 Broadband office, governor's statewide, establishing: 3SHB 1498, SB 5511
 Broadband services, universal communications services program provisions: 3SHB 1498, SB 5511
 Call centers, relocation to other country: SB 5058
 Cell phones, as contraband on state correctional institution premises: SB 5888
 Cloud computing solutions and migration, state agency requirements: SB 5662
 Hotline/program for reporting potential self-harm/criminal acts, establishing: SB 5835
 Inmates, telecommunication/electronic media services contracts, posting of: SB 6476
 Installations, electrical wiring requirements, exemption: ***SHB 1594, CH 119 (2019)**
 Internet, bots, using to mislead for political or commercial purposes, prohibiting: HB 2396
 Internet, broadband services, local government authority to provide: SB 5085
 Internet/mobile application, marketing/advertising to minors via, prohibitions: HB 2442
 Public safety telecommunicators, PTSD as occupational disease: ***SHB 2758, CH 234 (2020)**
 Sexually explicit or intimate images of minors, minors possessing/dealing in: ***SHB 1742, CH 128 (2019)**
 Telephone businesses, conducting, city/town imposition of tax: SB 6652
 Universal communications services program, provisions: 3SHB 1498, SB 5511
 Wireless devices, use when driving in certain zones, penalty increase: SHB 1256
 Wireless services, services and fees/charges disclosure: SB 5271

TELEVISION AND TELEVISIONS (See also ADVERTISING; NEWS MEDIA; UTILITIES)

Broadcasters, radio/television, standard B&O tax deduction for advertising: ***HB 2035, CH 449 (2019)**
 Closed captioning, on televisions in places of public accommodation: SB 6182
 J.P. Patches show, Patches pal special license plates, creating: HB 1255, SHB 1255
 Political candidates, deepfake audio or visual media of, prohibitions, when: SB 6513

TERRORISM (See also EMERGENCIES; LOCAL GOVERNMENT; MILITARY DEPARTMENT; STATE GOVERNMENT)

Catastrophic incidents, continuity of government: SB 5012, ***SJR 8200 (2019)**
 Catastrophic incidents, plans and guidance for school districts: SB 5247
 Domestic terrorism, person materially aiding, civil action for damages: SB 6293
 Threat of mass violence, communicating a, class C felony: SB 6307

THEATERS (See also BUSINESSES; PERFORMING ARTS AND PERFORMANCE FACILITIES)

Building for the arts program, modifying: HB 2352
 Liquor licenses for theaters, requirements: SB 5643
 Tickets, resellers of, licensing and regulation: SB 5321

TIME

Daylight saving time, year-round, as official state time: ***SHB 1196, CH 297 (2019)**, SB 5139, SB 5140, SB 5250
 Time zone and daylight saving time, impact on commerce, reviewing: SB 5139, SB 5140
 Uniform standard time, for Washington: SB 5140

TITLE ONLY BILLS

Bills, title-only, prohibiting introduction of: SB 6042
 Bills, title-only, prohibiting, constitutional amendment for: SJR 8214
 Capital budget act: SB 6001, SB 6002
 Education act: SB 6006, SB 6014
 Fiscal matters act: SB 6004, SB 6013
 Promoting the economic growth of the video game industry act: SB 5886
 Revenue act: SB 6005
 Sports wagering act: SB 5965
 State general obligation bonds and related accounts act: SB 6000
 State government act: SB 6003, SB 6015
 Washington climate change mitigation act: SB 5980

TOBACCO AND TOBACCO PRODUCTS

Cigarettes, additional tax on: SB 5793
 Cigarettes, additional tax on, increasing: SB 6007
 Heated tobacco products, definition and taxation of: SB 5986
 Marketing/advertising to minors via internet/mobile application, prohibitions: HB 2442
 Tobacco and vapor products, sale to persons under 21, federal legislation to prohibit: SJM 8008
 Tobacco and vapor products, use on postsecondary institution property: SB 6333
 Tobacco products, definition to include vapor products for taxation: SB 5793
 Tobacco products, legal age for: ***EHB 1074, CH 15 (2019)**, SB 5057
 Tobacco products, person under 18, certain civil infractions, repealing: SB 6489
 Tobacco products, person under 21 possessing, community-based interventions: SB 6489
 Tobacco products, tax rate reduction, when: ***E2SHB 1873, CH 445 (2019)**
 Vapor products, constituent substances, requirements and prohibitions: SB 6254
 Vapor products, containing vitamin E acetate, prohibiting sale of: SB 6254
 Vapor products, distributors, retailers, and delivery sellers of, regulation of: SB 6254
 Vapor products, flavored, prohibiting sale of: SB 6254
 Vapor products, general public tasting of, prohibiting: SB 6254
 Vapor products, legal age for: ***EHB 1074, CH 15 (2019)**, SB 5057
 Vapor products, manufacturers of, licensing and regulation of: SB 6254
 Vapor products, marijuana, certain flavorings, authority to add to products: ***HB 2826, CH 133 (2020)**, SB 6579
 Vapor products, marijuana, devices for and added ingredients in, prohibitions: ***HB 2826, CH 133 (2020)**, SB 6579
 Vapor products, person under 18, certain civil infractions, repealing: SB 6489
 Vapor products, person under 21 possessing, community-based interventions: SB 6489
 Vapor products, tax contracts concerning sale in Indian country, governor's role: ***E2SHB 1873, CH 445 (2019)**
 Vapor products, tax on, levying and collecting: ***E2SHB 1873, CH 445 (2019)**, SB 5986
 Vapor products, use on postsecondary institution property: SB 6333
 Vapor products, when tax contract for sale in Indian country, tax preferences: ***E2SHB 1873, CH 445 (2019)**

TOURISM

Glacier highway, requesting that WSTC name state route number 165 as the: SJM 8021
 Promotion areas, formation of, furnishing-of-lodging charge, increasing: SB 6592
 Promotion areas, formation of, furnishing-of-lodging charges, removal petition: SB 6592
 Promotion areas, formation of, population requirement, eliminating: SB 6592

TOWING AND TOW TRUCKS

Emergency or work zones, driver approaching tow truck in, requirements: ***SHB 1469, CH 106 (2019)**
 Impounded vehicles, auction by operator, moneys as payment of charges: SB 5668
 Impounded vehicles, personal property in, tow truck operator authority: SB 5652
 Impounded vehicles, police officer retaining of, when DUI arrest: ***SHB 2483, CH 117 (2020)**

Impounded vehicles, sale of, servicemember exception: SB 5463

Transporter's license plate indicator tab, fee: ***SB 5230, CH 44 (2019)**

TRAFFIC (See also BICYCLES; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; PARKING; ROADS AND HIGHWAYS; TRAFFIC OFFENSES; TRAFFIC SAFETY COMMISSION)

Cameras, traffic safety, authorized use and locations: SB 5789

Cameras, traffic safety, authorized use and locations, and pilot program for: ***ESHB 1793, CH 224 (2020)**

Cameras, traffic safety, infractions detected via, additional fee: SB 5126

Cameras, traffic safety, on school buses: SB 5126, SB 5770

Cameras, traffic safety, using automated license plate recognition systems: SB 5529

Commute trip reduction program, provisions: SB 5855

Emergency or work zone vehicles, driver approaching, requirements: ***SHB 1469, CH 106 (2019)**

Express toll lanes, I-405, replacing: SB 5018

Flags, U.S., placement by state highways: SB 5094

Helmet use by motorcycle, moped, or motor-driven cycle operators: SB 5007

High occupancy vehicle lanes, in place of I-405 express toll lanes: SB 5018

High occupancy vehicle lanes, infractions, additional penalty for: SB 5971

High occupancy vehicle lanes, penalties for certain violations: SB 5695

High occupancy vehicle lanes, use by organ transport vehicles: SB 6580

License plate recognition systems, automated, use of: SB 5529

Marine cargo, unregistered vehicles shipped as, operation on public roadways: ***SHB 1254, CH 94 (2019)**

Military surplus vehicles, operation on public highways: SB 5417

Motorcycles, education, instruction permit, license, and additional penalty: ***SHB 1116, CH 65 (2019)**

Motorcycles, motorcycle operator subsidy program, establishing: ***SHB 1116, CH 65 (2019)**

Motorcycles, motorcycle safety education advisory board, members: SB 5303

Motorcycles, operator education course, instruction permit, and license: SB 5303

Motorcycles, operator passing vehicle in same lane, when: SB 5254

Motorcycles, operator use of shoulder, when: SB 5254

Motorcycles, profiling by law enforcement, prohibiting: SB 6130

Narrow track vehicles, definition and on-road operation: ESHB 1510

Nonmotorists, active transportation safety advisory council, convening: SB 5710

Nonmotorists, Cooper Jones active transportation safety council, convening: ESHB 1723, ***SB 6493, CH 72 (2020)**

Pedestrian safety advisory council, adding functions to CJATS council: ***SB 6493, CH 72 (2020)**

Pedestrian safety advisory council, renaming to include bicyclists: ESHB 1723, SB 5710

Pedestrians, as vulnerable users of a public way, protections: ESHB 1966, SB 5723

Personal delivery devices, applicability of rules of the road to: ***ESHB 1325, CH 214 (2019)**, SB 5378

Riders of certain vehicles, as vulnerable users of a public way: ***SB 6045, CH 146 (2020)**

Road usage charges, new, prohibiting in rural counties: SB 5255

Road usage fee, per mile for electric and hybrid vehicles, implementation plan for: SB 6586

Roundabout, definition: SB 6084

Roundabouts, negotiating, long and/or wide vehicle requirements for: SB 6084

Scooters, motorized foot, operation of: ***ESHB 1772, CH 170 (2019)**, SB 5751

Signals and illumination equipment, work contracts: ***SB 5179, CH 310 (2019)**

Signals, control, for bicyclists, same meaning as circular colored signals: SHB 2684

Signals, control, for bicyclists, same meaning as circular signal indicators: SB 6466

Speed zones, infractions within school, playground, or crosswalk zone: SHB 1256

Stop signals, for school buses, height requirements: ***SB 6102, CH 95 (2020)**

Stop signs, at highway railroad grade crossing, bicyclist requirements: SB 6208

Stop signs, bicyclist authority to treat as yield signs, when: SB 6208

Toll lanes on I-405 and SR-167, suspending in order to study traffic flow: SB 5856

Vehicle combinations, truck tractor with 3 trailing units, certain highways: SB 6597

Vulnerable users of a public way, as negligent driving victims: ***SB 6045, CH 146 (2020)**

Vulnerable users of a public way, protections for: ESHB 1966, SB 5723

TRAFFIC OFFENSES (See also CRIMES; MOTOR VEHICLES; TRAFFIC)

Citations issued by officer, considering in assessing performance, prohibiting: SB 6316

Criminal citations or complaints, license suspension when failing to comply: SB 5328, SB 6153
 Driving under the influence, drug offender special sentencing alternative, when: SB 6160
 Driving under the influence, penalties and sentencing: ESHB 1504, ***SHB 1504, CH 330 (2020)**
 Driving under the influence, prior offense threshold and time limitation: SB 6555
 Driving under the influence, prior offense time limitation: SB 5286, SB 5299
 Driving under the influence, unlawful firearm possession when felony charge of: SB 6163
 Driving under the influence, vehicle impoundment when driver arrested: ***SHB 2483, CH 117 (2020)**
 Driving while license suspended or revoked, fourth degree, creating: SB 5328, SB 6153
 Driving, negligent, second degree, with vulnerable user victim rider: ***SB 6045, CH 146 (2020)**
 Fines, consolidated payment plans: SB 5575, SB 6153
 Fines, unpaid, work group on economic burden of, convening: SB 6153
 High occupancy vehicle lanes, infractions, additional penalty for: SB 5971
 High occupancy vehicle lanes, penalties for certain violations: SB 5695
 Impaired driving, provisions: ESHB 1504, ***SHB 1504, CH 330 (2020)**, SB 6160
 Motorcycles, operator passing other vehicles, impeding of, infraction: SB 5254
 Notices of infractions, license suspension when failure to respond or comply: SB 5462, SB 6153
 Physical control of vehicle under the influence, provisions: ESHB 1504, ***SHB 1504, CH 330 (2020)**, ***SHB 2483, CH 117 (2020)**, SB 5286, SB 5299, SB 6160, SB 6163, SB 6555
 Schools buses, with red flashing lights, failing to stop for: SB 5770
 Speed zones, infractions within school, playground, or crosswalk zone: SHB 1256
 Toll nonpayment, additional fee: SB 5126
 Traffic safety cameras, pilot program to expand violations used to detect: ***ESHB 1793, CH 224 (2020)**
 Traffic safety cameras, provisions: ***ESHB 1793, CH 224 (2020)**, SB 5126, SB 5529, SB 5770, SB 5789
 Traumatic brain injury account, traffic offense fee deposits into/use of: SB 5126, SB 5127
 Wireless devices, use when driving in certain zones, penalty increase: SHB 1256

TRAFFIC SAFETY COMMISSION (See also TRAFFIC)

Active transportation safety advisory council, renaming pedestrian council as: SB 5710
 Active transportation safety council, Cooper Jones, convening: ***SB 6493, CH 72 (2020)**
 Active transportation safety council, Cooper Jones, renaming pedestrian council as: ESHB 1723
 Board membership, OSPI designee for: SB 6105
 Child restraint systems, information about: ***SHB 1012, CH 59 (2019)**
 Cooper Jones active transportation safety council, convening: ***SB 6493, CH 72 (2020)**
 Cooper Jones bicyclist safety advisory council, adding functions to CJATSC: ***SB 6493, CH 72 (2020)**
 Motorcyclists, helmet use pilot program fatality statistics: SB 5007
 Pedestrian safety advisory council, adding functions to CJATS council: ***SB 6493, CH 72 (2020)**

TRANSPORTATION (See also AERONAUTICS; BOATS AND BOATING; EMERGENCY MANAGEMENT AND SERVICES; FUELS; MOTOR VEHICLES; PARKING; PUBLIC TRANSIT; RAILROADS; ROADS AND HIGHWAYS; TRANSPORTATION, DEPARTMENT)

Beekeeping, commercial beekeeper drivers: SB 5694
 Budget, 2019-2021: SB 5214
 Budget, 2019-2021 and supplemental 2017-2019: ***ESHB 1160, CH 416 (2019) PV**
 Budget, 2019-2021, additive: SB 5972
 Budget, projects, before including in authorization, evaluating: SB 6398
 Budget, supplemental 2017-2019: SB 5213
 Budget, supplemental 2019-2021: SB 6497
 Budget, transportation projects, correcting omnibus act reference: ***HB 2271, CH 24 (2020)**, SB 6094
 Budget, transportation projects, general obligation bonds for: ***HB 2271, CH 24 (2020)**, SB 5970, SB 6094
 Budget, transportation projects, motor vehicle sales/use tax revenue for: SB 6041
 Car rental, retail, additional sales tax on: SB 5971
 Climate change, land use, and transportation, GMA comprehensive planning: SB 6335
 Commercial transportation services providers, greenhouse gas emissions from: 2SHB 2310, SB 6399
 Commercial transportation services, freight delivery, vehicle insurance: SB 5239
 Common carrier liquor licensees, sales on train car, vessel, or airplane: SB 6095
 Coordinated transportation, agency council on, removing provision from statute: ***HB 2402, CH 114 (2020)**

Delivery devices, personal, regulation of: ***ESHB 1325, CH 214 (2019)**, SB 5378
 Electrification, electric vehicle infrastructure, role of utilities: SB 5336
 Electrification, plans, adoption by utilities: ***E2SHB 2042, CH 287 (2019)**
 Electrification, plans, adoption by utilities and PUD's: ***SHB 1512, CH 109 (2019)**
 Electrification, plans, submission by utilities: SB 5336
 Employee shuttles, shared, operation in King County by non-county entity: SB 5896
 Employer transportation service vehicles, private, park and ride lot use by: SB 5896
 Food delivery providers, greenhouse gas emissions from: SB 6399
 For-hire vehicles, rides by, trip fee: SB 5971
 Freight brokers/forwarders, with agreement with carrier, industrial insurance: ESB 5765
 Funding, infrastructure, strategy for greenhouse gas emissions reduction and: SB 6700
 Funding, local transportation revenue options: SB 6652
 Funding, motor vehicle sales/use tax revenues, use of: SB 6041
 Funding, revenue sources for: SB 5971, SB 6652
 Funding, transfers to accounts negatively impacted by I-976: SB 6245
 Goods delivery providers, greenhouse gas emissions from: SB 6399
 Green transportation capital grant program, establishing: ***E2SHB 2042, CH 287 (2019)**
 Liquor, carrier delivery to recipient in state, reporting requirements: SB 5472
 Private vehicles, use by state officials/employees, reimbursement rate: SB 6193
 Projects of statewide significance, transportation, designation as: ***ESHB 1994, CH 137 (2019)**, SB 5847
 Regional transportation planning organizations, counteracting climate change: ESHB 2427, SB 6335, SB 6453
 Regional transportation planning organizations, voting membership for tribes: ***EHB 1584, CH 118 (2019)**, SB 5778
 Rental, private vehicle rental programs: SB 5893
 Retail car rental, owner renting via marketplace facilitator as, sales taxation: SB 5927
 Transportation application service providers, greenhouse gas emissions from: SB 6399
 Transportation benefit assessment, special statewide, imposing: SB 5971
 Transportation benefit districts, annual vehicle fee imposition by, restoring: SB 6677
 Transportation benefit districts, local sales/use tax imposition by: SB 6652
 Transportation network companies, drivers, and vehicles, uniform regulation: SB 5926
 Transportation system, policy goals, modifying: SB 6398
 Transportation system, policy goals, to include health improvement: EHB 2461, SB 6452
 Vehicle sharing, programs for, peer-to-peer vehicle sharing program act: SHB 2773

TRANSPORTATION COMMISSION

Glacier highway, requesting that WSTC name state route number 165 as the: SJM 8021
 Gold Star memorial highway, requesting that WSTC name SR-902 as: HJM 4016
 Highways, designation of names for certain, requesting that commission act: SJM 8020
 Regina Clark memorial bridge, requesting naming of SR-507 bridge over Skookumchuck river as: ***SHJM 4007 (2019)**
 Road usage fee, for electric/hybrid vehicles, implementation plan, WSTC role: SB 6586

TRANSPORTATION IMPROVEMENT BOARD

Motor vehicle fuel tax revenues, in motor vehicle fund, transfer to board: SB 5521

TRANSPORTATION, DEPARTMENT (See also AERONAUTICS; FERRIES; PUBLIC TRANSIT; ROADS AND HIGHWAYS)

Amtrak 501 derailment report, confirmation of DOT compliance with, requiring: SB 6321
 Aviation division, director to be unpiloted aircraft system coordinator: SHB 2836
 Aviation division, planning/training/functioning as DOT's air operations branch: SB 6471
 Budget projects, before including in authorization, evaluating, DOT role: SB 6398
 Community aviation revitalization board, DOT to convene: SB 5011
 Equal opportunity, DOT's office of, small business enterprise enforceable goals program: ***ESHB 2161, CH 431 (2019)**
 Highway sweeping program, statewide volunteer, establishing, DOT role: SB 6650
 Litter control, highway-focused, DOT program and funding: SB 5093
 Park and ride lots, DOT, fees for parking in: SB 5673
 Passenger-only service between Olympia and Seattle, feasibility study: SB 5157
 Pavement condition, preservation rating information for highways, DOT role: ***HB 2038, CH 36 (2019)**

Projects of statewide significance, transportation, designation as, DOT role: ***ESHB 1994, CH 137 (2019)**, SB 5847
 State-owned land/property, underutilized, inventory of, DOT role: EHB 2896

TREASURER, STATE

Game lands, DFW, payments to counties in lieu of property taxes, treasurer role: SB 5696, SB 6365
 Investment portfolios, separately managed, for governmental entities: ***SHB 1284, CH 163 (2019)**, SB 5306
 Public works board, treasurer to be member of: HB 1285, SB 5307

TRUST INSTITUTIONS

Institutions, comprehensive provisions: ***SB 5107, CH 389 (2019)**

TRUSTS AND TRUSTEES

Directed trusts, uniform directed trust act: SB 6029
 Investment trust, Washington, creating: SB 5949, SB 5995
 Secure choice retirement savings trust, program, and fund, creating: SB 5740

UNEMPLOYMENT COMPENSATION

Apprentices, electrical apprenticeship training program, benefits eligibility: ***SB 5398, CH 50 (2019)**
 Barber shops, inapplicability of "employment" for certain barbers in: SB 5326
 Benefits, due to lockout by employer: SB 6441
 Benefits, paid, reimbursing from COVID-19 unemployment account, when: ***EHB 2965, CH 7 (2020)**
 Caregiving responsibilities, employees leaving work due to, benefits for: SB 5473
 Claims, ESD information requests, inadequate employer response, penalty: SB 6234
 Claims, government employer contracting with private entity for, prohibitions: SB 6234
 COVID-19 unemployment account, creating to reimburse trust fund account: ***EHB 2965, CH 7 (2020)**
 Disqualification for benefits, for failure to satisfy job prerequisite, when: ***SHB 2613, CH 86 (2020)**, SB 6348
 Disqualification for benefits, for voluntarily leaving, exceptions, when: SB 6235
 Employee occupational classifications or job titles, standard, using: ***SHB 2308, CH 334 (2020)**
 Employee, relocating to be closer to minor child, benefits eligibility when: SB 6620
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690
 Employers, benefit charges relief for, when: ***SHB 2613, CH 86 (2020)**, SB 6348
 Federal government employees, "unemployed" when wages not paid: SB 5716
 Misconduct, expanding definition of: SB 5964
 Records, ESD agency privacy officer, designating: ***ESB 5439, CH 81 (2019)**
 Work ability/availability requirement, COVID-19 quarantine/isolation exemption: ***EHB 2965, CH 7 (2020)**

UTILITIES (See also AIR QUALITY AND POLLUTION; CLIMATE; COMPUTERS; ENERGY; ENERGY FACILITY SITE EVALUATION COUNCIL; TELECOMMUNICATIONS; UTILITIES AND TRANSPORTATION COMMISSION; WATER; WATER POLLUTION)

Alternative energy resource facilities, not eligible for expedited EFSEC process: SB 6352
 Bonneville power administration, utility conservation credits from, B&O exemption: ***HB 2505 (2020) V**, SB 6172
 Carbon adder, electrical and gas company use: SB 5116
 Carbon pollution reduction act, cap and trade program: SB 5981
 City/town utilities, fees/taxes imposed on, disclosure to customers of: ***SHB 2889, CH 135 (2020)**
 Clean energy transformation act, modifying: SB 6135
 Clean energy transformation act, Washington: SB 5116
 Coal-fired plants and resources, provisions: SB 5116
 Electric, advertised claims of climate change reduction, requirements: SB 5347
 Electric, clean fuels program, revenue use for transportation electrification: E2SHB 1110, SB 5412
 Electric, community solar expansion program, as new program: ***ESHB 2248 (2020) V**
 Electric, community solar garden operation by: SB 5280
 Electric, community solar projects, access to: ***ESHB 2248 (2020) V**, SB 6223
 Electric, conducting, city/town imposition of tax: SB 6652
 Electric, customer-generator consumption of self-generated electricity: SB 5118
 Electric, customer-generator premises, net metering on: SB 5118
 Electric, distributed energy resources planning: ***EHB 1126, CH 205 (2019)**
 Electric, electric vehicle charging stations, electricity surcharge: SB 6682

Electric, electric vehicle infrastructure role: SB 5336

Electric, eliminating coal-fired power costs and greenhouse gas emissions: SB 5116

Electric, fire damage or response costs, actions against utility for: SB 5305

Electric, fuel mix disclosure requirements, modifying: ***ESHB 1428, CH 222 (2019)**

Electric, generation from water, machinery and equipment for, tax preferences: SB 6012

Electric, greenhouse gas emissions cap and trade program: SB 5981

Electric, municipal, homes/buildings electrification as beneficial electrification: SB 6496

Electric, net metering: SB 5118, SB 5223, SB 6223

Electric, solid waste combustion, energy recovery facilities for, tax preferences: SB 6019

Electric, sources and uses of electricity by utility, reporting: ***ESHB 1428, CH 222 (2019)**

Electric, system reliability evaluation, submission and updates: SB 6135

Electric, tax rates disclosure: SB 5024

Electric, transportation electrification plans: ***SHB 1512, CH 109 (2019)**, ***E2SHB 2042, CH 287 (2019)**, SB 5336

Electric, utility net metering, work group on future of, convening: SB 5223

Electric, utility wildland fire prevention task force, convening: SB 5305

Employee of utility, assaulting, as aggravating circumstance: ***HB 1380, CH 219 (2019)**, SB 5857

Energy conservation targets and resources, provisions: ***HB 2505 (2020) V**, SB 6172

Energy performance standard, state, early adoption incentive program: ***E3SHB 1257, CH 285 (2019)**, SB 5293

Energy transition assistance to low-income households, when: SB 5981

Fossil fuel industry worker assistance, when: SB 5981

Gas companies, greenhouse gas emissions reduction measures: ***E3SHB 1257, CH 285 (2019)**, SB 5293

Gas companies, natural gas pipeline leaks/emissions, reducing, reporting: ***E2SHB 2518, CH 32 (2020)**

Gas companies, natural gas suppliers, cap and trade program provisions: SB 5981

Hanford nuclear site, healthy energy workers board, establishing: SB 5627

Hydroelectric generation, oil-free turbine technology, sales/use tax exemptions: ESHB 2825

Improvement districts, utility local, as broadband internet services providers: SB 5085

Local/locally regulated utilities, waiving connection charges for certain entities: SB 6414

Local/locally regulated utilities, waiving connection or service line charges for certain entities: ESHB 2629

Municipal utilities, fee and tax rates disclosure to customers: ***SHB 2889, CH 135 (2020)**

Municipal utilities, tax rates disclosure: SB 5024

Municipal, surplus property disposal at low/no cost, as a lawful tax: EHB 2896

Municipal, surplus property disposal for affordable housing: EHB 2896

Nuclear reactors, small modular, provisions: SB 5629

Property of utilities, city-owned low-value surplus, donation of: ***HB 2508, CH 31 (2020)**, SB 6481

Property of utilities, valuation and rate making: SB 5816

Public utility districts, as "inactive," when: ***ESHB 2588, CH 179 (2020)**, SB 6324

Public utility districts, as broadband internet services providers: SB 5085

Public utility districts, as retail telecommunications/internet providers: 3SHB 1498, SB 5511

Public utility districts, certain pumped storage projects of statewide significance: ***EHB 2819, CH 46 (2020)**, SB 6578

Public utility districts, commissioner compensation: SB 6046

Public utility districts, homes/buildings electrification as beneficial electrification: SB 6496

Public utility districts, renewable hydrogen production and distribution by: SB 5588

Public utility districts, tax rates disclosure: SB 5024

Public utility districts, transportation electrification plans: ***SHB 1512, CH 109 (2019)**

Public utility districts, work or materials contracts: SB 5191

Renewable energy credits, renewable energy credit broker registration: SB 6698

Renewable energy production incentive program, modifications: ***ESHB 2248 (2020) V**, SB 6223

Renewable energy system cost recovery program, modifications: ***ESHB 2248 (2020) V**, SB 6223

Renewable energy systems, encouraging and studying: SB 5223

Renewable resources, alternative energy machinery, tax exemptions: SB 5116

Renewable resources, clean energy transformation act, modifying: SB 6135

Renewable resources, clean energy transformation act, Washington: SB 5116

Seattle city light Skagit river hydroelectric project, removing dams, examining: SB 6380

Solar energy systems, community solar expansion program, as new program: ***ESHB 2248 (2020) V**

Solar energy systems, photovoltaic module stewardship/takeback program: ***ESHB 2645, CH 287 (2020) PV**, SB 6622

Solar energy systems, photovoltaic modules, task force, convening: SB 6622
 Steam energy businesses, conducting, city/town imposition of tax: SB 6652
 Stormwater, highway runoff reduction, local utility charges use plans for: ***SB 5505, CH 435 (2019)**
 Underground facilities, damage to, requirements: ***SB 6420, CH 162 (2020)**
 Underground facilities, locating, requirements: ***SB 6420, CH 162 (2020)**
 Underground facilities, safety committee, members of: ***SB 6420, CH 162 (2020)**
 Wastewater treatment, opioid pollution reduction permits: SB 5657
 Water pollution control facilities, opioid pollution reduction permits: SB 5657

UTILITIES AND TRANSPORTATION COMMISSION (See also TELECOMMUNICATIONS; UTILITIES)

Amtrak 501 derailment report, UTC confirmation of compliance with, requiring: SB 6321
 Gas companies, natural gas pipeline leaks/emissions, reporting, UTC role: ***E2SHB 2518, CH 32 (2020)**
 Renewable energy credits, renewable energy credit broker registration, UTC role: SB 6698
 Utilities, property of, valuation and rate making, UTC role: SB 5816

VETERANS (See also DISCRIMINATION; MILITARY; MILITARY DEPARTMENT; VETERANS AFFAIRS, DEPARTMENT)

Allied forces, veterans of, remembrance emblem for license plates: HB 2013
 Assistance programs, veterans' assistance fund, property tax levies for: HB 1829
 Businesses, veteran-owned, state agency award of contracts to: SB 5762
 College tuition/fees, "resident student," criteria for veteran to qualify as: ***HB 1688, CH 126 (2019)**, SB 5713
 College tuition/fees, waiver, eligibility: ***E2SHB 2158, CH 406 (2019)**
 Colleges, veterans attending, mental health counselors for: SB 5428
 Commitment, involuntary, mental health/substance use disorder, diversion: SB 5047
 Definition of "veteran," for public employment purposes, modifying: ***SHB 2544, CH 178 (2020)**
 Disabilities, veterans with partial, property tax exemption program: SB 6199, SB 6319
 Disabilities, veterans with total, property tax exemption program: SB 5160, SB 5390, SB 6199, SB 6319
 Disabilities, veterans with, recreational/rehabilitation facility, tax exemptions: SB 5890
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Drivers' licenses, commercial, knowledge test waiver for veterans: ***EHB 2188, CH 78 (2020)**, SB 5544
 Gold Star memorial highway, requesting that WSTC name SR-902 as: HJM 4016
 Higher education tuition/fees waiver, eligibility: SB 5231, ESB 5755
 Higher education tuition/fees waiver, eligibility of veteran's child: HB 2542
 Korean veterans memorial highway, requesting that WSTC name I-5 as: SJM 8020
 Lesbian, gay, bisexual, transgender, and queer coordinator, creating: SB 5900
 License plates, special, disabled American veteran or former POW plates, criteria: HB 1707
 License plates, special, Purple Heart plates, fees exemption, when: ***HB 2058, CH 139 (2019)**
 Memorials, materials/labor for, veterans' organizations sales/use tax exemptions: SB 6678
 Persian Gulf, Afghanistan, and Iraq veterans memorial highway, requesting that WSTC name U.S. 101 as: SJM 8020
 Purple heart trail, requesting that WSTC name I-5 as: SJM 8020
 Veterans service officer program and fund, creating: ***2SHB 1448, CH 223 (2019)**
 Vietnam veterans memorial highway, requesting that WSTC name U.S. 12 as: SJM 8020
 Women, women veterans special license plates, creating: SHB 2187, SB 6433
 World War I veterans, requesting that WSTC name U.S. 395 as memorial highway after: SJM 8020
 World War II veterans memorial highway, requesting that WSTC name U.S. 97 as: SJM 8020

VETERANS AFFAIRS, DEPARTMENT (See also VETERANS)

Facilities/institutions, when conditions deficient, department and auditor duties: SB 6192
 Lesbian, gay, bisexual, transgender, and queer coordinator, creating: SB 5900
 Military spouse liaison, creating within department: SHB 2200, ***ESB 6626, CH 328 (2020)**
 Military spouses, employment of, statewide plan for increasing, DVA role: SHB 2730
 Veterans service officer program and fund, creating, department role: ***2SHB 1448, CH 223 (2019)**
 Veterans' assistance, property tax levies for, department duties: HB 1829

VETERINARIANS (See also ANIMALS)

Dogs, devocalizing or ear or tail cropping/cutting off, performing: SB 6300
 Health sciences library, U. of Washington, online access fee: ***SB 5000, CH 140 (2019)**

Medication clerks, veterinary: SB 5004

Pets, low-income veterinary services for: SB 5004

Suicide prevention training program, for veterinarians/veterinary technicians: ***ESHB 2411, CH 229 (2020)**

Veterinary board of governors, suicide prevention training role: ***ESHB 2411, CH 229 (2020)**

Workforce education B&O tax surcharges, veterinary services exemption: SB 6055

VICTIMS OF CRIMES (See also CRIMES; DOMESTIC VIOLENCE; ORDERS OF COURT; SEX OFFENSES AND OFFENDERS)

Assault, medical examinations for suspected child victims of: SB 6428

Assistance for crime victims, funding: ***2SHB 1048, CH 251 (2019)**

Commercially sexually exploited children statewide coordinating committee: ***E3SHB 1775, CH 331 (2020)**, SB 5744

Commercially sexually exploited children, child advocacy centers: ***E3SHB 1775, CH 331 (2020)**

Commercially sexually exploited children, protective custody/evaluation facilities: ***E3SHB 1775, CH 331 (2020)**

Commercially sexually exploited children, receiving center programs: ***E3SHB 1775, CH 331 (2020)**

Commercially sexually exploited juveniles, transporting to evaluation facility: ***E3SHB 1775, CH 331 (2020)**

Commercially sexually exploited youth, receiving center programs: SB 5744

Commercially sexually exploited youth, transporting to evaluation facility: SB 5744

Crime victims advocacy, office, nonfatal strangulation victims, forensic nurse examiners for: SB 6162

Criminal acts, potential, hotline/program for reporting, establishing: SB 5835

Domestic violence and traumatic brain injuries, handout and web site for victims: ***SHB 1532, CH 110 (2019)**, ***ESB 5573 (2019) V**

Domestic violence, certain orders, electronic monitoring/victim notification: SB 5149

Gender or gender identity/expression of victim, defenses based on, limiting: ***EBH 1687, CH 3 (2020)**

Gun violence victims, helpline/referral service/counseling/therapy guide: SB 6553

Human trafficking, noncitizen victims and family members, public assistance: SB 5164

Human trafficking, sexual, minor victimized by, private right of action/claim: SB 5897

Parent of minor victim, receiving lost wages, when: SB 6181

Parent of minor victim, wages lost caring for victim, victim benefits eligibility: SB 6200

Parent of minor victim, when parent deliberately injures or kills child: SB 6181

Physical abuse, medical examinations for suspected child victims of: SB 6427

Prostitution charges, immunity when seeking help due to certain crimes: ***HB 1382, CH 114 (2019)**

Sexual assault, child victim identifying information, confidentiality of: HB 2484

Sexual assault, child victim personal information, confidentiality of: ***HB 1505, CH 300 (2019)**

Sexual assault, kits, tracking system, and survivors' rights: ***2SHB 1166, CH 93 (2019)**

Sexual orientation of victim, defenses based on, limiting: ***EBH 1687, CH 3 (2020)**

Strangulation, nonfatal, victims of, exam costs payment by state, when: SB 6162

VOCATIONAL EDUCATION (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)

Evergreen promise pilot program and award, establishing: SB 5884

Financial aid, state, institutions receiving, student level data submission by: SB 5960

Performance of higher education/postsecondary institutions, evaluation of: SB 5960

Private vocational schools, religious accommodations by: SB 5166

Sexual misconduct, by employee, disclosures and campus assessments: ***ESHB 2327, CH 335 (2020)**, SB 6439

Sexual misconduct, by employee, investigations and substantiated findings of: ***ESHB 2327, CH 335 (2020)**, SB 6439

Sexual misconduct, employment applicant references and background checks: ***ESHB 2327, CH 335 (2020)**, SB 6439

VOLUNTEERS AND VOLUNTEERING (See also LONG-TERM CARE)

Assisted living facilities and nursing homes, volunteer background checks: ***2SHB 1645, CH 270 (2020)**, SB 5533

Health care settings, workplace violence prevention training for volunteers: ***SHB 1931, CH 430 (2019)**, SB 5912

Highway sweeping program, statewide volunteer, establishing: SB 6650

Information, employees and volunteers, records disclosure exemption: SB 5246

Opportunities in state government, review of: SB 5265

Rest areas, safety, volunteer refreshment and coffee services at: SB 5901

Schools and school districts, prospective volunteer criminal records checks: **ESHB 2220**

Wineries, domestic, production-related work by student interns: ***EBH 1563, CH 112 (2019)**

VULNERABLE ADULTS (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; GUARDIANSHIP; LONG-TERM CARE; SENIOR CITIZENS; UNEMPLOYMENT COMPENSATION)

Abuse and other forms of mistreatment, various provisions: ESHB 1422, SB 5338
 Abuse or neglect, Christian Science treatment exemption references, removing: SB 5749
 Abuse or neglect, health care faith-based practices exemption, when: SB 5749
 Abuse, vulnerable adult abuse registry, maintaining: ESHB 1422, SB 5338
 Endangerment of dependent adult, with controlled substance, adding fentanyl to: SB 6022
 Financial exploitation, various provisions: ESHB 1422, SB 5338
 Incompetent persons, health care informed consent for: ***EHB 1175, CH 209 (2019)**
 Protection of vulnerable adults, various provisions: ESHB 1422, SB 5338, ***SB 5359, CH 458 (2019)**
 Protection orders, firearm surrender and possession-prohibition, requiring: HB 2305
 Stalking protection orders, vulnerable adult victim applying for: ESHB 1422

WAGES AND HOURS (See also COLLECTIVE BARGAINING; EMPLOYMENT AND EMPLOYEES; LABOR; PUBLIC WORKS; SCHOOLS AND SCHOOL DISTRICTS; UNEMPLOYMENT COMPENSATION)

Debt, employer owing to deceased employee, payment of: ***SB 5831, CH 89 (2019)**
 Employees of retail liquor licensees, on-duty for compensation purposes: SB 6035
 Employees, employee fair classification act, creating: SB 5513, SB 5690
 Employees, rest and meal periods, variance from: SB 5374
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690
 Excess compensation tax, imposing: SB 6017
 Health care facilities, certain employees, meal and rest breaks and overtime: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Health care facilities, certain employees, on prescheduled on-call: SB 5344, SB 5373, SB 6018
 Hours worked on computer, for state agency services contracts, verifying: SB 5809
 Hours, thirty-two-hour workweek, time-and-a-half compensation beyond: SB 6516
 Liens, wage liens for wage claims on property, comprehensive provisions: SB 6053
 Lieutenant governor, performing duties of governor, payment for: SB 5797
 Overtime, by correctional officers: SB 5200
 Overtime, voluntary classification as overtime-exempt, certain employees: SB 6548
 Public employee salaries/wages, inflationary increase in state budget outlook: SB 5963
 Railroad yardmasters, hours of service and rest periods: SB 5878
 Scheduling, food service, hospitality, and retail establishment workers: SB 5717
 School employees, leave accumulation maximum amount: SB 5414
 Wage or salary history, prospective employee's, employer inquiries: ***ESHB 1696, CH 345 (2019)**, SB 5090
 Wage scale or salary range for job title, employer to provide: ***ESHB 1696, CH 345 (2019)**
 Wages and benefits, direct contractor liability for payment: SB 5565
 Wages, certain charges imposed on, revenue use, constitutional amendment: SJR 8211
 Wages, federal government failure to fund, employee "unemployed" due to: SB 5716
 Wages, for domestic workers, hiring entity requirements: SB 6247
 Wages, freelancers, payment of wages and interest to: SB 6276
 Wages, laws or rules, basing on median hourly wage in each county: SB 6602
 Wages, minimum, for persons under independent personal labor contracts: SB 5987
 Wages, new employee training period wages, restaurants paying, certificate for: SB 6377
 Wages, parent of minor victim of crime, lost wages, victim benefits eligibility: SB 6200
 Wages, parent of minor victim of crime, receiving lost wages, when: SB 6181
 Wages, payment of, governmental employers requiring working without: SB 5707
 Wages, special purpose district governing body member compensation: SB 6046
 Wages, subminimum, certificates for persons with disabilities for, eliminating: ***EHB 1706, CH 374 (2019)**, SB 5753
 Wages, thirty-two-hour workweek, time-and-a-half compensation beyond: SB 6516
 Wages, violations, failure to pay earned commission: ***HB 2474, CH 84 (2020)**
 Workers' boards, for nonemployee workers, convening: SB 5690

WASHINGTON ADMINISTRATIVE CODE

Emergencies, suspending regulatory provisions, governor authority: ***SB 5260, CH 472 (2019)**
 Liquor rules and laws, written interpretations by liquor and cannabis board: SB 6341

Rule making, via APA adoption, WAC codification, and legislative ratification, when: SB 6315

WATER (See also UTILITIES; WATER POLLUTION)

Bottled water, commercial production, as detrimental to public welfare/interest: SB 6278
 Distribution businesses, public utility tax revenues, depositing in account: SB 5938
 Districts, irrigation, as broadband internet services providers: SB 5085
 Districts, irrigation, construction contract bidding: ***ESB 5453, CH 462 (2019)**
 Districts, irrigation, director and secretary bond requirements, removing: ***ESB 5453, CH 462 (2019)**
 Districts, irrigation, director compensation: SB 6046
 Districts, irrigation, elections for, various provisions: SB 6514
 Districts, irrigation, elections practices, studying: ***ESB 5453, CH 462 (2019)**
 Districts, water-sewer, as broadband internet services providers: SB 5085
 Districts, water-sewer, commissioner compensation: ***HB 2449, CH 83 (2020)**, SB 6046
 Districts, water-sewer, commissioner insurance coverage: ***SB 5122, CH 40 (2019)**
 Districts, water-sewer, tax rates disclosure: SB 5024
 Districts, water-sewer, unit priced public works contracting use by: SB 5381
 Drought conditions, water shortage resiliency and emergency withdrawals: ***ESHB 1622, CH 168 (2020)**, SB 5675
 Drought mitigation, via Yakima river basin trust water rights program: SB 6036
 Droughts, watering and landscaping, homeowners'/condominium associations: ***HB 1165, CH 9 (2020)**
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Infrastructure, water infrastructure program, establishing: SB 5136, SB 6345
 Public water systems, PFAS substances, chromium 6, and 1,4 dioxane in: SB 6342
 Reclaimed water, on-site treated nonpotable systems, standards: ESHB 1747
 Schools, lead in drinking water systems/outlets: E2SHB 1860
 Utilities, individual unit metering, when: SB 5775
 Utilities, municipal/public corporation underground injection well plan review by: SB 6619
 Utilities, PFAS chemicals in water supply, notifying municipal/public corporation: SB 6619
 Watersheds, Walla Walla pilot program, extending: SB 5352
 Wells, permit-exempt, restricting owner use, just compensation for: SB 5369

WATER POLLUTION (See also AIR QUALITY AND POLLUTION; ECOLOGY, DEPARTMENT; UTILITIES)

Control facilities, opioid pollution reduction permits for: SB 5657
 Drinking water, lead in school systems/outlets: E2SHB 1860
 Environmental health statutes, reorganizing into new title: ***SHB 2246, CH 20 (2020)**
 Mining, motorized or gravity siphon aquatic, discharges from, prohibitions: ***ESHB 1261, CH 10 (2020)**, SB 5322, SB 6149
 Motor vehicle leaks, don't drip and drive program, statewide, developing: 2SHB 1853
 NPDES permit issuance, imidacloprid in shellfish beds: SB 5626
 Oil/gas drilling, surface, in outer coastal waters, prohibiting: SB 6432
 On-site wastewater treatment systems designers, license, out-of-state applicant: SB 6465
 Paint for boats, copper-containing antifouling, sale/use prohibitions: SB 6210
 Paint for boats, cybutryne-containing antifouling, sale/use prohibitions: SB 6210
 PFAS chemicals, in water utility water supply beneath underground injection well: SB 6619
 PFAS substances, chromium 6, and 1,4 dioxane, in public water systems: SB 6342
 Plastic pollution prevention, marine, requesting action via new trade agreements with China: SJM 8009
 Reclaimed water, on-site treated nonpotable systems, standards: ESHB 1747
 Stormwater pollution, reducing, model toxics control program funding for: SB 5993
 Stormwater pollution, reducing, water infrastructure program role: SB 5136, SB 6345
 Stormwater, construction general permit, permit applicant under, electronic notice: SB 6635
 Stormwater, runoff on state highways, funds use plans for reducing: ***SB 5505, CH 435 (2019)**
 Underground injection wells, above utility groundwater source, requirements, when: SB 6619
 Waste discharge, from campers/RVs into Puget Sound, general permit: SB 6283
 Wastewater treatment, opioid pollution reduction permits: SB 5657

WATER RIGHTS

Banking, transfer of water right into bank, restricting when allowed: SB 6292

Banking, use of state water trust for, authorizing: SB 6494
 Ground/surface water bodies, Indian tribe traditional/cultural interests in: SB 6260
 Groundwater withdrawals, restricting owner use, just compensation for: SB 5369
 Pumped storage, certain projects, as projects of statewide significance: ***EHB 2819, CH 46 (2020)**, SB 6578
 Purchase of right separate from property purchase, filing agreements: SB 6292
 Sale of right separate from property sale, real estate sales excise tax exemption: SB 6301
 State water trust, for temporary transfers, short-term leases, donations, banking: SB 6494
 State water trust, trust water rights program as: SB 6494
 State water trust/water banking/transfers, work group to study design/use of: SB 6494
 Surface water, rights transfer or change, when: SB 6301
 Transfers, interbasin surface water rights, consistent with public interest: SB 6301
 Transfers, of water right into bank, restricting when allowed: SB 6292
 Water conservancy boards, rights transfers into state trust, limits of authority: SB 6494
 Yakima river basin trust water rights program, drought mitigation via: SB 6036

WEAPONS (See also FIREARMS)

Knives, spring blade, provisions: SB 5782
 Possession, on child care center, library, or park premises, prohibitions: SB 5434

WEEDS (See also PEST CONTROL AND PESTICIDES)

County weed boards, role and duties of: SB 6401
 Noxious weed control board, duties: SB 6401
 Noxious weed control board, members and employees: SB 6401
 Noxious weeds, state agency lands, liaison and assessment amounts: SB 6401
 Noxious, on state lands, replacing with plants beneficial for pollinators: SB 5552
 Weed districts, in connection with noxious weeds: SB 6401

WILDLIFE (See also HUNTING; ZOOS AND AQUARIUMS)

Airports, using padded body-gripping animal traps: ***SHB 1917, CH 382 (2019)**
 Cougar control pilot program, establishing: SB 5100
 Critical habitat, to include habitat for bees/pollinators: SB 5552
 Damage by wildlife, prevention, nonlethal dog pursuit training to aid: ***HB 1516, CH 226 (2019)**, SB 5320
 Damage by wildlife, protections against: SB 5620
 Deer, whitetail populations in district one of region one: SB 5525
 Elk, "New Zealand design" elk fencing pilot project: SB 5620
 Fish, wildlife, and conservation account, establishing: SB 6072
 Limited fish and wildlife account, establishing: SB 6072
 Marbled murrelet, long-term conservation strategies: SB 5547
 Orcas, southern resident, commercial whale watching regulation: 2SHB 1580, SB 5577
 Orcas, southern resident, killer whale task force recommendations: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
 Orcas, southern resident, protections and recovery: ***2SHB 1579, CH 290 (2019) PV**, 2SHB 1580, SB 5577, SB 5580
 Sea lions/seals/pinnipeds, managing through bounty system: SB 5824
 Sea lions/seals/pinnipeds, managing to limit salmon predation, permits for, requesting federal action: SJM 8015
 State wildlife account, replacing with two new accounts: SB 6072
 Whale watching, boating safety education program materials on: ***SB 5918, CH 293 (2019)**
 Whales, orca, unmanned aerial systems approaching: HB 1341
 Wolves, conflict mitigation guidelines, developing and implementing: ***ESHB 2097, CH 450 (2019)**
 Wolves, gray, radio collars on, to monitor wolf-livestock conflicts: SHB 2906
 Wolves, NE Washington management grant, advisory board, members of: ***ESHB 2097, CH 450 (2019)**
 Wolves, wolf-livestock conflict response and proactive nonlethal deterrents: ***ESHB 2097, CH 450 (2019)**

WOMEN (See also ABORTION; CHILDREN; DISCRIMINATION; DOMESTIC RELATIONS; DOMESTIC VIOLENCE; HEALTH CARE FACILITIES; HOUSE RESOLUTIONS; MARRIAGE AND MARRIED PERSONS; SENATE RESOLUTIONS; SEX OFFENSES AND OFFENDERS; SPORTS AND RECREATION; WAGES AND HOURS)

Birth resulting in stillbirth, certificate of, at request of person who gave birth: SB 6523
 Breast milk, expressing, employer accommodation of: ***SHB 1930, CH 134 (2019)**, ***HB 2266, CH 111 (2020)**, SB 5911

Clark, Regina, petty officer, naming SR-507 bridge as Regina Clark memorial bridge: ***SHJM 4007 (2019)**
 Computer science grant program, middle-school, establishing: SB 6339
 Contraception, reproductive health care access for all act: SB 5602
 Corporate boards, female directors on, requirements: SB 5142, SB 6037
 Corporate boards, members self-identifying as women on, requiring: SB 6037
 Corrections, department of, permanent women's division within, creating: SB 5876
 Crime victim's gender, defenses based on, limiting: ***EHB 1687, CH 3 (2020)**
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Feminine hygiene products, in public school bathrooms, providing: SB 6073
 Feminine hygiene products, sales and use tax exemptions: SB 5147, SB 5206
 Hospitals, access to care policies for reproductive health care: SHB 1686
 Huerta, Dolores, April 10 as Dolores Huerta day: ***HB 1906, CH 10 (2019)**, SB 5868
 Indigenous, missing and murdered, liaisons and protocol, establishing: ***2SHB 1713, CH 127 (2019)**
 Mastectomies, contralateral prophylactic, insurance coverage: SB 5345
 Menstrual hygiene products, in public school bathrooms, providing: SB 6073
 Menstrual products, provisions: SB 5147, SB 5206, SB 6073
 Parents with minor children, sentencing alternative to total confinement: SB 5291
 Parents with minor children, sentencing, community parenting alternative: SB 5291
 Pelvic examinations, by health care providers, informed consent: ***ESB 5282, CH 187 (2020)**
 Postpartum persons, medicaid coverage for, extending: SB 6128
 Postpartum persons, medicaid pregnancy coverage to include: SB 6106
 Pregnancy and childbirth, doulas providing services during, registration of: SB 6593
 Pregnancy disability, parental leave via shared leave when resolved: SB 6336
 Pregnancy discrimination, as employer unfair practice, complaint deadline: ***SB 6034, CH 145 (2020)**
 Pregnant women assistance, essential needs/housing support when eligible for: HB 2809, SB 6495
 Pregnant women assistance, needs standards for: SB 6478
 Reproductive health care access for all act: SB 5602
 Samuelson, Joan Benoit, renaming Olympia's Marathon Park after: SCR 8403
 Substance abuse treatment, gender-responsive, at WA corrections center: SB 6646
 Veterans, women veterans special license plates, creating: SHB 2187, SB 6433
 Women on corporate boards act: SB 6037
 Women, infant, and children program, EBT card use in ATM, where and when: ***SB 6136, CH 64 (2020)**
 Women, maternal mortality reviews and data-sharing: SB 5425
 Women/infant/children farmers market nutrition program, fruit/vegetable benefit: SB 5583, SB 6309

WORKER TRAINING AND WORKFORCE NEEDS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)

Adult diploma and workforce training program, Washington, establishing: SB 5891
 Behavioral health professions, opportunity grant and scholarship programs: SB 5635
 Behavioral health training, by certain organizations, B&O tax deduction: SB 5637
 Behavioral health, workforce academic and career pathway programs: SB 5633
 Building trades, education-based apprenticeship preparation program: SB 5458
 Career connected learning cross-agency work group and grant program: SB 5327
 Career connected learning cross-agency work group, establishing: ***E2SHB 2158, CH 406 (2019)**
 Career connected learning grant program, establishing: ***E2SHB 2158, CH 406 (2019)**
 Career connected learning grant program, funding for educational service district employees: ***ESHB 2140, CH 411 (2019)**
 Educator workforce, expanding supply, multiple strategies: ***E2SHB 1139, CH 295 (2019) PV**
 Higher education/postsecondary institutions, online cost and outcome data for: SB 5960
 Homeless persons, job training/housing, grant program for municipalities: SB 6385
 Hospitality industry, opportunities for employment in hospitality grant: SB 5808
 Military spouses, employment opportunities through recruitment program: SB 5772
 Petroleum/petrochemical high hazard facilities, new apprenticeship programs: SB 6054
 Petroleum/petrochemical high hazard facilities, skilled and trained workforce: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Port district worker development and training programs, provisions: ***HB 1568, CH 117 (2019)**, SB 5570

Rural college promise program, pilot colleges, account, and awards, implementing: SB 6614
 Space economy, fostering, public policy study of: HB 2596
 Supports and basic income pilot program, creating: SB 6625
 Teachers, educator workforce supply, expanding via multiple strategies: ***E2SHB 1139, CH 295 (2019) PV**
 Workforce education investment account, balanced budget requirement for: SB 6198
 Workforce education investment accountability/oversight board, members: SB 6492
 Workforce education investment, B&O tax general service rate increase: SB 6492
 Workforce education investment, B&O tax surcharge for: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment, B&O tax surcharge for, exemptions: SB 6055, SB 6059, SB 6107
 Workforce education investment, B&O tax surcharge for, repealing and replacing: SB 6492
 Workforce education investment, B&O tax surcharge for, replacing revenue: SB 6492
 Workforce education investment, Washington students for Washington jobs: ***E2SHB 2158, CH 406 (2019)**

WORKERS' COMPENSATION

Booth renters, at salon/shop licenseholder's premises, coverage for: SB 5326
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690
 Hanford nuclear site, workers, occupational disease presumption for cancer: ***HB 1490, CH 108 (2019)**, SB 5507
 Industrial insurance, claim records, confidentiality and employer review: ***SHB 1909, CH 34 (2019)**, SB 5844
 Industrial insurance, collaborative work group, appointing: SB 5474
 Industrial insurance, employee fair classification act, creating: SB 5513, SB 5690
 Industrial insurance, employer penalties, increasing various: ***SHB 2409, CH 277 (2020)**
 Industrial insurance, freight broker/forwarder with agreement with carrier: ESB 5765
 Industrial insurance, medical examinations for: SB 6440
 Industrial insurance, self-insurers, claims administration and related provisions: ***SHB 2409, CH 277 (2020)**
 Industrial insurance, self-insurers, various provisions: ***SHB 2409, CH 277 (2020)**, SB 5474, SB 6373
 Industrial insurance, staffing agency employee-related claims, reviewing: SB 6122
 Industrial insurance, structured settlement agreements: SB 6372
 Industrial insurance, third-party administrators, licensing: ***SHB 2409, CH 277 (2020)**
 Industrial insurance, three-day waiting period for, eliminating: SB 6552
 Industrial insurance, wage replacement, impact on shared leave: ***HB 2739, CH 6 (2020)**
 Industrial insurance, wages and lost earning capacity of workers: SB 5217
 Occupational disease presumptions, advisory committee on, creating: ***HB 1913, CH 133 (2019)**, SB 5849
 Occupational disease presumptions, various conditions and professions: ***HB 1913, CH 133 (2019)**, SB 5849
 Occupational diseases, PTSD, 911 dispatch personnel: ***SHB 2758, CH 234 (2020)**
 Occupational diseases, PTSD, public safety telecommunicators: ***SHB 2758, CH 234 (2020)**
 Vocational rehabilitation, injured worker referred for, tax credits for hiring: SB 6564

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also EMPLOYMENT SECURITY DEPARTMENT; VOCATIONAL EDUCATION)

Board membership, OSPI designee for: SB 6105
 Career connected learning opportunities, board role: SB 5327
 Higher education/postsecondary institutions, online cost and outcome data for: SB 5960
 Higher education/postsecondary institutions, performance of, evaluation: SB 5960
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

ZOOS AND AQUARIUMS

Cultural access programs, community preservation and development authorities: ***SB 5792, CH 192 (2020)**
 Cultural access programs, public school access: ***SB 5792, CH 192 (2020)**
 Cultural access programs, same requirements for all counties: ***SB 5792, CH 192 (2020)**
 Metropolitan park districts, with zoo or aquarium, commissioner compensation: ***HB 1092, CH 198 (2019)**, SB 5036
 Zoological facilities, B&O tax deduction: SB 6299